

SB0292S02 compared with SB0292

~~{Omitted text}~~ shows text that was in SB0292 but was omitted in SB0292S02

inserted text shows text that was not in SB0292 but was inserted into SB0292S02

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1 **Autonomous Systems Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Kirk A. Cullimore
House Sponsor: Jordan D. Teuscher



2
3 **LONG TITLE**

4 **General Description:**

5 This bill amends and enacts provisions related to product liability for automated driving
6 systems.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ amends and enacts definitions related to automated driving systems and product liability;
- 10 ▶ imposes a statutory limit on awards of noneconomic loss in product liability cases related to
automated driving systems;
- 12 ▶ amends provisions related to product defects and liability related to automated driving systems
and reasonably alternative technologies available at the time of manufacture;
- 14 ▶ creates an affirmative defense against product liability if certain state-of-the-art technology
standards are met;
- 16 ▶ limits liability of certain automated driving system manufacturers and developers to certain types
of claims; ~~{and}~~
- 18 ▶

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requires a sunset review of provisions related to liability of automated driving systems and vehicles; and

18 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

25 ~~{41-6a-1119, as last amended by Laws of Utah 2020, Chapter 106}~~

27 41-26-102.1 , as last amended by Laws of Utah 2022, Chapter 134

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

35 ~~{78B-4-905, 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:*

39 ~~{Section 1. Section 41-6a-1119 is amended to read: }~~

40 **41-6a-1119. Personal delivery device.**

41 (1) As used in this section:

42 (a) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in a business that includes the operation of a personal delivery device.

45 (b) "Main-traveled way" means the same as that term is defined in Section 72-7-502.

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- (c) "Pedestrian area" means a sidewalk, crosswalk, school crosswalk, school crossing zone, or safety zone.
- 48 (d)
- (i) "Personal delivery device" means an electrically powered device to which all of the following apply:
- 50 (A) the device is manufactured for transporting cargo and goods; and
- 51 (B) the device is equipped with automated driving technology, including hardware and software, that enables the operation of the device with or without active control or monitoring by a person.
- 54 (ii) A mobile carrier as defined in Section 41-6a-1120 is not a personal delivery device.
- 56 (iii) "Personal delivery device" does not include:
- 57 (A) a motor vehicle; or
- 58 (B) an [~~ADS-dedicated~~] ADS-equipped vehicle as that term is defined in Section 41-26-102.1.
- 60 (e)
- (i) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.
- 63 (ii) "Personal delivery device operator" does not include:
- 64 (A) with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or
- 66 (B) a person who only arranges for and dispatches a personal delivery device for a delivery or other service.
- 68 (2) An eligible entity may operate a personal delivery device so long as all of the following requirements are met:
- 70 (a) the personal delivery device is operated at a maximum speed of:
- 71 (i) 10 miles per hour when in a pedestrian area; or
- 72 (ii) 20 miles per hour on a highway in an area that is not a pedestrian area;
- 73 (b) the eligible entity maintains an insurance policy that includes general liability coverage of not less than \$100,000 for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and
- 76 (c) the personal delivery device is equipped with all of the following:
- 77

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- (i) a marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
- 79 (ii) a braking system that enables the personal delivery device to come to a controlled stop; and
- 81 (iii) if the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least 500 feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.
- 86 (3) A personal delivery device operator may not allow a personal delivery device to do any of the following:
- 88 (a) fail to comply with traffic or pedestrian control devices and signals;
- 89 (b) unreasonably interfere with pedestrians or traffic; or
- 90 (c) transport hazardous material that is:
- 91 (i) regulated under 49 U.S.C. Chapter 51, Transportation of Hazardous Material; and
- 92 (ii) required to be placarded under 49 C.F.R., Part 172, Subpart F, Placarding.
- 93 (4)
- (a) When operating on a highway, the personal delivery device:
- 94 (i) shall operate as close as practicable to the edge of the highway in the direction of authorized traffic movement; and
- 96 (ii) except as provided in Subsection (4)(b), may not travel in the main-traveled way.
- 97 (b) Notwithstanding Subsection (4)(a), a personal delivery device:
- 98 (i) if practical and with due regard for safety and traffic conditions may temporarily operate in the main-traveled way to avoid a parked car or other obstacle on the edge of the highway; and
- 101 (ii) shall return to the edge of the highway as described in Subsection (4)(a) as soon as conditions allow.
- 103 (c) Notwithstanding Subsections (4)(a) and (b), a personal delivery device may not operate on a:
- 105 (i) highway with a speed limit of 45 miles per hour or higher; or
- 106 (ii) limited access highway.
- 107 (5) A personal delivery device has the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to a pedestrian.
- 110 (6) A person may not operate a personal delivery device unless the person complies with this section.
- 112 (7) An eligible entity is responsible for both of the following:
- 113

