

28 **41-26-104**, as enacted by Laws of Utah 2019, Chapter 459
 29 **63I-1-278**, as last amended by Laws of Utah 2025, Chapter 26
 30 **78B-6-702**, as enacted by Laws of Utah 2008, Chapter 3
 31 **78B-6-703**, as renumbered and amended by Laws of Utah 2008, Chapter 3

32 ENACTS:

33 **78B-4-901**, Utah Code Annotated 1953
 34 **78B-4-902**, Utah Code Annotated 1953
 35 **78B-4-903**, Utah Code Annotated 1953
 36 **78B-4-904**, Utah Code Annotated 1953
 37 **78B-6-708**, Utah Code Annotated 1953

38

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **41-26-102.1** is amended to read:

41 **41-26-102.1 . Definitions.**

42 As used in this chapter:

43 (1) "ADS-dedicated vehicle" means a vehicle:

- 44 (a) designed to be operated exclusively by a level four ADS or level five ADS for all
 45 trips within the given operational design domain limitations of the ADS, if any[-] ; and
 46 (b) that conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft
 47 prevention standards in effect on the date of the vehicle's manufacture, unless an
 48 exemption has been granted under applicable federal law.

49 (2) "ADS-equipped vehicle" means a vehicle with a level three, level four, or level five
 50 ADS that is designed for:

- 51 (a) complete trips in driverless operation under routine or normal operating conditions
 52 within the vehicle's operational design domain; or
 53 (b) operation by an in-vehicle driver.

54 [(2)] (3)(a) "Automated driving system" or "ADS" means the hardware and software that
 55 are:

- 56 (i) collectively capable of performing the entire dynamic driving task on a sustained
 57 basis, regardless of whether the ADS is limited to a specific operational design
 58 domain, if any[-] ; and
 59 (ii) conforming to all applicable U.S. federal motor vehicle safety, bumper, and theft
 60 prevention standards in effect on the date of the vehicle's manufacture.

61 (b) "Automated driving system" or "ADS" is used specifically to describe a level three,

- 62 four, or five driving automation system.
- 63 [~~(3)~~] (4) "Commission" means the State Tax Commission as defined in Section 59-1-101.
- 64 [~~(4)~~] (5) "Conventional driver" means a human driver who is onboard the motor vehicle and
- 65 manually performs some or all of the following actions in order to operate a vehicle:
- 66 (a) braking;
- 67 (b) accelerating;
- 68 (c) steering; and
- 69 (d) transmission gear selection input devices.
- 70 [~~(5)~~] (6)(a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless
- 71 operation by engaging the ADS.
- 72 (b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor
- 73 vehicles in driverless operation that may complete multiple trips involving pick-up
- 74 and drop-off of passengers or goods throughout a day or other pre-defined periods of
- 75 service, and which may involve multiple agents performing various tasks related to
- 76 the dispatch function.
- 77 [~~(6)~~] (7) "Division" means the Motor Vehicle Division of the commission, created in
- 78 Section 41-1a-106.
- 79 [~~(7)~~] (8) "Driverless operation" means the operation of an ADS-equipped vehicle in which:
- 80 (a) no on-board user is present; or
- 81 (b) no on-board user is a human driver with a valid driver license or fallback-ready user.
- 82 [~~(8)~~] (9) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped
- 83 vehicle in driverless operation.
- 84 [~~(9)~~] (10) "Driving automation system" means the hardware and software collectively
- 85 capable of performing part or all of the dynamic driving task on a sustained basis.
- 86 [~~(10)~~] (11) "Driving automation system feature" means a specific function of a driving
- 87 automation system.
- 88 [~~(11)~~] (12)(a) "Dynamic driving task" means all of the real-time operational and tactical
- 89 functions required to operate a motor vehicle in on-road traffic, including:
- 90 (i) lateral vehicle motion control through steering;
- 91 (ii) longitudinal motion control through acceleration and deceleration;
- 92 (iii) monitoring the driving environment through object and event detection,
- 93 recognition, classification, and response preparation;
- 94 (iv) object and event response execution;
- 95 (v) maneuver planning; and

