

Autonomous Systems Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- amends and enacts definitions related to automated driving systems and product liability;
- imposes a statutory limit on awards of noneconomic loss in product liability cases related to automated driving systems;
- amends provisions related to product defects and liability related to automated driving systems and reasonably alternative technologies available at the time of manufacture;
- creates an affirmative defense against product liability if certain state-of-the-art technology standards are met;
- limits liability of certain automated driving system manufacturers and developers to certain types of claims; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

41-26-104, as enacted by Laws of Utah 2019, Chapter 459

78B-6-702, as enacted by Laws of Utah 2008, Chapter 3

78B-6-703, as renumbered and amended by Laws of Utah 2008, Chapter 3

ENACTS:

- 31 **78B-4-901**, Utah Code Annotated 1953
32 **78B-4-902**, Utah Code Annotated 1953
33 **78B-4-903**, Utah Code Annotated 1953
34 **78B-4-904**, Utah Code Annotated 1953
35 **78B-4-905**, Utah Code Annotated 1953
36 **78B-6-708**, Utah Code Annotated 1953

37
38 *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
43 proprietorship, or other entity engaged in a business that includes the operation of a
44 personal delivery device.
45 (b) "Main-traveled way" means the same as that term is defined in Section 72-7-502.
46 (c) "Pedestrian area" means a sidewalk, crosswalk, school crosswalk, school crossing
47 zone, or safety zone.
48 (d)(i) "Personal delivery device" means an electrically powered device to which all of
49 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
52 and software, that enables the operation of the device with or without active
53 control or monitoring by a person.
54 (ii) A mobile carrier as defined in Section 41-6a-1120 is not a personal delivery
55 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
59 41-26-102.1.
60 (e)(i) "Personal delivery device operator" means an employee or agent of an eligible
61 entity who exercises active physical control over, or monitoring of, the navigation
62 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

- 65 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
- 67 delivery or other service.
- 68 (2) An eligible entity may operate a personal delivery device so long as all of the following
- 69 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
- 74 coverage of not less than \$100,000 for damages arising from the operation of the
- 75 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 (i) a marker that clearly identifies the name and contact information of the eligible
- 78 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
- 80 stop; and
- 81 (iii) if the personal delivery device is being operated between sunset and sunrise, a
- 82 light on both the front and rear of the personal delivery device that is visible on all
- 83 sides of the personal delivery device in clear weather from a distance of at least
- 84 500 feet to the front and rear of the personal delivery device when directly in front
- 85 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
- 87 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
- 95 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

- 99 operate in the main-traveled way to avoid a parked car or other obstacle on the
 100 edge of the highway; and
- 101 (ii) shall return to the edge of the highway as described in Subsection (4)(a) as soon
 102 as conditions allow.
- 103 (c) Notwithstanding Subsections (4)(a) and (b), a personal delivery device may not
 104 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
 108 under the same circumstances, except that a personal delivery device shall yield the
 109 right-of-way to a pedestrian.
- 110 (6) A person may not operate a personal delivery device unless the person complies with
 111 this section.
- 112 (7) An eligible entity is responsible for both of the following:
- 113 (a) a violation of this section that is committed by a personal delivery device operator
 114 operated for the benefit of the eligible entity; and
- 115 (b) any other circumstance, including a technological malfunction, in which a personal
 116 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
 118 political subdivision may reasonably regulate the operation of personal delivery
 119 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
 121 political subdivision to enforce the laws of this state relating to the operation of a
 122 personal delivery device.
- 123 (9) A violation of this section is an infraction.
- 124 Section 2. Section **41-26-102.1** is amended to read:
- 125 **41-26-102.1 . Definitions.**
- 126 (1)(a) [~~"ADS-dedicated]~~ "ADS-equipped vehicle" means a vehicle:
- 127 (i) designed to be operated [~~exclusively-~~] by a level four ADS or level five ADS for
 128 all trips within the given operational design domain limitations of the ADS, if any[-]
 129 ; and
- 130 (ii) that conforms to all applicable U.S. federal motor vehicle safety, bumper, and
 131 theft prevention standards in effect on the date of the vehicle's manufacture.
- 132 (2)(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
134 basis, regardless of whether the ADS is limited to a specific operational design
135 domain, if any[-] ; and
- 136 (ii) that conforms to all applicable U.S. federal motor vehicle safety, bumper, and
137 theft prevention standards in effect on the date of the vehicle's manufacture.
- 138 (b) "Automated driving system" or "ADS" is used specifically to describe a level three,
139 four, or five driving automation system.
- 140 (3) "Commission" means the State Tax Commission as defined in Section 59-1-101.
- 141 (4) "Conventional driver" means a human driver who is onboard the motor vehicle and
142 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)(a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless
148 operation by engaging the ADS.
- 149 (b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor
150 vehicles in driverless operation that may complete multiple trips involving pick-up
151 and drop-off of passengers or goods throughout a day or other pre-defined periods of
152 service, and which may involve multiple agents performing various tasks related to
153 the dispatch function.
- 154 (6) "Division" means the Motor Vehicle Division of the commission, created in Section
155 41-1a-106.
- 156 (7) "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) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped
160 vehicle in driverless operation.
- 161 (9) "Driving automation system" means the hardware and software collectively capable of
162 performing part or all of the dynamic driving task on a sustained basis.
- 163 (10) "Driving automation system feature" means a specific function of a driving automation
164 system.
- 165 (11)(a) "Dynamic driving task" means all of the real-time operational and tactical
166 functions required to operate a motor vehicle in on-road traffic, including:

