

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 142**

Introduced by Geist, 25.

Read first time January 11, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301,  
2 60-3302, 60-3303, 60-3304, 60-3305, 60-3306, 60-3307, 60-3308,  
3 60-3309, 60-3310, and 60-3311, Revised Statutes Cumulative  
4 Supplement, 2018; to define and redefine terms; to change provisions  
5 relating to driving-automation-system-equipped vehicles; to provide  
6 powers and duties for the Department of Motor Vehicles; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-3301, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 60-3301 For purposes of sections 60-3301 to 60-3311 and sections 12  
4 and 13 of this act, the following definitions apply:

5 (1) Automated driving system has the same meaning as in SAE J3016,  
6 Taxonomy and Definitions for Terms Related to Driving Automation Systems  
7 for On-Road Motor Vehicles, June 2018 revision ~~means the hardware and~~  
8 ~~software that are collectively capable of performing the entire dynamic~~  
9 ~~driving task on a sustained basis regardless of whether it is limited to~~  
10 ~~a specific operational design domain, if any;~~

11 (2) Automated-driving-system-dedicated vehicle has the same meaning  
12 as in SAE J3016, Taxonomy and Definitions for Terms Related to Driving  
13 Automation Systems for On-Road Motor Vehicles, June 2018 revision;

14 (3) ~~(2)~~ Automated-driving-system-equipped dual-mode vehicle has the  
15 same meaning as in SAE J3016, Taxonomy and Definitions for Terms Related  
16 to Driving Automation Systems for On-Road Motor Vehicles, June 2018  
17 revision ~~means a motor vehicle equipped with an automated driving system;~~

18 (4) ~~(3)~~ Conventional human driver means a human person who manually  
19 exercises in-vehicle braking, accelerating, steering, and transmission  
20 gear selection input devices in order to operate a motor vehicle;

21 (5) ~~(4)~~ Department means the Department of Motor Vehicles;

22 (6) Driverless operation has the same meaning as in SAE J3016,  
23 Taxonomy and Definitions for Terms Related to Driving Automation Systems  
24 for On-Road Motor Vehicles, June 2018 revision;

25 (7) Driving automation system, or driving automation technology, has  
26 the same meaning as in SAE J3016, Taxonomy and Definitions for Terms  
27 Related to Driving Automation Systems for On-Road Motor Vehicles, June  
28 2018 revision;

29 ~~(5) Driverless capable vehicle means a motor vehicle equipped with~~  
30 ~~an automated driving system capable of performing all aspects of the~~  
31 ~~dynamic driving task within its operational design domain, if any,~~

1 ~~including achieving a minimal risk condition, without any intervention or~~  
2 ~~supervision by a conventional human driver;~~

3 (8) ~~(6)~~ Dynamic driving task has the same meaning as in SAE J3016,  
4 Taxonomy and Definitions for Terms Related to Driving Automation Systems  
5 for On-Road Motor Vehicles, June 2018 revision ~~means all of the real-time~~  
6 ~~operational and tactical functions required to operate a motor vehicle~~  
7 ~~within its specific operational design domain, if any, excluding the~~  
8 ~~strategic functions such as trip scheduling and selection of destinations~~  
9 ~~and waypoints;~~

10 (9) ~~(7)~~ Minimal risk condition has the same meaning as in SAE J3016,  
11 Taxonomy and Definitions for Terms Related to Driving Automation Systems  
12 for On-Road Motor Vehicles, June 2018 revision ~~means a reasonably safe~~  
13 ~~state to which an automated driving system brings an automated-driving-~~  
14 ~~system-equipped vehicle upon experiencing a performance-related failure~~  
15 ~~of the vehicle's automated driving system that renders the vehicle unable~~  
16 ~~to perform the entire dynamic driving task, such as bringing the vehicle~~  
17 ~~to a complete stop and activating the hazard lamps;~~

18 (10) ~~(8)~~ On-demand driving automation system ~~driverless-capable~~  
19 ~~vehicle network~~ means a transportation service network that uses a  
20 software application or other digital means to dispatch automated-  
21 driving-system-equipped dual-mode or automated-driving-system-dedicated  
22 ~~driverless-capable~~ vehicles for purposes of transporting persons or  
23 goods, including for-hire transportation, transportation for  
24 compensation, and public transportation; and

25 (11) ~~(9)~~ Operational design domain has the same meaning as in SAE  
26 J3016, Taxonomy and Definitions for Terms Related to Driving Automation  
27 Systems for On-Road Motor Vehicles, June 2018 revision ~~means a~~  
28 ~~description of the specific operating domain in which an automated~~  
29 ~~driving system is designed to properly operate, including, but not~~  
30 ~~limited to, roadway types, speed range, environmental conditions such as~~  
31 ~~weather and time of day, and other domain constraints.~~