- 96 (vi) enhancing conspicuity with lighting, signaling, and gesturing.
- 97 (b) "Dynamic driving task" does not include strategic functions such as trip scheduling
98 and selection of destinations and waypoints.
- 99 [(12)] (13) "Engage" as it pertains to the operation of a vehicle by a driving automation
100 system means to cause a driving automation system feature to perform part or all of the
101 dynamic driving task on a sustained basis.
- 102 [(13)] (14) "External event" is a situation in the driving environment that necessitates a
103 response by a human driver with a valid driver license or driving automation system.
- 104 [(14)] (15) "Fallback-ready user" means the user of a vehicle equipped with an engaged
105 level three ADS who is:
- 106 (a) a human driver with a valid driver license; and
107 (b) ready to operate the vehicle if:
- 108 (i) a system failure occurs; or
109 (ii) the ADS issues a request to intervene.
- 110 [(15)] (16)(a) "Human driver" means a natural person who performs in real-time all or
111 part of the dynamic driving task.
- 112 (b) "Human driver" includes a:
113 (i) conventional driver; and
114 (ii) remote driver.
- 115 [(16) "Level five automated driving system" or "level five ADS" means an ADS feature
116 that has the capability to perform on a sustained basis the entire dynamic driving task
117 under all conditions that can reasonably be managed by a human driver, as well as any
118 maneuvers necessary to respond to a system failure, without any expectation that a
119 human user will respond to a request to intervene.]
- 120 [(17) "Level four automated driving system" or "level four ADS" means an ADS feature
121 that, without any expectation that a human user will respond to a request to intervene,
122 has:]
- 123 [(a) the capability to perform on a sustained basis the entire dynamic driving task within
124 its operational design domain; and]
- 125 [(b) the capability to perform any maneuvers necessary to achieve a minimal risk
126 condition in response to:]
- 127 [(i) an exit from the operational design domain of the ADS; or]
128 [(ii) a system failure.]
- 129 [(18) "Level three automated driving system" or "level three ADS" means an ADS feature

- 130 that:]
- 131 [(a) has the capability to perform on a sustained basis the entire dynamic driving task
132 within its operational design domain; and]
- 133 [(b) requires a fallback-ready user to operate the vehicle after receiving a request to
134 intervene or in response to a system failure.]
- 135 (17) "Level five ADS" means a level five automated driving system as defined in SAE
136 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
137 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
138 adopted by the National Highway Traffic Safety Administration.
- 139 (18) "Level four ADS" means a level four automated driving system as defined in SAE
140 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
141 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
142 adopted by the National Highway Traffic Safety Administration.
- 143 (19) "Level three ADS" means a level three automated driving system as defined in SAE
144 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
145 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
146 adopted by the National Highway Traffic Safety Administration.
- 147 (20) "Level two DAS" means a level two driving automation system as defined in SAE
148 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
149 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
150 adopted by the National Highway Traffic Safety Administration.
- 151 [(19)] (21) "Minimal risk condition" means a condition to which a user or an ADS may
152 bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or
153 should not be completed.
- 154 [(20)] (22) "Object and event detection and response" means the subtasks of the dynamic
155 driving task that include:
- 156 (a) monitoring the driving environment; and
- 157 (b) executing an appropriate response in order to perform the dynamic driving task.
- 158 [(21)] (23) "On-demand autonomous vehicle network" means a transportation service
159 network that uses a software application or other digital means to dispatch or otherwise
160 enable the prearrangement of transportation with motor vehicles that have a level four or
161 five ADS in driverless operation for purposes of transporting persons, including for-hire
162 transportation and transportation for compensation.
- 163 [(22)] (24) "Operate" means the same as that term is defined in Section 41-1a-102.

