

**ADOPTED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R084-11

Effective March 1, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 6-28, NRS 482A.100; §§2-5, NRS 482A.100 and 482A.200.

A REGULATION relating to autonomous vehicles; requiring a person who has a driver's license issued in this State and who wishes to operate an autonomous vehicle in autonomous mode to obtain a driver's license endorsement; requiring the operator of an autonomous vehicle to comply with the traffic laws of this State; requiring certain certification before an autonomous vehicle may be registered in this State; providing for licensure to test autonomous vehicles in this State; providing for the licensure of autonomous technology certification facilities; requiring an autonomous vehicle which is sold in this State to have a certificate of compliance which certifies that the vehicle meets certain minimum safety requirements; providing for a driver's license endorsement for certain drivers to operate an autonomous vehicle in this State; and providing other matters properly relating thereto.

Section 1. Chapter 482A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this regulation.

Sec. 2. *As used in NRS 482A.030, the Department will interpret the term “autonomous vehicle” to exclude a vehicle enabled with a safety system or driver assistance system, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warnings and traffic jam and queuing assistance, unless the vehicle is also enabled with artificial intelligence and technology that allows the vehicle to carry out all the mechanical operations of driving without the active control or continuous monitoring of a natural person.*

Sec. 3. *For purposes of this chapter, unless the context otherwise requires, a person shall be deemed the operator of an autonomous vehicle which is operated in autonomous mode when the person causes the autonomous vehicle to engage, regardless of whether the person is physically present in the vehicle while it is engaged.*

Sec. 4. 1. *Except as otherwise provided in section 8 of this regulation, an autonomous vehicle that has been registered in this State may be operated in autonomous mode in this State only if a certificate of compliance has been issued for the autonomous vehicle pursuant to section 16 of this regulation. If the certificate of compliance certifies that the autonomous vehicle is capable of being operated in autonomous mode without the physical presence of the operator in the vehicle, the person may operate the vehicle in this State without being physically present in the autonomous vehicle.*

2. *For the purpose of enforcing the traffic laws and other laws applicable to drivers and motor vehicles operated in this State, the operator of an autonomous vehicle that is operated in autonomous mode shall be deemed the driver of the autonomous vehicle regardless of whether the person is physically present in the autonomous vehicle while it is engaged.*

Sec. 5. 1. *Except as otherwise provided in section 10 of this regulation, a person who holds a driver's license in this State and wishes to operate an autonomous vehicle in autonomous mode in this State must obtain a G endorsement on his or her driver's license from the Department pursuant to NAC 483.110 before the person may operate an autonomous vehicle in this State. A person may apply for such an endorsement by submitting an application on a form provided by the Department.*

2. *The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must require the applicant to acknowledge that the operator is subject at all*

times to the traffic laws and other laws applicable to drivers and motor vehicles operated in this State as provided pursuant to section 4 of this regulation.

3. The applicant must provide such additional information as the Department deems necessary to determine the competency and eligibility of the person to operate an autonomous vehicle in autonomous mode.

4. The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must be accompanied by a fee of \$5.

Sec. 6. *1. Before an autonomous vehicle may be registered in this State, the owner of the autonomous vehicle must submit to the Department, in addition to any other requirement set forth in chapter 482 of NRS for registering a vehicle, a copy of the certificate of compliance issued by the manufacturer of the vehicle or by a licensed autonomous technology certification facility pursuant to section 16 of this regulation.*

2. A person who submits an application to register an autonomous vehicle in this State must submit proof that the person has obtained the insurance coverage required pursuant to NRS 485.185, and not an operator's policy of liability insurance pursuant to NRS 485.186.

3. Upon registering an autonomous vehicle pursuant to this section, the Department will issue license plates to the owner of the vehicle indicating that the vehicle is an autonomous vehicle. The Department will not charge an additional fee to register an autonomous vehicle.

Sec. 7. *As used in sections 7 to 15, inclusive, of this regulation, unless the context otherwise requires, "licensee" means a person who is licensed to test autonomous vehicles on the highways of this State.*

Sec. 8. *1. A person may apply for a license to test the autonomous technology installed on the autonomous vehicles of the person by submitting an application to the Department on a*

form provided by the Department. A license issued pursuant to this section authorizes the testing of the autonomous technology installed on the autonomous vehicles of the licensee on the highways of this State even if certificates of compliance have not been issued for the autonomous vehicles pursuant to section 16 of this regulation.

2. The form provided by the Department must require the applicant to affirm that, to the best of the applicant's knowledge and belief, each autonomous vehicle to be tested:

(a) Is safe to operate on the highways of this State.

(b) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a collision occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the collision. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.

(c) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.

(d) Has a system to safely alert the operator of the autonomous vehicle to take control of the autonomous vehicle if a technology failure is detected.

