

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1122

Introduced by Larson, 40.

Read first time January 18, 2018

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-601,
- 2 Revised Statutes Cumulative Supplement, 2016; to authorize the
- 3 testing of automated motor vehicles as prescribed; to define terms;
- 4 to harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-601 Sections 60-601 to 60-6,383 and sections 2 to 7 of this act
4 shall be known and may be cited as the Nebraska Rules of the Road.

5 Sec. 2. For purposes of sections 2 to 7 of this act:

6 (1) Automated driving system means hardware and software that are
7 collectively capable of performing all aspects of the dynamic driving
8 task for a motor vehicle on a part-time or full-time basis without any
9 supervision by a human operator. As used in this subdivision, dynamic
10 driving task means all of the following, but does not include strategic
11 aspects of a driving task, including, but not limited to, determining
12 destinations or waypoints:

13 (a) Operational aspects, including, but not limited to, steering,
14 braking, accelerating, and monitoring the vehicle and the roadway; and

15 (b) Tactical aspects, including, but not limited to, responding to
16 events, determining when to change lanes, turning, using signals, and
17 other related actions;

18 (2) Automated motor vehicle means a motor vehicle on which an
19 automated driving system has been installed, either by a manufacturer of
20 automated driving systems or an upfitter that enables the motor vehicle
21 to be operated without any control or monitoring by a human operator.
22 Automated motor vehicle does not include a motor vehicle enabled with one
23 or more active safety systems or operator assistance systems, including,
24 but not limited to, a system to provide electronic blind spot assistance,
25 crash avoidance, emergency braking, parking assistance, adaptive cruise
26 control, lane-keeping assistance, lane departure warning, or traffic jam
27 and queuing assistance, unless one or more of these technologies alone or
28 in combination with other systems enable the motor vehicle on which any
29 active safety systems or operator assistance systems are installed to
30 operate without any control or monitoring by an operator;

31 (3) Automated technology means technology installed on a motor

1 vehicle that has the capability to assist, make decisions for, or replace
2 a human operator;

3 (4) Automatic crash notification technology means a motor vehicle
4 service that integrates wireless communications and motor vehicle
5 location technology to determine the need for or to facilitate emergency
6 medical response in the event of a motor vehicle crash;

7 (5) Manufacturer of automated driving systems means a manufacturer
8 or subcomponent system producer that develops or produces automated
9 driving systems or automated motor vehicles;

10 (6) Mobility research center means a nonprofit entity that has the
11 ability to receive and accept from any federal, state, or municipal
12 agency, foundation, public or private agency, entity, or individual a
13 grant, contribution, or loan for or in aid of the planning, construction,
14 operation, upgrade, or financing of a facility for testing advanced
15 transportation systems, including, but not limited to, connected or
16 automated technology or automated motor vehicles to increase mobility
17 options;

18 (7) Motor vehicle manufacturer means a person that has manufactured
19 and distributed motor vehicles in the United States that are certified to
20 comply with all applicable federal motor vehicle safety standards and
21 that has submitted appropriate manufacturer identification information to
22 the National Highway Traffic Safety Administration as provided in 49
23 C.F.R. part 566, as such regulation existed on January 1, 2018. As used
24 in this section and sections 5 and 6 of this act only, motor vehicle
25 manufacturer also includes a person that satisfies all of the following:

26 (a) The person has manufactured automated motor vehicles in the
27 United States that are certified to comply with all applicable federal
28 motor vehicle safety standards;

29 (b) The person has operated automated motor vehicles using a test
30 driver and with an automated driving system engaged on public roads in
31 the United States for at least one million miles; and

1 (c) The person has obtained an instrument of insurance, surety bond,
2 or proof of self-insurance in the amount of at least ten million dollars,
3 and has provided evidence of that insurance, surety bond, or self-
4 insurance to the Department of Motor Vehicles in a form and manner
5 required by the department;

6 (8) On-demand automated motor vehicle network means a digital
7 network or software application used to connect passengers to automated
8 motor vehicles, not including commercial motor vehicles, in participating
9 fleets for transportation between points chosen by passengers or for
10 transportation between locations chosen by the passenger when the
11 automated motor vehicle is operated by the automated driving system;

12 (9) Participating fleet means any of the following:

13 (a) Motor vehicles that are equipped with automated driving systems
14 that are operating on the public roads and highways of this state in a
15 SAVE project as provided in section 6 of this act; or

16 (b) Motor vehicles that are supplied or controlled by a motor
17 vehicle manufacturer, and that are equipped with automated driving
18 systems that are operating on the public roads and highways of this state
19 in an on-demand automated motor vehicle network;

20 (10) Platoon means a group of individual motor vehicles that are
21 traveling in a unified manner at electronically coordinated speeds;

22 (11) SAVE project means an initiative that authorizes eligible motor
23 vehicle manufacturers to make available to the public on-demand automated
24 motor vehicle networks as provided in section 6 of this act; and

25 (12) Upfitter means a person that modifies a motor vehicle after it
26 was manufactured by installing an automated driving system in that motor
27 vehicle to convert it to an automated motor vehicle. Upfitter includes a
28 subcomponent system producer that develops or produces automated driving
29 systems.