- 164 [(23)] (25) "Operational design domain" means the operating conditions under which a
 165 given ADS or feature thereof is specifically designed to function, including:
 166 (a) speed range, environmental, geographical, and time-of-day restrictions; or
 167 (b) the requisite presence or absence of certain traffic or roadway characteristics.
- 168 [(24)] (26) "Operator" means the same as that term is defined in Section 41-6a-102.
- 169 [(25)] (27) "Passenger" means a user on board a vehicle who has no role in the operation of
 170 that vehicle.
- 171 [(26)] (28) "Person" means the same as that term is defined in Section 41-6a-102.
- 172 [(27)] (29) "Remote driver" means a human driver with a valid driver license who is not
 173 located in a position to manually exercise in-vehicle braking, accelerating, steering, or
 174 transmission gear selection input devices, but operates the vehicle.
- 175 [(28)] (30) "Request to intervene" means the notification by an ADS to a fallback-ready user
 176 indicating that the fallback-ready user should promptly begin or resume operation of the
 177 vehicle.
- 178 [(29)] (31) "Sustained operation of a motor vehicle" means the performance of part or all of
 179 the dynamic driving task both between and across external events, including response to
 180 external events and continued performance of part or all of the dynamic driving task in
 181 the absence of external events.
- 182 [(30)] (32) "System failure" means a malfunction in a driving automation system or other
 183 vehicle system that prevents the ADS from reliably performing the portion of the
 184 dynamic driving task on a sustained basis, including the complete dynamic driving task[;
 185 ~~that the ADS would otherwise perform~~].
- 186 [(31)] (33) "User" means a:
 187 (a) human driver;
 188 (b) passenger;
 189 (c) fallback-ready user; or
 190 (d) driverless operation dispatcher.
- 191 Section 2. Section **41-26-104** is amended to read:
 192 **41-26-104 . Licensing -- Responsibility for compliant operation of ADS-equipped**
 193 **vehicles.**
 194 For the purpose of assessing compliance with applicable traffic or motor vehicle laws:
 195 (1)(a) When an ADS is operating a motor vehicle, the ADS is the operator, and shall
 196 satisfy electronically all physical acts required by a conventional driver in operation
 197 of the vehicle.

198 (b) The ADS is responsible for the compliant operation of the vehicle and is not required
199 to be licensed to operate the vehicle.

200 (2)(a) If a vehicle with an engaged level three ADS issues a request to intervene, the
201 ADS is responsible for the compliant operation of the vehicle until disengagement of
202 the ADS.

203 (b) If a vehicle with an engaged level four or five ADS issues a request to intervene, the
204 ADS is responsible for the compliant operation of the vehicle until or unless a human
205 user begins to operate the vehicle.

206 (3) The ADS is responsible for compliant operation of an [~~ADS-dedicated vehicle~~]
207 ADS-equipped vehicle when the ADS is engaged.

208 Section 3. Section **63I-1-278** is amended to read:

209 **63I-1-278 . Repeal dates: Title 78A and Title 78B.**

210 (1) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a
211 domestic violence offense from the justice court to the district court, is repealed July 1,
212 2029.

213 (2) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.

214 (3) Section 78B-4-518, Limitation on liability of employer for an employee convicted of an
215 offense, is repealed July 1, 2029.

216 (4) Title 78B, Chapter 4, Part 9, Limitations on Liability for Automated Driving
217 System-Equipped Vehicles, is repealed on July 1, 2030.

218 [(4)] (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
219 2026.

220 (6) In Section 78B-6-702, the following definitions are repealed on July 1, 2030:

221 (a) "ADS-equipped vehicle";

222 (b) "Automated driving system"; and

223 (c) "State of the art knowledge".

224 (7) Subsections 78B-6-703(3) and (4), related to product defects for automated driving
225 systems, are repealed on July 1, 2030.

226 (8) Section 78B-6-708, related to state of the art affirmative defense against product
227 liability for an automated driving system, is repealed on July 1, 2030.

228 [(5)] (9) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is
229 repealed December 31, 2026.

230 Section 4. Section **78B-4-901** is enacted to read:

231 **Part 9. Limitations on Liability for Automated Driving System-Equipped Vehicles.**

232 **78B-4-901 . Definitions.**233 As used in this part:234 (1) "ADS-dedicated vehicle" means the same as that term is defined in Section 41-26-102.1.235 (2) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.236 (3) "Automated driving system" means the same as that term is defined in Section
237 41-26-102.1.238 (4) "Developer" means a person that designs, creates, or produces the software or
239 algorithms that constitute an automated driving system.240 (5) "Driverless operation" means the operation of a motor vehicle exclusively by a level
241 four or level five automated driving system.242 (6) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.243 (7) "Level five ADS" means the same as that term is defined in Section 41-26-102.1.244 (8) "Level four ADS" means the same as that term is defined in Section 41-26-102.1.245 (9) "Manufacturer" means a person that manufactures, assembles, or produces an
246 ADS-equipped vehicle or the hardware components of an automated driving system.247 (10) "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to a
248 person or property, including:249 (a) pain and suffering;250 (b) loss of society, consortium, companionship, care, assistance, attention, protection,
251 advice, guidance, counsel, instruction, training, or education;252 (c) disfigurement;253 (d) mental anguish; or254 (e) other intangible loss.255 (11) "Operational design domain" means the same as that term is defined in Section
256 41-26-102.1.257 Section 5. Section **78B-4-902** is enacted to read:258 **78B-4-902 . Limitation of award of noneconomic losses related to an automated**
259 **driving system.**260 (1) Subject to Subsections (2), (3), and (4), in an action relating to an ADS-equipped
261 vehicle or an ADS-dedicated vehicle, the amount of the award for noneconomic losses,
262 if any, may not exceed \$1,000,000.263 (2) The limit described in Subsection (1) does not apply to a claim for wrongful death.264 (3) In an action relating to a level four ADS or level five ADS under this chapter, punitive
265 damages may not be awarded.