(e) Is equipped with autonomous technology which does not adversely affect any other safety features of the vehicle which are subject to federal regulation.

3. An applicant to operate a business to test autonomous vehicles pursuant to this section must:

(a) Submit proof to the Department that each autonomous vehicle which will be tested in this State is covered by insurance in an amount that meets or exceeds the minimum requirements for a vehicle registered in this State as set forth in NRS 485.185, and not an operator's policy of liability insurance as described in NRS 485.186. Any change in the information submitted concerning a policy of insurance pursuant to this section must be reported to the Department within 10 business days after the effective date of the change.

(b) Submit with the application proof satisfactory to the Department that one or more of the autonomous vehicles of the applicant has been driven by the applicant for a combined minimum of not less than 10,000 miles in autonomous mode. The applicant must further provide proof that such autonomous vehicle or vehicles of the applicant have been driven in various conditions for a number of miles that demonstrates the safety of the vehicle or vehicles in those conditions. Such conditions include, without limitation, operating the autonomous vehicle in various weather conditions, on various types of roads and during various times of the day and night.

(c) Demonstrate the artificial intelligence and technology used in its autonomous vehicles to the Department for approval.

(d) Submit the proposed geographic locations where the applicant wishes to test the autonomous vehicles. The applicant must establish to the satisfaction of the Department that the autonomous vehicles of the applicant are capable of being driven in the conditions of the

proposed geographic locations in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.

4. An application to test autonomous vehicles submitted pursuant to this section must be accompanied by:

(a) A nonrefundable fee of \$100; and

(b) A surety bond or deposit of cash in lieu of the bond:

(1) If the applicant will test not more than 5 autonomous vehicles, in the amount of \$1,000,000.

(2) If the applicant will test at least 6 autonomous vehicles, but not more than 10 autonomous vehicles, in the amount of \$2,000,000.

(3) If the applicant will test more than 10 autonomous vehicles, in the amount of \$3,000,000.

5. The Department may require such additional information, documentation and affirmations as the Department deems necessary or appropriate before approving an application to test autonomous vehicles that is submitted pursuant to this section.

6. A license to test autonomous vehicles that is issued by the Department pursuant to this section is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial license. To avoid a lapse in the license issued pursuant to this section, a licensee wishing to renew his or her license must submit an application for renewal at least 30 days before the date on which the license is set to expire.

Sec. 9. 1. *When the Department issues a license pursuant to section 8 of this regulation, the Department will issue a certificate to the licensee which identifies the*

geographic locations where the Department authorizes the licensee to test autonomous vehicles.

2. A licensee may submit a request to the Department to add one or more geographic locations where the licensee may test autonomous vehicles after a certificate is issued. To obtain approval for an additional geographic location, the licensee must establish to the satisfaction of the Department that the autonomous vehicles of the licensee are capable of being driven in the conditions of the proposed geographic location in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.

3. If the Department approves an additional geographic location where a licensee may test autonomous vehicles pursuant to subsection 2, the Department will issue a new certificate to the licensee indicating the geographic locations where the licensee is authorized to test its autonomous vehicles.

4. A licensee shall ensure that the certificate provided by the Department pursuant to this section which identifies the geographic locations where the licensee may test autonomous vehicles is carried in the autonomous vehicle at all times that it is being tested. Upon demand of a peace officer, the operator of an autonomous vehicle of a licensee that is being tested must surrender the certificate to the officer.

Sec. 10. 1. *Unless otherwise approved in advance by the Department, a licensee shall ensure that at least two persons are physically present in an autonomous vehicle at all times that the autonomous vehicle is being tested on a highway in this State, one of whom is the operator and must at all times be seated in a position which allows the person to take complete control of the vehicle, including, without limitation, control of the steering, throttle and brakes.*

2. The two persons who are required to be physically present in an autonomous vehicle while it is tested on a highway in this State:

(a) Must each hold a valid driver's license that has been issued in the state in which the person resides, but are not required to have a driver's license endorsement to operate the autonomous vehicle as provided in section 5 of this regulation;

(b) Must be trained in the operation of the autonomous vehicle and have received instruction concerning the capabilities and limitations of the autonomous vehicle; and

(c) Shall each actively monitor for any aberration in the functioning of the autonomous vehicle while it is engaged.

3. An autonomous vehicle may only be tested on a highway in this State which is located in a geographic location that the Department has approved for such use for vehicles tested by the licensee and indicated on the certificate issued to the licensee pursuant to section 9 of this regulation.

4. A licensee shall submit a report to the Department within 10 business days after an autonomous vehicle of the licensee that is tested in this State is involved in an accident during the course of testing or after an operator of such autonomous vehicle is issued a citation for any violation of the traffic laws or other laws applicable to drivers and motor vehicles operated in this State during the course of testing. The report must include a copy of any accident report prepared regarding an accident and any citation issued to the operator or licensee and such additional information as may be required by the Department.