1           Sec. 2. Section 60-3302, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3           60-3302 Automated-driving-system-equipped dual-mode or automated-  
4 driving-system-dedicated vehicles A ~~driverless-capable~~ vehicle may  
5 operate on the public roads of this state without a conventional human  
6 driver physically present in the vehicle, as long as the vehicle meets  
7 the following conditions:

8           (1) The vehicle is capable of achieving a minimal risk condition if  
9 a malfunction of the automated driving system occurs that renders the  
10 system unable to perform the entire dynamic driving task within its  
11 intended operational design domain, if any; and

12           (2) While in driverless operation, the vehicle is capable of  
13 operating in compliance with the applicable traffic and motor vehicle  
14 safety laws and regulations of this state that govern the performance of  
15 the dynamic driving task, including, but not limited to, safely  
16 negotiating railroad crossings, unless an exemption has been granted by  
17 the department. The department shall consult with the railroad companies  
18 operating in this state when considering an exemption that affects  
19 vehicle operations at railroad crossings.

20           Sec. 3. Section 60-3303, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22           60-3303 (1) A driving-automation-system-equipped vehicle not in  
23 driverless operation may operate on the public roads of this state if  
24 ~~Notwithstanding any other provision of law, the operation on the public~~  
25 ~~roads of this state of an automated-driving-system-equipped vehicle~~  
26 ~~capable of performing the entire dynamic driving task within its~~  
27 ~~operational design domain while a conventional human driver is present is~~  
28 ~~lawful.~~ Such operation shall be subject to the Nebraska Rules of the  
29 Road, as applicable. In addition, the conventional human driver shall be  
30 licensed as required under the Motor Vehicle Operator's License Act,  
31 shall remain subject to the Nebraska Rules of the Road, shall operate the

1 ~~automated-driving-system-equipped~~ vehicle according to the manufacturer's  
2 requirements and specifications, and shall regain manual control of the  
3 vehicle upon the request of the ~~automated~~ driving automation system.

4 (2) The ~~automated~~ driving automation system feature, while engaged,  
5 shall be designed to operate within its operational design domain in  
6 compliance with the Nebraska Rules of the Road, including, but not  
7 limited to, safely negotiating railroad crossings, unless an exemption  
8 has been granted by the department. The department shall consult with the  
9 railroad companies operating in this state when considering an exemption  
10 that affects vehicle operations at railroad crossings.

11 Sec. 4. Section 60-3304, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 60-3304 Before an automated-driving-system-dedicated or automated-  
14 driving-system-equipped dual-mode ~~an automated-driving-system-equipped~~  
15 vehicle may operate on the public roads of this state, (1) the  
16 manufacturer shall provide evidence to the department of ability to  
17 respond to damages for liability in the amount of at least five million  
18 dollars, to include minimum coverage of one million dollars per vehicle  
19 per occurrence, and (2) a person shall submit proof of financial  
20 responsibility satisfactory to the department that the ~~automated-driving-~~  
21 system-equipped vehicle is covered by insurance or proof of self-  
22 insurance that satisfies the requirements of the Motor Vehicle Safety  
23 Responsibility Act. The operator or owner of a driving-automation-system-  
24 equipped vehicle shall comply with the requirements of the Motor Vehicle  
25 Safety Responsibility Act.

26 Sec. 5. Section 60-3305, Revised Statutes Cumulative Supplement,  
27 2018, is amended to read:

28 60-3305 (1) Notwithstanding any other provision of law, a person may  
29 operate an on-demand driving automation system ~~driverless-capable~~ vehicle  
30 network. Such a network may provide transportation of persons or goods,  
31 including:

1 (a) For-hire transportation, including transportation for multiple  
2 passengers who agree to share the ride in whole or in part; and

3 (b) Public transportation.

4 (2) An on-demand driving automation system ~~driverless-capable~~  
5 vehicle network may connect passengers to automated-driving-system-  
6 equipped dual-mode or automated-driving-system-dedicated ~~driverless-~~  
7 ~~capable~~ vehicles either (a) exclusively or (b) as part of a digital  
8 network that also connects passengers to human drivers who provide  
9 transportation services, consistent with applicable law, in vehicles that  
10 are not automated-driving-system-equipped dual-mode or automated-driving-  
11 system-dedicated ~~driverless-capable~~ vehicles.

12 Sec. 6. Section 60-3306, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 60-3306 ~~The Subject to section 60-3302,~~ the Nebraska Rules of the  
15 Road shall not be construed as requiring a conventional human driver to  
16 operate an automated-driving-system-equipped dual-mode or automated-  
17 driving-system-dedicated ~~a driverless-capable~~ vehicle that is being  
18 operated by a an-automated driving automation system if such vehicle  
19 complies with all requirements of section 60-3302. The ~~, and the~~  
20 ~~automated~~ driving automation system of such vehicle, when engaged, shall  
21 be deemed to fulfill any physical acts required of a conventional human  
22 driver to perform the dynamic driving task.