266 (4) For a claim brought under Section 78B-4-903, the recoverable amount may not exceed
267 the amount described in Subsection 78B-4-903(1)(c).

268 Section 6. Section **78B-4-903** is enacted to read:

269 **78B-4-903 . Driverless operation liability.**

270 (1)(a) This section applies only to an incident that occurred related to an ADS-dedicated
271 vehicle or an ADS-equipped vehicle that is equipped with a level four ADS or level
272 five ADS while the automated driving system is engaged and performing the entire
273 dynamic driving task.

274 (b) This section does not apply to an incident that involves any driving assistance or task
275 not performed by the automated driving system.

276 (c) Notwithstanding Section 78B-4-902 and any other provision of law, the total amount
277 recoverable by a plaintiff under this section, including all damages, costs, and fees,
278 may not exceed \$100,000.

279 (d) A prevailing plaintiff may recover compensatory damages available under this
280 section, subject to the limitation described in Subsection (1)(c).

281 (e) If a plaintiff recovers damages under this section, that recovery is the exclusive civil
282 remedy for injury or property damage arising out of the operation of a level four ADS
283 or level five ADS.

284 (2)(a) A person who suffers injury or property damage directly caused by an
285 ADS-dedicated vehicle or an ADS-equipped vehicle that is equipped with a level
286 four ADS or level five ADS while the automated driving system is engaged and
287 performing the entire dynamic driving task has a right of action under this section.

288 (b) A person who suffers injury or property damage directly caused by an
289 ADS-dedicated vehicle or an ADS-equipped vehicle that is equipped with a level
290 four ADS or level five ADS while the automated driving system is engaged and
291 performing the entire dynamic driving task may bring an action against:

292 (i) the registered owner of the ADS-equipped vehicle; or

293 (ii) a person that dispatched the ADS-equipped vehicle into driverless operation,
294 including a driverless operation dispatcher or an on-demand autonomous vehicle
295 network.

296 (3) A plaintiff establishes liability under this section by proving, by a preponderance of the
297 evidence, that:

298 (a) the automated driving system was engaged at the time of the incident; and

299 (b) the automated driving system was a proximate cause of the injury or property

300 damage.

301 (4) Any liability established under this section may be mitigated in proportion to the degree
 302 that the claimant's or a third party's negligence, recklessness, or breach of duty of care
 303 contributed to the occurrence of the incident or the resulting harm.

304 (5) A plaintiff bringing an action under this section is not required to prove negligence,
 305 breach of duty, or product defect.

306 Section 7. Section **78B-4-904** is enacted to read:

307 **78B-4-904 . Limitation of causes of action against manufacturers and developers**
 308 **of automated driving systems.**

309 (1) A manufacturer or developer of a level four ADS or level five ADS is not subject to
 310 liability under a theory of negligence for personal injury, death, or property damage
 311 arising from the operation of an ADS-dedicated vehicle or an ADS-equipped vehicle
 312 equipped with level four ADS or level five ADS while the automated driving system is
 313 engaged.

314 (2) A manufacturer or developer of a level four ADS or level five ADS may be held liable
 315 for personal injury, death, or property damage arising from the operation of an
 316 automated driving system of an ADS-dedicated vehicle or an ADS-equipped vehicle
 317 only under:

318 (a) Section 78B-4-903; or

319 (b) Chapter 6, Part 7, Utah Product Liability Act, if the plaintiff establishes the elements
 320 required under that part.

321 (3) Nothing in this section affects:

322 (a) the liability of any person or entity other than a manufacturer or developer of a level
 323 four ADS or level five ADS; or

324 (b) the application of comparative fault under Section 78B-5-818 to reduce a plaintiff's
 325 recovery based on the plaintiff's own conduct.

