Draft language submitted by Waymo for discussion purposes. To be discussed alongside Utah SB 292 during the NCOIL Property & Casualty Insurance Committee on November 22, 2026.

SECTION 1. Definitions.

(a) AUTOMATED DRIVING SYSTEM (ADS). The hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(b) AUTONOMOUS VEHICLE. A motor vehicle equipped with an automated driving system designed to function as a level 4 or 5 system under SAE J3016.

(c) DEVELOPER. A person that designs, creates, or produces the software or algorithms that constitute an automated driving system.

(d) DISPATCH. To place an autonomous vehicle into driverless operation by engaging the ADS. "Dispatch" includes software-enabled dispatch of multiple autonomous vehicles 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.

(e) DISPATCHER. A person who dispatches an autonomous vehicle.

(f) DYNAMIC DRIVING TASK (DDT). All of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including without limitation:

(1) Lateral vehicle motion control via steering;
(2) Longitudinal motion control via acceleration and deceleration;
(3) Monitoring the driving environment via object and event detection, recognition, classification, and response preparation;
(4) Object and event response execution;
(5) Maneuver planning; and
(6) Enhancing conspicuity via lighting, signaling, and gesturing.

(g) DDT FALLBACK. The response by an automated driving system to achieve minimal risk condition, given the same circumstances.

(h) ENGAGE. As it pertains to the operation of an autonomous vehicle, to cause an automated driving system to perform part or all of the dynamic driving task on a sustained basis.

(i) CONVENTIONAL DRIVER. A human driver who is onboard the motor vehicle and manually performing some or all of the actions necessary to operate the vehicle, including but not limited to braking, accelerating, steering, and transmission gear selection.

(j) MANUFACTURER. A person that manufactures, assembles, or produces an autonomous vehicle or the hardware components of an automated driving system.

(k) MINIMAL RISK CONDITION. A condition to which a person, conventional driver, or an ADS may bring a vehicle after performing the DDT Fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(l) NONECONOMIC LOSS. Nonpecuniary harm that results from an injury or loss to a person or property, including:

(1) Pain and suffering;
(2) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education;
(3) Disfigurement;
(4) Mental anguish; or
(5) Other intangible loss.

(m) ON-DEMAND AUTONOMOUS VEHICLE NETWORK. A transportation service network that uses a software application or other digital means to dispatch or otherwise enable the pre-arrangement of transportation with autonomous vehicles for purposes of transporting passengers or goods, including for-hire transportation and transportation of passengers or goods for compensation.

(n) OPERATIONAL DESIGN DOMAIN (ODD). Operating conditions under which a given automated driving system is specifically designed to function, including, but not limited to, environmental, geographical, and time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.

(o) [[**PERSON.** A natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.]] *[[Note: Definition only needed if not already addressed in the vehicle code.]]*

(p) SAE J3016. The Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles published by SAE International in April 2021.

(q) STATE OF THE ART KNOWLEDGE. 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.

(r) SYSTEM FAILURE. A malfunction in an automated driving 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.

SECTION 2. On-Demand Autonomous Vehicle Network.

An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis, or any other ground transportation for-hire of passengers [or other relevant law governing transportation of goods, etc.], with the exceptions that (1) insurance requirements outlined in Section 3 shall apply, and (2) any provision of [the cross-referenced state laws] that reasonably applies only to a conventional driver would not apply to autonomous vehicle roadside assistance services or the operation of autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network.

SECTION 3. Financial Responsibility.

(a) A vehicle equipped with an automated driving system must at all times maintain proof of financial responsibility in the same form and at the same minimum limits required under [citation to the state's general motor vehicle financial responsibility law, including cross-references to appropriate financial responsibility sections for both insurance and self-insurance].

(b) A vehicle equipped with an automated driving system where the automated driving system is engaged must maintain proof of financial responsibility as follows:

> (1) For vehicles operating as part of an on-demand autonomous vehicle network, in the amount of $1 million combined single limit per occurrence for third party liability.
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> (2) For vehicles operated for personal, non-commercial use, the minimum limits under subsection (a) of this section apply.

[Drafting note: If other coverages such as PIP or UM are required under the financial responsibility statute, then cross reference those statutes as requirements identical to all other vehicles. Example for a PIP state: Proof of financial responsibility under this subsection must also satisfy personal injury protection requirements under [statutory cross reference] when those requirements are not satisfied by insurance policies or self-insurance under subsection (a) of this section.]

(c) The requirements of this section may be satisfied by one or more insurance policies or self-insurance arrangements (collectively, the "insurance program"). An insurance program may include:

> (1) An insurance policy issued by an insurer licensed in this state; or
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> (2) An insurance policy issued by an eligible surplus lines insurer in accordance with [cross-reference state surplus lines statute]; or
>
> (3) Self-insurance as permitted by [statutory cross-reference]. [Drafting note: This may take the form of a bond or other instrument in some states.]