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(a) a violation of this section that is committed by a personal delivery device operator operated for the benefit of the eligible entity; and

115 (b) any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by Subsection (3).

117 (8)

(a) Following discussions with and input from eligible entities, a local authority or political subdivision may reasonably regulate the operation of personal delivery devices on a highway or pedestrian area.

120 (b) This section does not affect the authority of a peace officer of a local authority or political subdivision to enforce the laws of this state relating to the operation of a personal delivery device.

123 (9) A violation of this section is an infraction.

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

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

126 As used in this chapter:

{(a)} {f} "ADS-dedicated{f}" "ADS-equipped" vehicle" means a vehicle:

127 (i){(a)} designed to be operated {exclusively f} by a level four ADS or level five ADS for all trips within the given operational design domain limitations of the ADS, if any[-] ; and

130 (ii){(b)} that conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of the vehicle's manufacture, unless an exemption has been granted under applicable federal law.

132 {(2)}

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

51 (a) complete trips in driverless operation under routine or normal operating conditions within the vehicle's operation 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 are:

133 (i) collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the ADS is limited to a specific operational design domain, if any[-] ; and

136 (ii) ~~{that conforms-}~~ conforming to all applicable U.S. federal motor vehicle safety, bumper, and theft prevention standards in effect on the date of the vehicle's manufacture.

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- 138 (b) "Automated driving system" or "ADS" is used specifically to describe a level three, four, or five
driving automation system.
- 140 ~~[(3)]~~ (4) "Commission" means the State Tax Commission as defined in Section 59-1-101.
- 141 ~~[(4)]~~ (5) "Conventional driver" means a human driver who is onboard the motor vehicle and manually
performs some or all of the following actions in order to operate a vehicle:
- 143 (a) braking;
- 144 (b) accelerating;
- 145 (c) steering; and
- 146 (d) transmission gear selection input devices.
- 147 ~~[(5)]~~ (6)
- (a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless operation by
engaging the ADS.
- 149 (b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor vehicles in
driverless operation that may complete multiple trips involving pick-up and drop-off of passengers
or goods throughout a day or other pre-defined periods of service, and which may involve multiple
agents performing various tasks related to the dispatch function.
- 154 ~~[(6)]~~ (7) "Division" means the Motor Vehicle Division of the commission, created in Section
41-1a-106.
- 156 ~~[(7)]~~ (8) "Driverless operation" means the operation of an ADS-equipped vehicle in which:
- 157 (a) no on-board user is present; or
- 158 (b) no on-board user is a human driver with a valid driver license or fallback-ready user.
- 159 ~~[(8)]~~ (9) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped vehicle in
driverless operation.
- 161 ~~[(9)]~~ (10) "Driving automation system" means the hardware and software collectively capable of
performing part or all of the dynamic driving task on a sustained basis.
- 163 ~~[(10)]~~ (11) "Driving automation system feature" means a specific function of a driving automation
system.
- 165 ~~[(11)]~~ (12)
- (a) "Dynamic driving task" means all of the real-time operational and tactical functions required to
operate a motor vehicle in on-road traffic, including:
- 167 (i) lateral vehicle motion control through steering;

