

Kirk A. Cullimore proposes the following substitute bill:

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;
- requires a sunset review of provisions related to liability of automated driving systems and vehicles; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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.

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

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

53 ~~[(2)]~~ (3)(a) "Automated driving system" or "ADS" means the hardware and software that
 54 are:

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

60 (b) "Automated driving system" or "ADS" is used specifically to describe a level three,
 61 four, or five driving automation system.

62 ~~[(3)]~~ (4) "Commission" means the State Tax Commission as defined in Section 59-1-101.

63 ~~[(4)]~~ (5) "Conventional driver" means a human driver who is onboard the motor vehicle and
64 manually performs some or all of the following actions in order to operate a vehicle:

- 65 (a) braking;
66 (b) accelerating;
67 (c) steering; and
68 (d) transmission gear selection input devices.

69 ~~[(5)]~~ (6)(a) "Dispatch" means to place an ADS-equipped vehicle into service in driverless
70 operation by engaging the ADS.

71 (b) "Dispatch" includes software-enabled dispatch of multiple ADS-equipped motor
72 vehicles in driverless operation that may complete multiple trips involving pick-up
73 and drop-off of passengers or goods throughout a day or other pre-defined periods of
74 service, and which may involve multiple agents performing various tasks related to
75 the dispatch function.

76 ~~[(6)]~~ (7) "Division" means the Motor Vehicle Division of the commission, created in
77 Section 41-1a-106.

78 ~~[(7)]~~ (8) "Driverless operation" means the operation of an ADS-equipped vehicle in which:

- 79 (a) no on-board user is present; or
80 (b) no on-board user is a human driver with a valid driver license or fallback-ready user.

81 ~~[(8)]~~ (9) "Driverless operation dispatcher" means a user who dispatches an ADS-equipped
82 vehicle in driverless operation.

83 ~~[(9)]~~ (10) "Driving automation system" means the hardware and software collectively
84 capable of performing part or all of the dynamic driving task on a sustained basis.

85 ~~[(10)]~~ (11) "Driving automation system feature" means a specific function of a driving
86 automation system.

87 ~~[(11)]~~ (12)(a) "Dynamic driving task" means all of the real-time operational and tactical
88 functions required to operate a motor vehicle in on-road traffic, including:

- 89 (i) lateral vehicle motion control through steering;
90 (ii) longitudinal motion control through acceleration and deceleration;
91 (iii) monitoring the driving environment through object and event detection,
92 recognition, classification, and response preparation;
93 (iv) object and event response execution;
94 (v) maneuver planning; and
95 (vi) enhancing conspicuity with lighting, signaling, and gesturing.

96 (b) "Dynamic driving task" does not include strategic functions such as trip scheduling

97 and selection of destinations and waypoints.

98 [(12)] (13) "Engage" as it pertains to the operation of a vehicle by a driving automation
99 system means to cause a driving automation system feature to perform part or all of the
100 dynamic driving task on a sustained basis.

101 [(13)] (14) "External event" is a situation in the driving environment that necessitates a
102 response by a human driver with a valid driver license or driving automation system.

103 [(14)] (15) "Fallback-ready user" means the user of a vehicle equipped with an engaged
104 level three ADS who is:

105 (a) a human driver with a valid driver license; and

106 (b) ready to operate the vehicle if:

107 (i) a system failure occurs; or

108 (ii) the ADS issues a request to intervene.

109 [(15)] (16)(a) "Human driver" means a natural person who performs in real-time all or
110 part of the dynamic driving task.

111 (b) "Human driver" includes a:

112 (i) conventional driver; and

113 (ii) remote driver.

114 [(16) "Level five automated driving system" or "level five ADS" means an ADS feature
115 that has the capability to perform on a sustained basis the entire dynamic driving task
116 under all conditions that can reasonably be managed by a human driver, as well as any
117 maneuvers necessary to respond to a system failure, without any expectation that a
118 human user will respond to a request to intervene.]

119 [(17) "Level four automated driving system" or "level four ADS" means an ADS feature
120 that, without any expectation that a human user will respond to a request to intervene,
121 has:]

122 [(a) the capability to perform on a sustained basis the entire dynamic driving task within
123 its operational design domain; and]

124 [(b) the capability to perform any maneuvers necessary to achieve a minimal risk
125 condition in response to:]

126 [(i) an exit from the operational design domain of the ADS; or]

127 [(ii) a system failure.]

