

Kirk A. Cullimore proposes the following substitute bill:

Autonomous Systems Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jordan D. Teuscher

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

63I-1-278, as last amended by Laws of Utah 2025, Chapter 26

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:

78B-4-901, Utah Code Annotated 1953

78B-4-902, Utah Code Annotated 1953

78B-4-903, Utah Code Annotated 1953

78B-4-904, Utah Code Annotated 1953

78B-6-708, Utah Code Annotated 1953

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

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

41-26-102.1 . Definitions.

As used in this chapter:

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

- (a) designed to be operated exclusively 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
- (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.

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

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

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

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

63 ~~[(3)]~~ (4) "Commission" means the State Tax Commission as defined in Section 59-1-101.

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

66 (a) braking;

67 (b) accelerating;

68 (c) steering; and

69 (d) transmission gear selection input devices.

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

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

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

79 ~~[(7)]~~ (8) "Driverless operation" means the operation of an ADS-equipped vehicle in which:

80 (a) no on-board user is present; or

81 (b) no on-board user is a human driver with a valid driver license or fallback-ready user.

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

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

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

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

90 (i) lateral vehicle motion control through steering;

91 (ii) longitudinal motion control through acceleration and deceleration;

92 (iii) monitoring the driving environment through object and event detection,
93 recognition, classification, and response preparation;

94 (iv) object and event response execution;

95 (v) maneuver planning; and

96 (vi) enhancing conspicuity with lighting, signaling, and gesturing.

(b) "Dynamic driving task" does not include strategic functions such as trip scheduling and selection of destinations and waypoints.

[(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.

[(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.

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

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

(b) ready to operate the vehicle if:

(i) a system failure occurs; or

(ii) the ADS issues a request to intervene.

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

(b) "Human driver" includes a:

(i) conventional driver; and

(ii) remote driver.

[(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.]~~

[(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:]~~

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

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

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

~~[(ii) a system failure.]~~

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

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

133 [(b) requires a fallback-ready user to operate the vehicle after receiving a request to
134 intervene or in response to a system failure.]

135 (17) "Level five ADS" means a level five automated driving system as defined in SAE
136 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
137 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
138 adopted by the National Highway Traffic Safety Administration.

139 (18) "Level four ADS" means a level four automated driving system as defined in SAE
140 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
141 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
142 adopted by the National Highway Traffic Safety Administration.

143 (19) "Level three ADS" means a level three automated driving system as defined in SAE
144 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
145 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
146 adopted by the National Highway Traffic Safety Administration.

147 (20) "Level two DAS" means a level two driving automation system as defined in SAE
148 International Standard J3016 202104, "Taxonomy and Definitions for Terms Related to
149 Driving Automation Systems for On-Road Motor Vehicles," April 2021 edition, as
150 adopted by the National Highway Traffic Safety Administration.

151 [(19)] (21) "Minimal risk condition" means a condition to which a user or an ADS may
152 bring a motor vehicle in order to reduce the risk of a crash when a given trip cannot or
153 should not be completed.

154 [(20)] (22) "Object and event detection and response" means the subtasks of the dynamic
155 driving task that include:

156 (a) monitoring the driving environment; and

157 (b) executing an appropriate response in order to perform the dynamic driving task.

158 [(21)] (23) "On-demand autonomous vehicle network" means a transportation service
159 network that uses a software application or other digital means to dispatch or otherwise
160 enable the prearrangement of transportation with motor vehicles that have a level four or
161 five ADS in driverless operation for purposes of transporting persons, including for-hire
162 transportation and transportation for compensation.

163 [(22)] (24) "Operate" means the same as that term is defined in Section 41-1a-102.

164 [(23)] (25) "Operational design domain" means the operating conditions under which a

given ADS or feature thereof is specifically designed to function, including:

(a) speed range, environmental, geographical, and time-of-day restrictions; or

(b) the requisite presence or absence of certain traffic or roadway characteristics.

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

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

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

[(27)] (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.

[(28)] (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.

[(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.

[(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].

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

(a) human driver;

(b) passenger;

(c) fallback-ready user; or

(d) driverless operation dispatcher.

Section 2. Section 41-26-104 is amended to read:

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:

(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.

(b) The ADS is responsible for the compliant operation of the vehicle and is not required

to be licensed to operate the vehicle.

(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.

(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.

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

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

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

(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.

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

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

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

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

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

(a) "ADS-equipped vehicle";

(b) "Automated driving system"; and

(c) "State of the art knowledge".

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

(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.

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

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

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

78B-4-901 . Definitions.

As used in this part:

- (1) "ADS-dedicated vehicle" means the same as that term is defined in Section 41-26-102.1.
- (2) "ADS-equipped vehicle" means the same as that term is defined in Section 41-26-102.1.
- (3) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- (4) "Developer" means a person that designs, creates, or produces the software or algorithms that constitute an automated driving system.
- (5) "Driverless operation" means the operation of a motor vehicle exclusively by a level four or level five automated driving system.
- (6) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- (7) "Level five ADS" means the same as that term is defined in Section 41-26-102.1.
- (8) "Level four ADS" means the same as that term is defined in Section 41-26-102.1.
- (9) "Manufacturer" means a person that manufactures, assembles, or produces an ADS-equipped vehicle or the hardware components of an automated driving system.
- (10) "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to a person or property, including:
 - (a) pain and suffering;
 - (b) loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education;
 - (c) disfigurement;
 - (d) mental anguish; or
 - (e) other intangible loss.
- (11) "Operational design domain" means the same as that term is defined in Section 41-26-102.1.

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

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

- (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 \$1,000,000.
- (2) The limit described in Subsection (1) does not apply to a claim for wrongful death.
- (3) In an action relating to a level four ADS or level five ADS under this chapter, punitive damages may not be awarded.
- (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)(c).

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

78B-4-903 . Driverless operation liability.

- (1)(a) This section applies only to an incident that occurred related to an ADS-dedicated vehicle or an ADS-equipped vehicle 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.
- (b) This section does not apply to an incident that involves any driving assistance or task not performed by the automated driving system.
- (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 \$100,000.
- (d) A prevailing plaintiff may recover compensatory damages available under this section, subject to the limitation described in Subsection (1)(c).
- (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 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.
- (b) A person who suffers injury or property damage directly caused by an ADS-dedicated vehicle or an ADS-equipped vehicle 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:
- (i) the registered owner of the ADS-equipped vehicle; or
- (ii) a person that dispatched the ADS-equipped vehicle into driverless operation, including a driverless operation dispatcher or an on-demand autonomous vehicle network.
- (3) A plaintiff establishes liability under this section by proving, by a preponderance of the evidence, that:
- (a) the automated driving system was engaged at the time of the incident; and
- (b) the automated driving system was a proximate cause of the injury or property damage.

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

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

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

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

(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 the automated driving system is engaged.

(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 automated driving system of an ADS-dedicated vehicle or an ADS-equipped vehicle only under:

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

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

(3) Nothing in this section affects:

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

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

(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.

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

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

As used in this part:

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

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

(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.

(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.

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

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

(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.

(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.

(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

369 automated driving system may not be considered to have a defect or to be in a defective
370 condition, unless the plaintiff proves by a preponderance of the evidence that:

371 (a) a reasonable and feasible alternative design existed at the time the level four ADS or
372 level five ADS was designed and manufactured; and

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

376 (4) There is a rebuttable presumption that a level four ADS or level five ADS is free from
377 any defect or defective condition if the automated driving system:

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

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

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

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

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

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

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

393 Section 11. **Effective Date.**

394 This bill takes effect on May 6, 2026.