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- 168 (ii) longitudinal motion control through acceleration and deceleration;
- 169 (iii) monitoring the driving environment through object and event detection, recognition,
classification, and response preparation;
- 171 (iv) object and event response execution;
- 172 (v) maneuver planning; and
- 173 (vi) enhancing conspicuity with lighting, signaling, and gesturing.
- 174 (b) "Dynamic driving task" does not include strategic functions such as trip scheduling and selection of
destinations and waypoints.
- 176 ~~[(12)]~~ (13) "Engage" as it pertains to the operation of a vehicle by a driving automation system means
to cause a driving automation system feature to perform part or all of the dynamic driving task on a
sustained basis.
- 179 ~~[(13)]~~ (14) "External event" is a situation in the driving environment that necessitates a response by a
human driver with a valid driver license or driving automation system.
- 181 ~~[(14)]~~ (15) "Fallback-ready user" means the user of a vehicle equipped with an engaged level three ADS
who is:
- 183 (a) a human driver with a valid driver license; and
- 184 (b) ready to operate the vehicle if:
- 185 (i) a system failure occurs; or
- 186 (ii) the ADS issues a request to intervene.
- 187 ~~[(15)]~~ (16)
- (a) "Human driver" means a natural person who performs in real-time all or part of the dynamic driving
task.
- 189 (b) "Human driver" includes a:
- 190 (i) conventional driver; and
- 191 (ii) remote driver.
- 192 ~~[(16) "Level five automated driving system" or "level five ADS" means an ADS feature that has the
capability to perform on a sustained basis the entire dynamic driving task under all conditions that
can reasonably be managed by a human driver, as well as any maneuvers necessary to respond to a
system failure, without any expectation that a human user will respond to a request to intervene.]~~
- 197 ~~[(17) "Level four automated driving system" or "level four ADS" means an ADS feature that, without
any expectation that a human user will respond to a request to intervene, has:]~~

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- 200 [~~(a) the capability to perform on a sustained basis the entire dynamic driving task within its operational~~
design domain; and]
- 202 [~~(b) the capability to perform any maneuvers necessary to achieve a minimal risk condition in response~~
to:]
- 204 [(i) ~~an exit from the operational design domain of the ADS; or]~~
- 205 [(ii) ~~a system failure.~~]
- 206 [(18) ~~"Level three automated driving system" or "level three ADS" means an ADS feature that:~~]
- 208 [~~(a) has the capability to perform on a sustained basis the entire dynamic driving task within its~~
operational design domain; and]
- 210 [~~(b) requires a fallback-ready user to operate the vehicle after receiving a request to intervene or in~~
response to a system failure.]
- 212 (16){(17)} "Level five ADS" means a level five automated driving system as defined in SAE
International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to Driving
Automation Systems for On-Road Motor Vehicles," April 2021 edition, as adopted by the National
Highway Traffic Safety Administration.
- 216 (17){(18)} "Level four ADS" means a level four automated driving system as defined in SAE
International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to Driving
Automation Systems for On-Road Motor Vehicles," April 2021 edition, as adopted by the National
Highway Traffic Safety Administration.
- 220 (18){(19)} "Level three ADS" means a level three automated driving system as defined in SAE
International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to Driving
Automation Systems for On-Road Motor Vehicles," April 2021 edition, as adopted by the National
Highway Traffic Safety Administration.
- 224 (19){(20)} "Level two DAS" means a level two driving automation system as defined in SAE
International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to Driving
Automation Systems for On-Road Motor Vehicles," April 2021 edition, as adopted by the National
Highway Traffic Safety Administration.
- 228 [(19)] (20){(21)} "Minimal risk condition" means a condition to which a user or an ADS may bring
a motor vehicle in order to reduce the risk of a crash when a given trip cannot or should not be
completed.

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[(20)] (21){(22)} "Object and event detection and response" means the subtasks of the dynamic driving task that include:

- 233 (a) monitoring the driving environment; and
234 (b) executing an appropriate response in order to perform the dynamic driving task.

235 [(21)] (22){(23)} "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the prearrangement of transportation with motor vehicles that have a level four or five ADS in driverless operation for purposes of transporting persons, including for-hire transportation and transportation for compensation.

240 [(22)] (23){(24)} "Operate" means the same as that term is defined in Section 41-1a-102.

241 [(23)] (24){(25)} "Operational design domain" means the operating conditions under which a given ADS or feature thereof is specifically designed to function, including:

- 243 (a) speed range, environmental, geographical, and time-of-day restrictions; or
244 (b) the requisite presence or absence of certain traffic or roadway characteristics.

245 [(24)] (25){(26)} "Operator" means the same as that term is defined in Section 41-6a-102.