Sec. 11. *1. A licensee must apply for a set of temporary license plates for each autonomous vehicle that will be tested in this State and pay a fee of \$12 for each set of license plates issued by the Department.*

2. *A set of temporary license plates issued pursuant subsection 1 is valid only until the date of the expiration of the license of the licensee and may be renewed in the same manner as the initial application for the temporary license plates.*

3. *A licensee is not required to:*

(a) *Register an autonomous vehicle pursuant to chapter 482 of NRS if the vehicle is used in this State only for testing; or*

(b) *Pay any other fees set forth in chapter 482 of NRS, except that the licensee must pay the fee set forth in NRS 482.268.*

Sec. 12. 1. *The Department may suspend, revoke or refuse to renew a license to test autonomous vehicles, or may deny a license to an applicant therefore, upon any of the following grounds:*

(a) *Conviction of the applicant or licensee of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the license in question.*

(b) *Willful failure of the applicant or licensee to comply with any of the provisions of chapter 482A of NRS, any of the traffic laws of this State and any regulations adopted pursuant thereto.*

(c) *Any material misstatement on the application for the issuance or renewal of a license.*

(d) *Failure or refusal of the applicant or licensee to pay or otherwise discharge any final judgment against the licensee arising out of the operation of the business of the licensee.*

(e) *If the Department has reasonable cause to believe that any model of autonomous vehicle or artificial intelligence and technology used in an autonomous vehicle of the licensee presents an unsafe condition for operation on the highways of this State.*

2. *The Department may refuse to review a subsequent application for a license to test autonomous vehicles that is submitted by a person who has violated any provision of this chapter or chapter 482A of NRS.*

Sec. 13. 1. *An applicant for a license to test autonomous vehicles or a licensee may, within 30 days after the receipt of the notice of denial, suspension or revocation of, or refusal to renew, the license, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.*

2. *Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.*

3. *Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.*

4. *Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:*

(a) Grant or finally deny the application; or

(b) Suspend or revoke the license.

5. *For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.*

6. *Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public*

interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the license or continue to refuse to renew the license if he or she deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 14. 1. *An applicant for the issuance or renewal of a license issued pursuant to the provisions of sections 7 to 15, inclusive, of this regulation shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Department will include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. *A license may not be issued or renewed by the Department pursuant to the provisions of sections 7 to 15, inclusive, of this regulation if the applicant:*

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department will advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 15. 1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to the provisions of sections 7 to 15, inclusive, of this regulation, the Department will deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Department will reinstate a license issued pursuant to the provisions of sections 7 to 15, inclusive, of this regulation that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 16. 1. *Before an autonomous vehicle may be offered for sale by a licensed vehicle dealer in this State, a certificate of compliance must be issued for the autonomous technology installed on the autonomous vehicle by:*

(a) The manufacturer of the autonomous vehicle; or

(b) An autonomous technology certification facility that is licensed pursuant to section 19 of this regulation.

2. *A certificate of compliance issued pursuant to subsection 1 must certify that the autonomous technology installed on the autonomous vehicle:*

(a) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a collision occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the collision. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.

(b) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.

(c) Has a visual indicator inside the autonomous vehicle which indicates when the autonomous vehicle is engaged in autonomous mode.

(d) Has a system to safely alert the operator of the autonomous vehicle if a technology failure is detected while the autonomous vehicle is engaged in autonomous mode, and when such an alert is given, either:

(1) Requires the operator to take control of the autonomous vehicle; or

(2) If the operator is unable to take control of or is not physically present in the autonomous vehicle, is equipped with technology to cause the autonomous vehicle to safely move out of traffic and come to a stop. Nothing in this subparagraph shall be construed to authorize or require the modification of a system installed in compliance with the Federal Motor Vehicle Safety Standards and Regulations unless the modification can be performed without adversely affecting the autonomous vehicle's compliance with the federal standards and regulations.

(e) Does not adversely affect any other safety features of the autonomous vehicle which are subject to federal regulation.

(f) Is capable of being operated in compliance with the applicable traffic laws of this State and must indicate whether the autonomous vehicle may be operated with or without the physical presence of an operator.

(g) If it is necessary for the operator of the autonomous vehicle to be physically present in the autonomous vehicle when it is engaged, allows the operator to take control of the autonomous vehicle in multiple manners, including, without limitation, through the use of the brake, the accelerator pedal and the steering wheel and alerts the operator that the autonomous mode has been disengaged.