- 167 (i) lateral vehicle motion control through steering;
- 168 (ii) longitudinal motion control through acceleration and deceleration;
- 169 (iii) monitoring the driving environment through object and event detection,
- 170 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
- 175 and selection of destinations and waypoints.
- 176 (12) "Engage" as it pertains to the operation of a vehicle by a driving automation system
- 177 means to cause a driving automation system feature to perform part or all of the dynamic
- 178 driving task on a sustained basis.
- 179 (13) "External event" is a situation in the driving environment that necessitates a response
- 180 by a human driver with a valid driver license or driving automation system.
- 181 (14) "Fallback-ready user" means the user of a vehicle equipped with an engaged level
- 182 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)(a) "Human driver" means a natural person who performs in real-time all or part of
- 188 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~~
- 193 ~~that has the capability to perform on a sustained basis the entire dynamic driving task~~
- 194 ~~under all conditions that can reasonably be managed by a human driver, as well as any~~
- 195 ~~maneuvers necessary to respond to a system failure, without any expectation that a~~
- 196 ~~human user will respond to a request to intervene.]~~
- 197 [(17) "Level four automated driving system" or "level four ADS" means an ADS feature
- 198 that, without any expectation that a human user will respond to a request to intervene,
- 199 has:]
- 200 [(a) the capability to perform on a sustained basis the entire dynamic driving task within

- 201 its operational design domain; and]
- 202 ~~[(b) the capability to perform any maneuvers necessary to achieve a minimal risk~~
- 203 ~~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~~
- 207 ~~that:]~~
- 208 ~~[(a) has the capability to perform on a sustained basis the entire dynamic driving task~~
- 209 ~~within its operational design domain; and]~~
- 210 ~~[(b) requires a fallback-ready user to operate the vehicle after receiving a request to~~
- 211 ~~intervene or in response to a system failure.]~~
- 212 (16) "Level five ADS" means a level five automated driving system as defined in SAE
- 213 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 214 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 215 adopted by the National Highway Traffic Safety Administration.
- 216 (17) "Level four ADS" means a level four automated driving system as defined in SAE
- 217 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 218 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 219 adopted by the National Highway Traffic Safety Administration.
- 220 (18) "Level three ADS" means a level three automated driving system as defined in SAE
- 221 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 222 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 223 adopted by the National Highway Traffic Safety Administration.
- 224 (19) "Level two DAS" means a level two driving automation system as defined in SAE
- 225 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 226 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 227 adopted by the National Highway Traffic Safety Administration.
- 228 ~~[(19)]~~ (20) "Minimal risk condition" means a condition to which a user or an ADS may
- 229 bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or
- 230 should not be completed.
- 231 ~~[(20)]~~ (21) "Object and event detection and response" means the subtasks of the dynamic
- 232 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) "On-demand autonomous vehicle network" means a transportation service
 236 network that uses a software application or other digital means to dispatch or otherwise
 237 enable the prearrangement of transportation with motor vehicles that have a level four or
 238 five ADS in driverless operation for purposes of transporting persons, including for-hire
 239 transportation and transportation for compensation.

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

241 [(23)] (24) "Operational design domain" means the operating conditions under which a
 242 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) "Operator" means the same as that term is defined in Section 41-6a-102.

