

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 521**

Introduced by McDonnell, 5.

Read first time January 22, 2019

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3301,  
2 60-3302, 60-3303, 60-3304, and 60-3308, Revised Statutes Cumulative  
3 Supplement, 2018; to change and eliminate provisions relating to  
4 automated vehicles; to repeal the original sections; and to outright  
5 repeal section 60-3306, Revised Statutes Cumulative Supplement,  
6 2018.

7 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, the following  
4 definitions apply:

5 (1) Automated driving system means the hardware and software that  
6 are collectively capable of performing the entire dynamic driving task on  
7 a sustained basis regardless of whether it is limited to a specific  
8 operational design domain, if any;

9 (2) Automated-driving-system-equipped vehicle means a motor vehicle  
10 equipped with an automated driving system;

11 (3) Conventional human driver means a human person who manually  
12 exercises in-vehicle braking, accelerating, steering, and transmission  
13 gear selection input devices in order to operate a motor vehicle;

14 (4) Department means the Department of Motor Vehicles;

15 (5) Driverless-capable vehicle means a motor vehicle equipped with  
16 an automated driving system capable of performing all aspects of the  
17 dynamic driving task within its operational design domain, if any,  
18 including achieving a minimal risk condition, without any intervention or  
19 supervision by a conventional human driver, so long as a conventional  
20 human driver is physically present in the vehicle and able to take  
21 control of the vehicle;

22 (6) Dynamic driving task means all of the real-time operational and  
23 tactical functions required to operate a motor vehicle within its  
24 specific operational design domain, if any, excluding the strategic  
25 functions such as trip scheduling and selection of destinations and  
26 waypoints;

27 (7) Minimal risk condition means a reasonably safe state to which an  
28 automated driving system brings an automated-driving-system-equipped  
29 vehicle upon experiencing a performance-related failure of the vehicle's  
30 automated driving system that renders the vehicle unable to perform the  
31 entire dynamic driving task, such as bringing the vehicle to a complete

1 stop and activating the hazard lamps;

2 (8) On-demand driverless-capable vehicle network means a  
3 transportation service network that uses a software application or other  
4 digital means to dispatch driverless-capable vehicles for purposes of  
5 transporting persons ~~or goods~~, including for-hire transportation,  
6 transportation for compensation, and public transportation, and is in  
7 compliance with all applicable state and federal labor laws; ~~and~~

8 (9) Operational design domain means a description of the specific  
9 operating domain in which an automated driving system is designed to  
10 properly operate, including, but not limited to, roadway types, speed  
11 range, environmental conditions such as weather and time of day, and  
12 other domain constraints; and -

13 (10) School crossing zone has the same meaning as in section  
14 60-658.01.

15 Sec. 2. Section 60-3302, Revised Statutes Cumulative Supplement,  
16 2018, is amended to read:

17 60-3302 A driverless-capable vehicle may operate on the public roads  
18 of this state with ~~without~~ a conventional human driver physically present  
19 in the vehicle, as long as the vehicle meets the following conditions:

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

24 (2) While in driverless operation, the vehicle is capable of  
25 operating in compliance with the applicable traffic and motor vehicle  
26 safety laws and regulations of this state that govern the performance of  
27 the dynamic driving task, including, but not limited to, safely  
28 negotiating railroad crossings and school crossing zones, unless an  
29 exemption has been granted by the department. The department shall  
30 consult with the railroad companies operating in this state and local law  
31 enforcement agencies when considering an exemption that affects vehicle

1 operations at railroad crossings and school crossing zones.

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

4 60-3303 (1) Notwithstanding any other provision of law, the  
5 operation on the public roads of this state of an automated-driving-  
6 system-equipped vehicle capable of performing the entire dynamic driving  
7 task within its operational design domain while a conventional human  
8 driver is physically present in the vehicle is lawful. Such operation  
9 shall be subject to the Nebraska Rules of the Road, as applicable. In  
10 addition, the conventional human driver shall be licensed as required  
11 under the Motor Vehicle Operator's License Act, shall remain subject to  
12 the Nebraska Rules of the Road, shall operate the automated-driving-  
13 system-equipped vehicle according to the manufacturer's requirements and  
14 specifications, and shall regain manual control of the vehicle upon the  
15 request of the automated driving system.

16 (2) The automated driving system feature, while engaged, shall be  
17 designed to operate within its operational design domain in compliance  
18 with the Nebraska Rules of the Road, including, but not limited to,  
19 safely negotiating railroad crossings and school crossing zones, unless  
20 an exemption has been granted by the department. The department shall  
21 consult with the railroad companies operating in this state when  
22 considering an exemption that affects vehicle operations at railroad  
23 crossings.

24 Sec. 4. Section 60-3304, Revised Statutes Cumulative Supplement,  
25 2018, is amended to read:

26 60-3304 Before an automated-driving-system-equipped vehicle or a  
27 driverless-capable vehicle may operate on the public roads of this state,  
28 a person shall submit proof of financial responsibility satisfactory to  
29 the department that the automated-driving-system-equipped vehicle or a  
30 driverless-capable vehicle is covered by insurance or proof of self-  
31 insurance that satisfies the requirements of the Motor Vehicle Safety

1 Responsibility Act.

2 Sec. 5. Section 60-3308, Revised Statutes Cumulative Supplement,  
3 2018, is amended to read:

4 60-3308 ~~(1)~~ Automated-driving-system-equipped vehicles, driverless-  
5 capable vehicles, and automated driving systems, and on-demand  
6 driverless-vehicle networks are governed exclusively by sections 60-3301  
7 to 60-3311. The department shall ~~is the sole and exclusive state agency~~  
8 ~~that may~~ implement sections 60-3301 to 60-3311.

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

14 ~~(3) The state or any political subdivision thereof shall not impose~~  
15 ~~a tax or other requirements on an automated-driving-system-equipped~~  
16 ~~vehicle, an automated driving system, or an on-demand driverless-capable~~  
17 ~~vehicle network, where such tax or other requirements relate specifically~~  
18 ~~to the operation of automated-driving-system-equipped vehicles.~~

19 Sec. 6. Original sections 60-3301, 60-3302, 60-3303, 60-3304, and  
20 60-3308, Revised Statutes Cumulative Supplement, 2018, are repealed.

21 Sec. 7. The following section is outright repealed: Section  
22 60-3306, Revised Statutes Cumulative Supplement, 2018.