326 (4) For purposes of this section, a claim alleging that a manufacturer or developer of a level
 327 four ADS or level five ADS was negligent in the design, development, testing,
 328 manufacture, or deployment of the automated driving system is a product liability claim
 329 subject to Chapter 6, Part 7, Utah Product Liability Act, and not a claim for ordinary
 330 negligence.

331 Section 8. Section **78B-6-702** is amended to read:

332 **78B-6-702 . Definitions.**

333 [As used in this part, "unreasonably dangerous" means that the product was

- 334 dangerous to an extent beyond which would be contemplated by the ordinary and prudent
 - 335 buyer, consumer, or user of that product in that community considering the product's
 - 336 characteristics, propensities, risks, dangers, and uses together with any actual knowledge,
 - 337 training, or experience possessed by that particular buyer, user, or consumer.]

- 338 As used in this part:

339 (1) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.

340 (2) "Automated driving system" means the same as that term is defined in Section
 341 41-26-102.1.

342 (3) "State of the art knowledge" means the technical, mechanical, and scientific knowledge
 343 of manufacturing, designing, testing, or labeling the same or similar products that was in
 344 existence and reasonably feasible for use at the time of manufacture.

345 (4) "Unreasonably dangerous" means that the product was dangerous to an extent beyond
 346 which would be contemplated by the ordinary and prudent buyer, consumer, or user of
 347 that product in that community considering the product's characteristics, propensities,
 348 risks, dangers, and uses together with any actual knowledge, training, or experience
 349 possessed by that particular buyer, user, or consumer.

350 Section 9. Section **78B-6-703** is amended to read:

351 **78B-6-703 . Defect or defective condition making product unreasonably**
 352 **dangerous -- Rebuttable presumption.**

353 (1) In any action for damages for personal injury, death, or property damage allegedly
 354 caused by a defect in a product other than an ADS-dedicated vehicle or an
 355 ADS-equipped vehicle described in Subsections (3) and (4), a product may not be
 356 considered to have a defect or to be in a defective condition, unless at the time the
 357 product was sold by the manufacturer or other initial seller, there was a defect or
 358 defective condition in the product which made the product unreasonably dangerous to
 359 the user or consumer.

360 (2) There is a rebuttable presumption that a product described in Subsection (1) is free from
 361 any defect or defective condition where the alleged defect in the plans or designs for the
 362 product or the methods and techniques of manufacturing, inspecting and testing the
 363 product were in conformity with government standards established for that industry
 364 which were in existence at the time the plans or designs for the product or the methods
 365 and techniques of manufacturing, inspecting and testing the product were adopted.

366 (3) In any action for damages for personal injury, death, or property damage allegedly
 367 caused by a defect in the automated driving system operation of a level four ADS or

- 368 level five ADS of an ADS-equipped vehicle or an ADS-dedicated vehicle, the
369 automated driving system may not be considered to have a defect or to be in a defective
370 condition, unless the plaintiff proves by a preponderance of the evidence that:
- 371 (a) a reasonable and feasible alternative design existed at the time the level four ADS or
372 level five ADS was designed and manufactured; and
- 373 (b) the use of the automated driving system, at scale and in the aggregate, causes more
374 injuries to persons than would be caused by humans performing a similar task, at
375 scale and in the aggregate, without an automated driving system.
- 376 (4) There is a rebuttable presumption that a level four ADS or level five ADS is free from
377 any defect or defective condition if the automated driving system:
- 378 (a) conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft
379 prevention standards in effect on the date of the vehicle's manufacture; and
- 380 (b) was authorized for use or operation in the state.

381 Section 10. Section **78B-6-708** is enacted to read:

382 **78B-6-708 . State of the art affirmative defense against product liability for an**
383 **automated driving system.**

384 In an action based upon defective design, manufacture, or failure to warn related to the
385 automated driving system of an ADS-dedicated vehicle or an ADS-equipped vehicle that is
386 equipped with a level four ADS or level five ADS brought against the manufacturer or
387 developer of the automated driving system, liability is precluded if:

- 388 (1) the manufacturer or developer complied with the state of the art knowledge of scientific
389 and technical knowledge and other circumstances that existed at the time of
390 manufacture; or
- 391 (2) the automated driving system when deployed reduces injuries to persons, in the
392 aggregate, as compared to humans conducting the same activity.

393 Section 11. **Effective Date.**

394 This bill takes effect on May 6, 2026.