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

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

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

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

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

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

263 (31) "User" means a:

264 (a) human driver;

265 (b) passenger;

266 (c) fallback-ready user; or

267 (d) driverless operation dispatcher.

268 Section 3. Section **41-26-104** is amended to read:

269 **41-26-104 . Licensing -- Responsibility for compliant operation of ADS-equipped**
 270 **vehicles.**

271 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
 273 satisfy electronically all physical acts required by a conventional driver in operation
 274 of the vehicle.
- 275 (b) The ADS is responsible for the compliant operation of the vehicle and is not required
 276 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
 278 ADS is responsible for the compliant operation of the vehicle until disengagement of
 279 the ADS.
- 280 (b) If a vehicle with an engaged level four or five ADS issues a request to intervene, the
 281 ADS is responsible for the compliant operation of the vehicle until or unless a human
 282 user begins to operate the vehicle.
- 283 (3) The ADS is responsible for compliant operation of an [~~ADS-dedicated~~] ADS-equipped
 284 vehicle.

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

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

287 **78B-4-901 . Definitions.**

288 As used in this part:

- 289 (1) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.
- 290 (2) "Automated driving system" means the same as that term is defined in Section
 291 41-26-102.1.
- 292 (3) "Developer" means a person that designs, creates, or produces the software or
 293 algorithms that constitute an automated driving system.
- 294 (4) "Driverless operation" means the operation of a motor vehicle exclusively by a level
 295 four or level five automated driving system.
- 296 (5) "Fallback-ready user" 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) "Manufacturer" means a person that manufactures, assembles, or produces an

303 ADS-equipped vehicle or the hardware components of an automated driving system.

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

306 (a) pain and suffering;

307 (b) loss of society, consortium, companionship, care, assistance, attention, protection,
308 advice, guidance, counsel, instruction, training, or education;

309 (c) disfigurement;

310 (d) mental anguish; or

311 (e) other intangible loss.

312 (13) "Request to intervene" means the same as that term is defined in Section 41-26-102.1.

313 Section 5. Section **78B-4-902** is enacted to read:

314 **78B-4-902 . Limitation of award of noneconomic losses related to an automated**
315 **driving system.**

316 (1) Subject to Subsections (2), (3) and (4), in an action relating to an ADS-equipped
317 vehicle, the amount of the award for noneconomic losses, if any, may not exceed
318 \$450,000.

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, punitive damages may not be
321 awarded.

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

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

325 **78B-4-903 . Driverless operation liability.**

326 (1)(a) This section applies only to an incident that occurred while an ADS-equipped
327 vehicle operated in driverless operation.

328 (b) This section does not apply to an incident that involves any driving assistance or task
329 not performed by an ADS-equipped vehicle while the automated driving system is
330 operating.

331 (c) An action brought under this section is the exclusive civil remedy for injury or
332 property damage arising out of the driverless operation of an ADS-equipped vehicle.

333 (d) A plaintiff who brings an action under this section may not bring, plead, or maintain
334 any other civil action or theory of recovery, including negligence, strict liability, or
335 product liability, against any defendant for the same injury or property damage.

336 (e) Notwithstanding Section 78B-4-902 and any other provision of law, the total amount

337 recoverable by a plaintiff under this section, including all damages, costs, and fees,
338 may not exceed \$50,000.

339 (f) A prevailing plaintiff may recover compensatory damages available under this
340 section, subject to the limitation described in Subsection (1)(e).

341 (2)(a) A person who suffers injury or property damage directly caused by an
342 ADS-equipped vehicle operating in driverless operation has a right of action under
343 this section.

344 (b) An person who suffers injury or property damage directly caused by an
345 ADS-equipped vehicle operating in driverless operation 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,
348 including a driverless operation dispatcher or an on-demand autonomous vehicle
349 network.

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

352 (a) the vehicle was in driverless operation at the time of the incident; and

353 (b) the driverless operation was a proximate cause of the injury or property damage.

354 (4) Any liability established under this section may be mitigated in proportion to the degree
355 that the claimant's own negligence, recklessness, or breach of duty of care contributed to
356 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,
358 breach of duty, or product defect.