246 [(25)] (26){(27)} "Passenger" means a user on board a vehicle who has no role in the operation of that vehicle.

248 [(26)] (27){(28)} "Person" means the same as that term is defined in Section 41-6a-102.

249 [(27)] (28){(29)} "Remote driver" means a human driver with a valid driver license who is not located in a position to manually exercise in-vehicle braking, accelerating, steering, or transmission gear selection input devices, but operates the vehicle.

252 [(28)] (29){(30)} "Request to intervene" means the notification by an ADS to a fallback-ready user indicating that the fallback-ready user should promptly begin or resume operation of the vehicle.

255 [(29)] (31) {"Sustained operation of a motor vehicle" means the performance of part or all of the dynamic driving task both between and across external events, including response to external events and continued performance of part or all of the dynamic driving task in the absence of external events.}

259 [(30)] (32) "System failure" means a malfunction in a driving automation system or other vehicle system that prevents the ADS from reliably performing the portion of the dynamic driving task on a sustained basis, including the complete dynamic driving task[, that the ADS would otherwise perform].

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263 ~~[(31)]~~ (33) "User" means a:

- 264 (a) human driver;
265 (b) passenger;
266 (c) fallback-ready user; or
267 (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 vehicles.**

For the purpose of assessing compliance with applicable traffic or motor vehicle laws:

272 (1)

- (a) When an ADS is operating a motor vehicle, the ADS is the operator, and shall satisfy electronically all physical acts required by a conventional driver in operation of the vehicle.
275 (b) The ADS is responsible for the compliant operation of the vehicle and is not required to be licensed to operate the vehicle.

277 (2)

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

283 (3) The ADS is responsible for compliant operation of an ~~[ADS-dedicated]~~ ADS-equipped vehicle] 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 domestic violence offense from the justice court to the district court, is repealed July 1, 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 offense, is repealed July 1, 2029.

216 (4) Title 78B, Chapter 4, Part 9, Limitations on Liability for Automated Driving 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, 2026.

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- 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 systems, is
repealed on July 1, 2030.
- 226 (8) Section 78B-6-708, related to state of the art affirmative defense against product 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 repealed
December 31, 2026.
- 230 Section 4. Section 4 is enacted to read:
- 232 **78B-4-901. Definitions.**
9. Limitations on Liability for Automated Driving System-Equipped Vehicles.
- As used in this part:
- 234 (1) "ADS-dedicated vehicle" means the same as that term is defined in Section 41-26-102.1.
- 289 (1){(2)} "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.
- 290 (2){(3)} "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- 292 (3){(4)} "Developer" means a person that designs, creates, or produces the software or algorithms that
constitute an automated driving system.
- 294 (4){(5)} "Driverless operation" means the operation of a motor vehicle exclusively by a level four or
level five automated driving system.
- 296 (5){(6)} {~~"Fallback-ready user"~~} "Dynamic driving task" means the same as that term is defined in
Section 41-26-102.1.
- 297 {(6)} {~~"Human driver" means the same as that term is defined in Section 41-26-102.1.}~~}
- 298 (7) "Level five ADS" means the same as that term is defined in Section 41-26-102.1.
- 299 (8) "Level four ADS" means the same as that term is defined in Section 41-26-102.1.
- 300 {(9)} {~~"Level three ADS" means the same as that term is defined in Section 41-26-102.1.}~~}
- 301 {(10)} {~~"Level two DAS" means the same as that term is defined in Section 41-26-102.1.}~~}
- 302 (11){(9)} "Manufacturer" means a person that manufactures, assembles, or produces an ADS-equipped
vehicle or the hardware components of an automated driving system.

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(12){(10)} "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to a person or property, including:

- 306 (a) pain and suffering;
- 307 (b) loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education;
- 309 (c) disfigurement;
- 310 (d) mental anguish; or
- 311 (e) other intangible loss.

312 (13){(11)} {"Request to intervene"} "Operational design domain" means the same as that term is defined in Section 41-26-102.1.