30 Sec. 3. (1) As provided in this act, an on-demand automated motor
31 vehicle network may be operated on any highway in this state.

1 (2) No political subdivision shall impose a local fee, registration,
2 franchise, or regulation upon an on-demand automated motor vehicle
3 network. This subsection does not apply after December 31, 2024. Nothing
4 in this section limits local authority or state authority over highways
5 and rights-of-way with respect to communications networks or facilities.

6 Sec. 4. (1) Before beginning research or testing on a highway in
7 this state of an automated motor vehicle, technology that allows a motor
8 vehicle to operate without a human operator, or any automated driving
9 system installed in a motor vehicle under this section, the manufacturer
10 of automated driving systems or upfitter performing that research or
11 testing shall submit proof satisfactory to the Director of Insurance and
12 the Director of Motor Vehicles that the motor vehicle is insured as
13 required under the Motor Vehicle Safety Responsibility Act.

14 (2) A manufacturer of automated driving systems or an upfitter shall
15 ensure that all of the following circumstances exist when researching or
16 testing the operation, including operation without a human operator, of
17 an automated motor vehicle or any automated technology or automated
18 driving system installed in a motor vehicle upon a highway or street:

19 (a) The motor vehicle is operated only by an employee, contractor,
20 or other person designated or otherwise authorized by that manufacturer
21 of automated driving systems or an upfitter. This subdivision does not
22 apply to a university researcher or an employee of the Department of
23 Transportation or the Department of Motor Vehicles;

24 (b) An individual described in subdivision (a) of this subsection
25 has the ability to monitor the motor vehicle's performance while it is
26 being operated on a highway in this state and, if necessary, promptly
27 take control of the motor vehicle's movements. If the individual does
28 not, or is unable to, take control of the motor vehicle, the motor
29 vehicle shall be capable of achieving a minimal risk condition; and

30 (c) The individual or individuals operating the motor vehicle under
31 subdivision (a) of this subsection and the individual or individuals

1 monitoring the motor vehicle for purposes of subdivision (b) of this
2 subsection each must be licensed to lawfully operate a motor vehicle in
3 the United States.

4 (3) A university researcher or an employee of the Department of
5 Transportation or the Department of Motor Vehicles who is engaged in
6 research or testing of automated motor vehicles may operate an automated
7 motor vehicle if the operation is in compliance with subsection (2) of
8 this section.

9 (4) An automated motor vehicle may be operated on a highway in this
10 state.

11 (5) When engaged, an automated driving system allowing for operation
12 without a human operator shall be considered the driver or operator of a
13 motor vehicle for purposes of determining conformance to any applicable
14 traffic or motor vehicle laws and shall be deemed to satisfy
15 electronically all physical acts required by a driver or operator of the
16 motor vehicle.

17 (6) The Nebraska Council on Future Transportation is created within
18 the Department of Transportation. The council shall have use of
19 department staff for achieving its purpose. The council shall provide to
20 the Governor, Legislature, Department of Motor Vehicles, Department of
21 Transportation, Department of Insurance, and the Nebraska State Patrol
22 recommendations for changes in state policy to ensure that this state is
23 one of the leaders in autonomous, driverless, and connected motor vehicle
24 technology. Recommendations provided to the Legislature shall be made
25 electronically. The council created under this subsection shall consist
26 of all of the following members, who shall serve without compensation:

27 (a) Eleven individuals appointed by the Governor who represent the
28 interests of local government or are business, policy, research, or
29 technological leaders in future mobility. The individuals appointed under
30 this subdivision shall be voting members;

31 (b) One individual appointed by the Governor who is a representative

1 of the insurance industry. The individual appointed under this
2 subdivision shall be a voting member;

3 (c) Two members of the Legislature appointed by the Speaker of the
4 Legislature to serve as nonvoting ex officio members;

5 (d) The Director of Motor Vehicles or his or her designee. The
6 individual appointed under this subdivision shall be a voting member;

7 (e) The Director-State Engineer of the Department of Transportation
8 or his or her designee. The individual appointed under this subdivision
9 shall be a voting member;

10 (f) The Superintendent of Law Enforcement and Public Safety or his
11 or her designee. The individual appointed under this subdivision shall be
12 a voting member;

13 (g) The Director of Insurance or his or her designee. The individual
14 appointed under this subdivision shall be a voting member; and

15 (h) The Director of Economic Development or his or her designee. The
16 individual appointed under this subdivision shall be a voting member.