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

360 **78B-4-904 . Limitation of causes of action against manufacturers and developers**
361 **of automated driving systems.**

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

366 (2) A manufacturer or developer of a level four ADS or level five ADS may be held liable
367 for personal injury, death, or property damage arising from the operation of an
368 ADS-dedicated 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

371 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
 374 four ADS or level five ADS; or

375 (b) the application of comparative fault under Section 78B-5-818 to reduce a plaintiff's
 376 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
 378 four ADS or level five ADS was negligent in the design, development, testing,
 379 manufacture, or deployment of the automated driving system is a product liability claim
 380 subject to Chapter 6, Part 7, Utah Product Liability Act, and not a claim for ordinary
 381 negligence.

382 Section 8. Section **78B-4-905** is enacted to read:

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

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

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
 389 vehicle equipped with a level three ADS, a defendant may assert an affirmative
 390 defense that:

391 (i) the driving automation system issued a request to intervene to the human driver;
 392 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
 398 vehicle equipped with a level two DAS, a defendant may assert an affirmative
 399 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
 403 preponderance of the evidence, that the human driver's conduct described in Subsection
 404 (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
 409 vehicle equipped with a level two DAS or level three ADS, the limitations on
 410 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
 412 or limit existing theories of liability except as expressly provided in this section.

413 Section 9. Section **78B-6-702** is amended to read:

414 **78B-6-702 . Definitions.**

415 [As used in this part, "unreasonably dangerous" means that the product was
 - 416 dangerous to an extent beyond which would be contemplated by the ordinary and prudent
 - 417 buyer, consumer, or user of that product in that community considering the product's
 - 418 characteristics, propensities, risks, dangers, and uses together with any actual knowledge,
 - 419 training, or experience possessed by that particular buyer, user, or consumer.]

420 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
 423 41-26-102.1.
 424 (3) "State of the art knowledge" means the technical, mechanical, and scientific knowledge
 425 of manufacturing, designing, testing, or labeling the same or similar products that was in
 426 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
 428 which would be contemplated by the ordinary and prudent buyer, consumer, or user of
 429 that product in that community considering the product's characteristics, propensities,
 430 risks, dangers, and uses together with any actual knowledge, training, or experience
 431 possessed by that particular buyer, user, or consumer.

432 Section 10. Section **78B-6-703** is amended to read:

433 **78B-6-703 . Defect or defective condition making product unreasonably**
 434 **dangerous -- Rebuttable presumption.**

- 435 (1) In any action for damages for personal injury, death, or property damage allegedly
 436 caused by a defect in a product other than an ADS-equipped vehicle, a product may not
 437 be considered to have a defect or to be in a defective condition, unless at the time the
 438 product was sold by the manufacturer or other initial seller, there was a defect or

439 defective condition in the product which made the product unreasonably dangerous to
440 the user or consumer.

441 (2) There is a rebuttable presumption that a product described in Subsection (1) is free from
442 any defect or defective condition where the alleged defect in the plans or designs for the
443 product or the methods and techniques of manufacturing, inspecting and testing the
444 product were in conformity with government standards established for that industry
445 which were in existence at the time the plans or designs for the product or the methods
446 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
448 caused by a defect in an ADS-equipped vehicle, the ADS-equipped vehicle may not be
449 considered to have a defect or to be in a defective condition, unless the plaintiff proves
450 by clear and convincing evidence that:

451 (a) a reasonable and feasible alternative design existed at the time the ADS-equipped
452 vehicle was designed and manufactured; and

453 (b) the use of the automated driving system, at scale and in the aggregate, causes more
454 injuries to persons than would be caused by humans performing a similar task, at
455 scale and in the aggregate, without an automated driving system.

456 (4) There is a rebuttable presumption that an ADS-equipped vehicle is free from any defect
457 or defective condition if the automated driving system:

458 (a) conforms to all applicable U.S. federal motor vehicle safety, bumper, and theft
459 prevention standards in effect on the date of the vehicle's manufacture; and

460 (b) was authorized for use or operation in the state.

461 Section 11. Section **78B-6-708** is enacted to read:

462 **78B-6-708 . State of the art affirmative defense against product liability for an**
463 **automated driving system.**

464 In an action based upon defective design, manufacture, or failure to warn related to an
465 ADS-equipped vehicle brought against the manufacturer or developer of the automated driving
466 system, liability is precluded if:

467 (1) the manufacturer or developer complied with the state of the art knowledge of scientific
468 and technical knowledge and other circumstances that existed at the time of
469 manufacture; or

470 (2) the automated driving system when deployed reduces injuries to persons, in the
471 aggregate, as compared to humans conducting the same activity.

472 Section 12. **Effective Date.**

473 This bill takes effect on May 6, 2026.