128 [(18) "Level three automated driving system" or "level three ADS" means an ADS feature
129 that:]

130 [(a) has the capability to perform on a sustained basis the entire dynamic driving task

- 131 within its operational design domain; and]
- 132 [(b) requires a fallback-ready user to operate the vehicle after receiving a request to
- 133 intervene or in response to a system failure.]
- 134 (17) "Level five ADS" means a level five automated driving system as defined in SAE
- 135 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 136 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 137 adopted by the National Highway Traffic Safety Administration.
- 138 (18) "Level four ADS" means a level four automated driving system as defined in SAE
- 139 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 140 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 141 adopted by the National Highway Traffic Safety Administration.
- 142 (19) "Level three ADS" means a level three automated driving system as defined in SAE
- 143 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 144 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 145 adopted by the National Highway Traffic Safety Administration.
- 146 (20) "Level two DAS" means a level two driving automation system as defined in SAE
- 147 International Standard J3016_202104, "Taxonomy and Definitions for Terms Related to
- 148 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
- 149 adopted by the National Highway Traffic Safety Administration.
- 150 [(19)] (21) "Minimal risk condition" means a condition to which a user or an ADS may
- 151 bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or
- 152 should not be completed.
- 153 [(20)] (22) "Object and event detection and response" means the subtasks of the dynamic
- 154 driving task that include:
- 155 (a) monitoring the driving environment; and
- 156 (b) executing an appropriate response in order to perform the dynamic driving task.
- 157 [(21)] (23) "On-demand autonomous vehicle network" means a transportation service
- 158 network that uses a software application or other digital means to dispatch or otherwise
- 159 enable the prearrangement of transportation with motor vehicles that have a level four or
- 160 five ADS in driverless operation for purposes of transporting persons, including for-hire
- 161 transportation and transportation for compensation.
- 162 [(22)] (24) "Operate" means the same as that term is defined in Section 41-1a-102.
- 163 [(23)] (25) "Operational design domain" means the operating conditions under which a
- 164 given ADS or feature thereof is specifically designed to function, including:

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

- 199 (2)(a) If a vehicle with an engaged level three ADS issues a request to intervene, the
 200 ADS is responsible for the compliant operation of the vehicle until disengagement of
 201 the ADS.
- 202 (b) If a vehicle with an engaged level four or five ADS issues a request to intervene, the
 203 ADS is responsible for the compliant operation of the vehicle until or unless a human
 204 user begins to operate the vehicle.
- 205 (3) The ADS is responsible for compliant operation of an [~~ADS-dedicated~~] ADS-equipped
 206 vehicle.

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

208 **63I-1-278 . Repeal dates: Title 78A and Title 78B.**

- 209 (1) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a
 210 domestic violence offense from the justice court to the district court, is repealed July 1,
 211 2029.
- 212 (2) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.
- 213 (3) Section 78B-4-518, Limitation on liability of employer for an employee convicted of an
 214 offense, is repealed July 1, 2029.
- 215 (4) Title 78B, Chapter 4, Part 9, Limitations on Liability for Automated Driving
 216 System-Equipped Vehicles, is repealed on July 1, 2030.
- 217 [~~(4)~~] (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
 218 2026.
- 219 (6) In Section 78B-6-702, the following definitions are repealed on July 1, 2030:
- 220 (a) "ADS-equipped vehicle";
 221 (b) "Automated driving system"; and
 222 (c) "State of the art knowledge".
- 223 (7) Subsections 78B-6-703(3) and (4), related to product defects for automated driving
 224 systems, is repealed on July 1, 2030.
- 225 (8) Section 78B-6-708, related to state of the art affirmative defense against product
 226 liability for an automated driving system, is repealed on July 1, 2030.
- 227 [~~(5)~~] (9) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is
 228 repealed December 31, 2026.