(d) The requirements of subsection (b)(1) may be satisfied by any of the following:

(1) The owner of the vehicle;

(2) The owner of the on-demand autonomous vehicle network upon which the motor vehicle is operated; or

(3) Any combination of (1) and (2).

(e) Insurance policies and self-insurance applicable under subsections (a) and (b) may coordinate with each other to determine which will satisfy the requirements of subsection (b). The satisfaction of financial responsibility under subsection (b) shall be deemed to satisfy financial responsibility under subsection (a) for all purposes.

(f) No higher limits or additional coverages shall be required solely due to the vehicle's use of an automated driving system except as provided in subsection (b).

SECTION 4. Driverless Operation Liability - Fast Track.

(a) A person who suffers injury or property damage directly caused by an autonomous vehicle while the automated driving system is engaged and performing the entire dynamic driving task has a right of action under this section and may bring an action against the autonomous vehicle owner, dispatcher, on-demand autonomous vehicle network, manufacturer, or developer.
(b) A plaintiff or claimant establishes liability under this section by proving, by a preponderance of the evidence, that:

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

(2) the automated driving system was a proximate cause of the injury or property damage.

(c) 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 [under [insert citation to comparative fault or contributory negligence statute].

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

(e) Notwithstanding Section 6 and any other provision of law, the total amount recoverable by a plaintiff or claimant under this section, including all damages, costs, and fees, may not exceed $100,000.

(f) A plaintiff or claimant may recover compensatory damages available under this section, subject to the limitations described in subsection (e).

(g) A claimant must elect between seeking recovery under this section or pursuing a product liability claim under Section 5 for any given incident. Electing to pursue or recover damages under this section shall constitute a full waiver and bar to bringing or maintaining a product liability action under Section 5 for the same incident.

SECTION 5. Limitations on Causes of Action Against Manufacturers and Developers.

(a) A manufacturer or developer is not subject to liability under a theory of negligence for personal injury, death, or property damage arising from the operation of an autonomous vehicle while the automated driving system is engaged.

(b) A manufacturer or developer may be held liable for personal injury, death, or property damage arising from the operation of an autonomous vehicle only under:

(1) Section 4 of this Act; or

(2) [Insert citation to state product liability act or statute, or, in the absence of such a law, "A common law action based on strict liability in tort as recognized by the Supreme Court of this State, if the plaintiff establishes the elements required".]

A claimant must elect between these two remedies; pursuing or recovering under one strictly precludes and bars pursuing or recovering under the other against the same defendant for the same incident.

(c) Nothing in this section affects:

(1) the liability of any person or entity other than a manufacturer or developer; or

(2) the application of comparative fault under [insert citation to state comparative fault statute], if applicable, to reduce a plaintiff's recovery based on the plaintiff's own conduct.

(d) For purposes of this section, a claim alleging that a manufacturer or developer was negligent in the design, development, testing, manufacture, or deployment of the automated driving system or autonomous vehicle is a product liability claim subject to ["the common law actions based on strict liability in tort recognized by the Supreme Court of this State, if the plaintiff establishes the elements required" OR [insert citation to state product liability act or statute]], and not a claim for ordinary negligence. For the avoidance of doubt, a manufacturer or developer of an autonomous vehicle shall not be denied the protections of this section on the basis that such manufacturer or developer also acts in the capacity of a dispatcher, network, or owner. [Drafting note: States with product liability statutes will directly reference those code sections.]

SECTION 6. Limitations on Awards.

(a) Subject to subsections (b), (c), and (d) of this section, in an action relating to an autonomous vehicle, the amount of the award for noneconomic losses, if any, may not exceed $1,000,000.

(b) The limit described in subsection (a) does not apply to a claim for wrongful death.

(c) In an action relating to an autonomous vehicle under this Act, punitive damages may not be awarded.

(d) For a claim brought under Section 4 of this Act, the recoverable amount may not exceed the amount described in Subsection (e) of Section 4.

SECTION 7. Defective Condition – Rebuttable Presumption.

(a) In any action for damages for personal injury, death, or property damage allegedly caused by a defect in the autonomous vehicle, the automated driving system may not be considered to have a defect or to be in a defective condition unless the plaintiff proves by a preponderance of the evidence that:

> (1) a reasonable and feasible alternative design existed at the time the autonomous vehicle was designed and manufactured; and
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> (2) the use of an 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.

SECTION 8. State of the Art Affirmative Defense.

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

(a) the manufacturer or developer complied with the state of the art knowledge of scientific and technical developments that existed at the time of manufacture; or

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