23 Sec. 7. Section 60-3307, Revised Statutes Cumulative Supplement,  
24 2018, is amended to read:

25 60-3307 In the event of a crash or collision:

26 (1) The driving-automation-system-equipped ~~automated-driving-system-~~  
27 ~~equipped~~ vehicle shall remain on the scene of the crash or collision and  
28 otherwise comply with sections 60-696 to 60-699 ~~60-698~~; and

29 (2) The owner of the driving-automation-system-equipped ~~automated-~~  
30 ~~driving-system-equipped~~ vehicle, if capable, or a person on behalf of the  
31 driving-automation-system-equipped ~~automated-driving-system-equipped~~

1 vehicle owner, shall report any crash or collision as required by section  
2 ~~60-697 60-698~~.

3 Sec. 8. Section 60-3308, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5 60-3308 (1) ~~Driving-automation-system-equipped Automated driving-~~  
6 ~~system-equipped~~ vehicles and ~~automated~~ driving automation systems are  
7 governed exclusively by sections 60-3301 to 60-3311 and sections 12 and  
8 13 of this act. The department is the sole and exclusive state agency  
9 that may implement sections 60-3301 to 60-3311 and sections 12 and 13 of  
10 this act.

11 (2) The state or any political subdivision shall not impose  
12 requirements, including performance standards, specific to the operation  
13 of ~~driving-automation-system-equipped automated driving-system-equipped~~  
14 vehicles, ~~automated~~ driving automation systems, or on-demand driving  
15 automation system ~~driverless-capable~~ vehicle networks in addition to the  
16 requirements of sections 60-3301 to 60-3311 and sections 12 and 13 of  
17 this act.

18 (3) The state or any political subdivision thereof shall not impose  
19 a tax or other requirements on a ~~driving-automation-system-equipped an~~  
20 ~~automated driving-system-equipped~~ vehicle, a ~~an~~ ~~automated~~ driving  
21 automation system, or an on-demand driving automation system ~~driverless-~~  
22 ~~capable~~ vehicle network, where such tax or other requirements relate  
23 specifically to the operation of ~~driving-automation-system-equipped~~  
24 ~~automated driving-system-equipped~~ vehicles.

25 Sec. 9. Section 60-3309, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 60-3309 Nothing in sections 60-3301 to 60-3311 and sections 12 and  
28 13 of this act shall be construed to require the State of Nebraska or any  
29 political subdivision thereof to plan, design, construct, maintain, or  
30 modify any highway, as defined in section 60-624, for the accommodation  
31 of a driving-automation-system-equipped ~~an automated driving-system-~~

1 ~~equipped vehicle or a driverless-capable vehicle.~~

2       Sec. 10. Section 60-3310, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4       60-3310 Nothing in sections 60-3301 to 60-3311 and sections 12 and  
5 13 of this act shall be construed to provide greater liability than is  
6 already allowed under the Political Subdivisions Tort Claims Act or the  
7 State Tort Claims Act.

8       Sec. 11. Section 60-3311, Revised Statutes Cumulative Supplement,  
9 2018, is amended to read:

10       60-3311 The department is authorized to title and register, pursuant  
11 to the Motor Vehicle Certificate of Title Act and the Motor Vehicle  
12 Registration Act, driving-automation-system-equipped ~~automated-driving-~~  
13 ~~system-equipped~~ vehicles ~~and driverless-capable vehicles~~ that do not meet  
14 applicable federal motor vehicle safety standards but which have been  
15 granted an exemption by the National Highway Traffic Safety  
16 Administration.

17       Sec. 12. Whenever a conventional human driver is in a motor vehicle  
18 during its use, the conventional human driver will be deemed to be in  
19 control of the vehicle's operations, unless the automated driving system  
20 of the automated-driving-system-dedicated vehicle or automated-driving-  
21 system-equipped dual-mode vehicle is engaged.

22       When the automated driving system of the automated-driving-system-  
23 dedicated vehicle or automated-driving-system-equipped dual-mode vehicle  
24 is engaged at the time of a crash or collision, the manufacturer of the  
25 system will be deemed to have been operating the vehicle unless the  
26 system has been modified by a third party.

27       A motor vehicle mechanic or a motor vehicle repair facility that  
28 repairs an automated-driving-system-dedicated or automated-driving-  
29 system-equipped dual-mode vehicle according to specifications from the  
30 manufacturer of such vehicle is not liable in a product liability action  
31 for damages resulting from the repairs.



1           Sec. 13. The department may issue guidance on the operation of  
2 driving-automation-system-equipped vehicles and may adopt and promulgate  
3 rules and regulations to carry out sections 60-3301 to 60-3311 and  
4 sections 12 and 13 of this act.

5           Sec. 14. Original sections 60-3301, 60-3302, 60-3303, 60-3304,  
6 60-3305, 60-3306, 60-3307, 60-3308, 60-3309, 60-3310, and 60-3311,  
7 Revised Statutes Cumulative Supplement, 2018, are repealed.