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

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

231 **78B-4-901 . Definitions.**

232 As used in this part:

- 233 (1) "ADS-dedicated vehicle" means the same as that term is defined in Section 41-26-102.1.
- 234 (2) "Automated driving system" means the same as that term is defined in Section
- 235 41-26-102.1.
- 236 (3) "Developer" means a person that designs, creates, or produces the software or
- 237 algorithms that constitute an automated driving system.
- 238 (4) "Driverless operation" means the operation of a motor vehicle exclusively by a level
- 239 four or level five automated driving system.
- 240 (5) "Fallback-ready user" means the same as that term is defined in Section 41-26-102.1.
- 241 (6) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 242 (7) "Level five ADS" means the same as that term is defined in Section 41-26-102.1.
- 243 (8) "Level four ADS" means the same as that term is defined in Section 41-26-102.1.
- 244 (9) "Level three ADS" means the same as that term is defined in Section 41-26-102.1.
- 245 (10) "Level two DAS" means the same as that term is defined in Section 41-26-102.1.
- 246 (11) "Manufacturer" means a person that manufactures, assembles, or produces an
- 247 ADS-dedicated vehicle or the hardware components of an automated driving system.
- 248 (12) "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to a
- 249 person or property, including:
- 250 (a) pain and suffering;
- 251 (b) loss of society, consortium, companionship, care, assistance, attention, protection,
- 252 advice, guidance, counsel, instruction, training, or education;
- 253 (c) disfigurement;
- 254 (d) mental anguish; or
- 255 (e) other intangible loss.
- 256 (13) "Request to intervene" means the same as that term is defined in Section 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-dedicated
- 261 vehicle, the amount of the award for noneconomic losses, if any, may not exceed
- 262 \$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 an ADS-dedicated vehicle, punitive damages may not be
- 265 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)(e).

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 while the automated driving system is engaged.

272 (b) This section does not apply to an incident that involves any driving assistance or task
273 not performed by an ADS-dedicated vehicle while the automated driving system is
274 operating.

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

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

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

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

285 (2)(a) A person who suffers injury or property damage directly caused by an
286 ADS-dedicated vehicle operating in driverless operation has a right of action under
287 this section.

288 (b) An person who suffers injury or property damage directly caused by an
289 ADS-dedicated vehicle operating in driverless operation may bring an action against:

290 (i) the registered owner of the ADS-dedicated vehicle; or

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

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

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

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

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

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

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

304 **78B-4-904 . Limitation of causes of action against manufacturers and developers**
 305 **of automated driving systems.**

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

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

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

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

316 (3) Nothing in this section affects:

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

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

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

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

327 **78B-6-702 . Definitions.**

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

333 As used in this part:

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

- 335 (2) "Automated driving system" means the same as that term is defined in Section
336 41-26-102.1.
- 337 (3) "State of the art knowledge" means the technical, mechanical, and scientific knowledge
338 of manufacturing, designing, testing, or labeling the same or similar products that was in
339 existence and reasonably feasible for use at the time of manufacture.
- 340 (4) "Unreasonably dangerous" means that the product was dangerous to an extent beyond
341 which would be contemplated by the ordinary and prudent buyer, consumer, or user of
342 that product in that community considering the product's characteristics, propensities,
343 risks, dangers, and uses together with any actual knowledge, training, or experience
344 possessed by that particular buyer, user, or consumer.

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

346 **78B-6-703 . Defect or defective condition making product unreasonably**
347 **dangerous -- Rebuttable presumption.**

- 348 (1) In any action for damages for personal injury, death, or property damage allegedly
349 caused by a defect in a product other than an ADS-dedicated vehicle, a product may not
350 be considered to have a defect or to be in a defective condition, unless at the time the
351 product was sold by the manufacturer or other initial seller, there was a defect or
352 defective condition in the product which made the product unreasonably dangerous to
353 the user or consumer.
- 354 (2) There is a rebuttable presumption that a product described in Subsection (1) is free from
355 any defect or defective condition where the alleged defect in the plans or designs for the
356 product or the methods and techniques of manufacturing, inspecting and testing the
357 product were in conformity with government standards established for that industry
358 which were in existence at the time the plans or designs for the product or the methods
359 and techniques of manufacturing, inspecting and testing the product were adopted.
- 360 (3) In any action for damages for personal injury, death, or property damage allegedly
361 caused by a defect in the automated driving system operation, the ADS-dedicated
362 vehicle may not be considered to have a defect or to be in a defective condition, unless
363 the plaintiff proves by clear and convincing evidence that:
- 364 (a) a reasonable and feasible alternative design existed at the time the automated driving
365 system of the ADS-dedicated vehicle was designed and manufactured; and
- 366 (b) the use of the automated driving system, at scale and in the aggregate, causes more
367 injuries to persons than would be caused by humans performing a similar task, at
368 scale and in the aggregate, without an automated driving system.

369 (4) There is a rebuttable presumption that an automated driving system of an
370 ADS-dedicated vehicle is free from any defect or defective condition if the automated
371 driving system:

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

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

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

376 **78B-6-708 . State of the art affirmative defense against product liability for an**
377 **automated driving system.**

378 In an action based upon defective design, manufacture, or failure to warn related to the
379 automated driving system of an ADS-dedicated vehicle brought against the manufacturer or
380 developer of the automated driving system, liability is precluded if:

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

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

386 Section 11. **Effective Date.**

387 This bill takes effect on May 6, 2026.