17 (7) The Governor shall designate one member of the council to serve
18 as chairperson.

19 (8) The council shall submit recommendations for statewide policy
20 changes and updates no later than March 31, 2019, and shall continue to
21 make recommendations annually thereafter, or more frequently in the
22 council's discretion.

23 (9) A person may operate a platoon on any highway of this state if
24 the person files a plan for general platoon operations with the Nebraska
25 State Patrol and the Department of Transportation before starting platoon
26 operations. If the plan is not rejected by either the patrol or the
27 department within thirty days after receipt of the plan, the person shall
28 be allowed to operate the platoon.

29 (10) All of the following apply to a platoon:

30 (a) Motor vehicles in a platoon shall not be considered a
31 combination of motor vehicles for purposes of this act;

1 (b) The lead motor vehicle in a platoon shall not be considered to
2 draw the other vehicles; and

3 (c) If the platoon includes a commercial motor vehicle, an
4 appropriately endorsed driver who holds a valid commercial driver license
5 shall be present behind the wheel of each commercial motor vehicle in the
6 platoon.

7 Sec. 5. A manufacturer of automated driving technology, an
8 automated driving system, or a motor vehicle manufacturer is immune from
9 liability that arises out of any modification made to a motor vehicle, an
10 automated motor vehicle, an automated driving system, or automated
11 driving technology by another person without the manufacturer's consent,
12 as set forth in section 7 of this act. Nothing in this section supersedes
13 or otherwise affects the contractual obligations, if any, between a motor
14 vehicle manufacturer and a manufacturer of automated driving systems or a
15 manufacturer of automated driving technology.

16 Sec. 6. (1) A motor vehicle manufacturer may participate in a SAVE
17 project if it self-certifies to all of the following:

18 (a) That it is a motor vehicle manufacturer. A person that is not a
19 motor vehicle manufacturer may not participate in a SAVE project;

20 (b) That each motor vehicle in the participating fleet is owned or
21 controlled by the motor vehicle manufacturer and is equipped with all of
22 the following:

23 (i) An automated driving system;

24 (ii) Automatic crash notification technology; and

25 (iii) A data recording system that has the capacity to record the
26 automated driving system's status and other motor vehicle attributes
27 including, but not limited to, speed, direction, and location during a
28 specified time period before a crash as determined by the motor vehicle
29 manufacturer;

30 (c) That the participating fleet complies with all applicable state
31 and federal laws; and

1 (d) That each motor vehicle in the participating fleet is capable of
2 being operated in compliance with applicable traffic and motor vehicle
3 laws of this state.

4 (2) A motor vehicle manufacturer's eligibility to participate in a
5 SAVE project under this section is conditioned solely upon meeting the
6 requirements of this section. A motor vehicle manufacturer shall verify
7 its satisfaction of the requirements of this section using the self-
8 certification described in subsection (1) of this section.

9 (3) All of the following apply to a motor vehicle manufacturer that
10 participates in a SAVE project:

11 (a) The motor vehicle manufacturer may commence a SAVE project at
12 any time after it notifies the Department of Transportation and
13 Department of Motor Vehicles that it has self-certified as provided in
14 subsection (1) of this section. The notification required by this
15 subdivision shall also set forth the geographical boundaries for the SAVE
16 project. A motor vehicle manufacturer may make multiple notifications
17 under this subsection;

18 (b) The motor vehicle manufacturer may participate in a SAVE project
19 under any terms it deems appropriate so long as the terms are consistent
20 with this section and other applicable law;

21 (c) The motor vehicle manufacturer shall determine the geographical
22 boundaries for a SAVE project, which may include, but are not limited to,
23 any of the following:

24 (i) A designated area within a municipality;

25 (ii) An area maintained by a regional authority;

26 (iii) A university campus;

27 (iv) A development that caters to senior citizens; or

28 (v) A geographic or demographic area that is similar to the areas
29 described in subdivisions (i) through (iv) of this subdivision;

30 (d) Public operation of a participating fleet shall be confined to
31 the boundaries selected by the motor vehicle manufacturer under

1 subdivision (c) of this subsection;