257 Section 5. Section 5 is enacted to read:

258 **78B-4-902. Limitation of award of noneconomic losses related to an automated driving system.**

- 316 (1) Subject to Subsections (2), (3), and (4), in an action relating to an ADS-equipped vehicle or an ADS-dedicated vehicle, the amount of the award for noneconomic losses, if any, may not exceed { \$450,000 } \$1,000,000.
- 319 (2) The limit described in Subsection (1) does not apply to a claim for wrongful death.
- 320 (3) In an action relating to { an ADS-equipped vehicle } a level four ADS or level five ADS under this chapter, punitive damages may not be awarded.
- 322 (4) For a claim brought under Section 78B-4-903, the recoverable amount may not exceed the amount described in Subsection { 78B-4-903(1)(e) } 78B-4-903(1)(c).

268 Section 6. Section 6 is enacted to read:

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

- 326 (1)
- (a) This section applies only to an incident that occurred { while } related to an ADS-dedicated vehicle or an ADS-equipped vehicle { operated in driverless operation } that is equipped with a level four ADS or level five ADS while the automated driving system is engaged and performing the entire dynamic driving task.
- 328 (b) This section does not apply to an incident that involves any driving assistance or task not performed by { an ADS-equipped vehicle while } the automated driving system { is operating }.

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- 333 {~~(e) {An action brought under this section is the exclusive civil remedy for injury or property damage arising out of the driverless operation of an ADS-equipped vehicle.}~~ }
- 336 {~~(d) {A plaintiff who brings an action under this section may not bring, plead, or maintain any other civil action or theory of recovery, including negligence, strict liability, or product liability, against any defendant for the same injury or property damage.}~~ }
- 339 (e){~~(c)~~ } Notwithstanding Section 78B-4-902 and any other provision of law, the total amount recoverable by a plaintiff under this section, including all damages, costs, and fees, may not exceed ~~{\$50,000}~~ \$100,000.
- 281 (f){~~(d)~~ } A prevailing plaintiff may recover compensatory damages available under this section, subject to the limitation described in Subsection ~~{~~(1)(e)~~}~~ (1)(c).
- 341 (e) If a plaintiff recovers damages under this section, that recovery is the exclusive civil remedy for injury or property damage arising out of the operation of a level four ADS or level five ADS.
- (2)
- (a) A person who suffers injury or property damage directly caused by an ADS-dedicated vehicle or an ADS-equipped vehicle ~~{operating in driverless operation}~~ that is equipped with a level four ADS or level five ADS while the automated driving system is engaged and performing the entire dynamic driving task has a right of action under this section.
- 344 (b) ~~{An}~~ A person who suffers injury or property damage directly caused by an ADS-dedicated vehicle or an ADS-equipped vehicle ~~{operating in driverless operation}~~ that is equipped with a level four ADS or level five ADS while the automated driving system is engaged and performing the entire dynamic driving task may bring an action against:
- 346 (i) the registered owner of the ADS-equipped vehicle; or
- 347 (ii) a person that dispatched the ADS-equipped vehicle into driverless operation, including a driverless operation dispatcher or an on-demand autonomous vehicle network.
- 350 (3) A plaintiff establishes liability under this section by proving, by a preponderance of the evidence, that:
- 352 (a) the ~~{vehicle}~~ automated driving system was ~~{in driverless operation}~~ engaged at the time of the incident; and
- 353 (b) the ~~{driverless operation}~~ automated driving system was a proximate cause of the injury or property damage.

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

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

366 Section 7. Section 7 is enacted to read:

367 **78B-4-904. Limitation of causes of action against manufacturers and developers of**
automated driving systems.

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

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

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

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

372 (3) Nothing in this section affects:

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

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

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

382 Section 8. Section 8 is enacted to read:

383 **78B-4-905. Liability related to operation of level two and level three driving automation**
systems -- Affirmative defense.