2 (e) For the duration of a SAVE project, the motor vehicle
3 manufacturer shall maintain incident records and provide periodic
4 summaries related to the safety and efficacy of travel of the
5 participating fleet to the Department of Transportation, the Department
6 of Motor Vehicles, and the National Highway Traffic Safety
7 Administration; and

8 (f) An individual who participates in a SAVE project is deemed by
9 his or her participation to have consented to the collection of the
10 information described in subdivision (e) of this subsection while he or
11 she is in a vehicle that is part of the participating fleet and to the
12 provision of the summaries to the Department of Transportation, the
13 Department of Motor Vehicles, and the National Highway Traffic Safety
14 Administration as described in subdivision (e) of this subsection. Before
15 commencing a SAVE project, and for the duration of the SAVE project, the
16 motor vehicle manufacturer shall make publicly available a privacy
17 statement disclosing its data handling practices in connection with the
18 applicable participating fleet.

19 (4) When engaged, an automated driving system or any remote or
20 expert-controlled assist activity shall be considered the driver or
21 operator of the motor vehicle for purposes of determining conformance to
22 any applicable traffic or motor vehicle laws and shall be deemed to
23 satisfy electronically all physical acts required by a driver or operator
24 of the vehicle. A motor vehicle manufacturer shall insure each motor
25 vehicle in a participating fleet. For each SAVE project in which it
26 participates, during the time that an automated driving system is in
27 control of a motor vehicle in the participating fleet, a motor vehicle
28 manufacturer shall assume liability for each incident in which the
29 automated driving system is at fault, including to the extent not covered
30 by insurance.

31 Sec. 7. (1) The manufacturer of a motor vehicle is not liable and

1 shall be dismissed from any action for alleged damages resulting from any
2 of the following unless the defect from which the damages resulted was
3 present in the motor vehicle when it was manufactured:

4 (a) The conversion or attempted conversion of the vehicle into an
5 automated motor vehicle by another person;

6 (b) The installation of equipment in the motor vehicle by another
7 person to convert it into an automated motor vehicle; or

8 (c) The modification by another person of equipment that was
9 installed by the manufacturer in an automated motor vehicle specifically
10 for using the motor vehicle in automatic mode.

11 (2) A subcomponent system producer is not liable in a product
12 liability action for damages resulting from the modification of equipment
13 installed by the subcomponent system producer to convert a motor vehicle
14 to an automated motor vehicle unless the defect from which the damages
15 resulted was present in the equipment when it was installed by the
16 subcomponent system producer.

17 (3) A motor vehicle mechanic or a motor vehicle repair facility that
18 repairs an automated motor vehicle according to specifications from the
19 manufacturer of the automated motor vehicle is not liable in a product
20 liability action for damages resulting from the repairs.

21 (4) As used in this section:

22 (a) Automated motor vehicle means a motor vehicle on which an
23 automated driving system has been installed, either by a manufacturer of
24 automated driving systems or an upfitter that enables the motor vehicle
25 to be operated without any control or monitoring by a human operator.
26 Automated motor vehicle does not include a motor vehicle enabled with one
27 or more active safety systems or operator assistance systems, including,
28 but not limited to, a system to provide electronic blind spot assistance,
29 crash avoidance, emergency braking, parking assistance, adaptive cruise
30 control, lane-keeping assistance, lane departure warning, or traffic jam
31 and queuing assistance, unless one or more of these technologies alone or

1 in combination with other systems enable the vehicle on which any active
2 safety systems or operator assistance systems are installed to operate
3 without any control or monitoring by an operator;

4 (b) Motor vehicle mechanic means a technician or other individual
5 who, for compensation, repairs motor vehicles, including the
6 reconditioning, replacement, adjustment, or alteration of the operating
7 condition, of any component or subassembly of a motor vehicle; and

8 (c) Motor vehicle repair facility means a place of business that,
9 for compensation, is engaged in the business of performing, or employs
10 individuals who perform, maintenance, diagnosis, vehicle body work,
11 repair service, or ignition interlock service on a motor vehicle for
12 compensation. The term does not include:

13 (i) An individual who engages only in the business of repairing the
14 motor vehicles of a single commercial or industrial establishment or
15 governmental agency;

16 (ii) An individual who is repairing his or her own or a family
17 member's car; or

18 (iii) A business that does not diagnose the operation of a motor
19 vehicle, does not remove parts from a motor vehicle to be remachined, and
20 does not install finished machined or remachined parts on a motor
21 vehicle, not including a motor vehicle repair facility that engages in
22 the business of performing or employing persons who perform vehicle body
23 work.

24 Sec. 8. Original section 60-601, Revised Statutes Cumulative
25 Supplement, 2016, is repealed.