385 (1) This section applies to an incident involving a driving automation system operating with:

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- 386 (a) a level two DAS; or
387 (b) a level three ADS.
388 (2)
(a) In an action for personal injury or property damage arising from the operation of a vehicle equipped with a level three ADS, a defendant may assert an affirmative defense that:
391 (i) the driving automation system issued a request to intervene to the human driver; and
393 (ii) the human driver:
394 (A) was inattentive, negligent, or reckless;
395 (B) failed to maintain reasonable oversight of the operation of the vehicle; or
396 (C) failed to timely respond to the request to intervene.
397 (b) In an action for personal injury or property damage arising from the operation of a vehicle equipped with a level two DAS, a defendant may assert an affirmative defense that the human driver:
400 (i) was inattentive, negligent, or reckless; or
401 (ii) failed to maintain reasonable vigilance over the operation of the vehicle.
402 (3) An affirmative defense under Subsection (2) is established if the defendant proves, by a preponderance of the evidence, that the human driver's conduct described in Subsection (2)(b) was a proximate cause of the incident.
405 (4) Subject to Subsection (5), nothing in this section:
406 (a) limits the application of comparative fault under Section 78B-5-818; or
407 (b) alters the duties of a human driver imposed under Title 41, Chapter 6a, Traffic Code.
408 (5) In an action for personal injury or property damage arising from the operation of a vehicle equipped with a level two DAS or level three ADS, the limitations on noneconomic and punitive damages outlined in Section 78B-4-902 apply.
411 (6) This section does not create a new cause of action and may not be construed to expand or limit existing theories of liability except as expressly provided in this section.

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

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

[As used in this part, "unreasonably dangerous" means that the product was dangerous to an extent beyond which would be contemplated by the ordinary and prudent buyer, consumer, or user of that product in that community considering the product's characteristics, propensities, risks, dangers, and uses together with any actual knowledge,

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training, or experience possessed by that particular buyer, user, or consumer.]

As used in this part:

- 421 (1) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.
- 422 (2) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- 424 (3) "State of the art knowledge" means the technical, mechanical, and scientific knowledge of manufacturing, designing, testing, or labeling the same or similar products that was in existence and reasonably feasible for use at the time of manufacture.
- 427 (4) "Unreasonably dangerous" means that the product was dangerous to an extent beyond which would be contemplated by the ordinary and prudent buyer, consumer, or user of that product in that community considering the product's characteristics, propensities, risks, dangers, and uses together with any actual knowledge, training, or experience 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 dangerous --**

Rebuttable presumption.

- 435 (1) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in a product other than an **ADS-dedicated vehicle or an ADS-equipped vehicle** described in **Subsections (3) and (4)**, a product may not be considered to have a defect or to be in a defective condition, unless at the time the product was sold by the manufacturer or other initial seller, there was a defect or defective condition in the product which made the product unreasonably dangerous to the user or consumer.
- 441 (2) There is a rebuttable presumption that a product described in Subsection (1) is free from any defect or defective condition where the alleged defect in the plans or designs for the product or the methods and techniques of manufacturing, inspecting and testing the product were in conformity with government standards established for that industry which were in existence at the time the plans or designs for the product or the methods and techniques of manufacturing, inspecting and testing the product were adopted.
- 447 (3) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in **the automated driving system operation of a level four ADS or level five ADS of an ADS-equipped vehicle** or an **ADS-dedicated vehicle**, the {~~ADS-equipped vehicle~~} **automated driving**

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system may not be considered to have a defect or to be in a defective condition, unless the plaintiff proves by ~~{clear and convincing}~~ a preponderance of the evidence that:

- 451 (a) a reasonable and feasible alternative design existed at the time the ~~{ADS-equipped vehicle}~~ level
four ADS or level five ADS was designed and manufactured; and
- 453 (b) the use of the automated driving system, at scale and in the aggregate, causes more injuries to
persons than would be caused by humans performing a similar task, at scale and in the aggregate,
without an automated driving system.
- 456 (4) There is a rebuttable presumption that ~~{an ADS-equipped vehicle}~~ a level four ADS or level five
ADS is free from any defect or defective condition if the automated driving system:
- 458 (a) conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft prevention standards
in effect on the date of the vehicle's manufacture; and
- 460 (b) was authorized for use or operation in the state.

381 Section 10. Section 10 is enacted to read:

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

In an action based upon defective design, manufacture, or failure to warn related to ~~{an}~~ the
automated driving system of an ADS-dedicated vehicle or an ADS-equipped vehicle that is
~~{ADS-equipped vehicle}~~ equipped with a level four ADS or level five ADS brought against the
manufacturer or ~~{developer of the automated driving}~~

developer of the automated driving system, liability is precluded if:

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

393 Section 11. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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