3. In addition to the requirements set forth in subsection 2, the certificate of compliance must certify that an owner's manual has been prepared for the autonomous vehicle which

describes any limitations and capabilities of the autonomous vehicle, including, without limitation, whether the operator of the autonomous vehicle must be physically present in the autonomous vehicle while the vehicle is engaged in autonomous mode. A licensed vehicle dealer or a licensed autonomous technology certification facility shall ensure that a copy of such a manual is provided to the purchaser of an autonomous vehicle.

4. As used in this section, “vehicle dealer” has the meaning ascribed to it in NRS 482.020.

Sec. 17. As used in sections 17 to 26, inclusive, of this regulation, unless the context otherwise requires, “licensee” means an operator of an autonomous technology certification facility that has been issued a license pursuant to section 19 of this regulation.

Sec. 18. 1. A person may apply for a license to operate an autonomous technology certification facility by submitting an application to the Department on a form provided by the Department.

2. The form provided by the Department must require the applicant to submit such proof as the Department deems necessary or appropriate to demonstrate that the applicant possesses the necessary knowledge and expertise to certify the safety of autonomous vehicles, including, without limitation, whether the autonomous vehicles meet the requirements for the issuance of a certificate of compliance set forth in section 16 of this regulation.

3. An application for a license to operate an autonomous technology certification facility submitted pursuant to this section must be accompanied by:

(a) A nonrefundable fee of \$300; and

(b) A surety bond or deposit of cash in lieu of the bond in the amount of \$500,000.

4. The applicant must identify on the application the location of the facility of the applicant.

5. The Department may require the applicant to allow the Department to inspect the autonomous technology certification facility before approving a license to operate the facility. During such an inspection, the Department may require the applicant to demonstrate the manner in which autonomous vehicles will be certified at the facility.

Sec. 19. 1. Upon approval of an application for the issuance or renewal of a license to operate an autonomous technology certification facility, the Department will issue a license to the operator of the facility.

2. A license issued pursuant to this section must include, without limitation, the name of the person licensed to operate the autonomous technology certification facility and the name and address of the facility. A license issued pursuant to this section is valid only as to the operation of an autonomous technology certification facility identified on the application, and a separate application must be submitted for each facility to be operated by the applicant.

3. The licensee shall post the license issued pursuant to this section in a conspicuous location in the facility which is clearly visible to the general public.

4. The licensee shall ensure that each estimate and invoice issued for services rendered at the facility includes the number of the license to operate the facility.

5. After a license is issued to operate an autonomous technology certification facility, a certificate of compliance as described in section 16 of this regulation may be issued at the facility to a manufacturer of an autonomous vehicle or to any other person who wishes to obtain such a certificate for a new or used vehicle with autonomous technology.

6. A license to operate an autonomous technology certification facility that is issued by the Department pursuant to this section is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial license. To

avoid a lapse in the license issued pursuant to this section, a licensee wishing to renew his or her license must submit an application for renewal at least 30 days before the date on which the license is set to expire.

Sec. 20. 1. *If a licensee changes the name or location of the autonomous technology certification facility identified on the license, the licensee must notify the Department of the change within 10 business days after the effective date of the change.*

2. A licensee shall maintain his or her principal place of business in this State and keep his or her books and records related to the certification of autonomous vehicles at his or her principal place of business in this State. A licensee shall allow any authorized agent of the Director to inspect those books and records during usual business hours. The books and records must include, without limitation, the year, make, model and identification number of each autonomous vehicle for which the autonomous vehicle certification facility has provided a certificate of compliance.

Sec. 21. 1. *The Department may require an applicant for a license to operate an autonomous technology certification facility or a licensee to submit to the Department authorization for the disclosure to the Department of financial information of the applicant or licensee or of the facility.*

2. The Department may use any financial information obtained pursuant to this section only to determine the suitability of the applicant or licensee to obtain or maintain a license to operate an autonomous technology certification facility, including, without limitation, whether to issue or renew a license and whether to impose disciplinary action against a licensee.

3. Any financial information obtained by the Department pursuant to this section is confidential and may be viewed only by the Director and any employee of the Department

responsible for assisting in making a determination concerning the suitability of the applicant as described in subsection 2.

4. As used in this section, “financial information” means:

(a) Any original or copy of a financial statement and any record or document held by a financial institution pertaining to a customer of the financial institution.

(b) The information contained in such a record or document.

Sec. 22. *Evidence of the unfitness of an applicant to operate an autonomous technology certification facility or of a licensee includes, without limitation:*

1. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

2. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

3. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

4. Refusing to allow any peace officer or agent of the Department to inspect, during normal business hours, all books, records and files of the operator which are maintained in this State.

5. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

6. Willfully failing to comply with any regulation adopted by the Department.

Sec. 23. 1. *The Department may suspend, revoke or refuse to renew a license to operate an autonomous technology certification facility, or may deny a license to an applicant therefore, upon any of the following grounds:*

(a) Failure to maintain his or her principal place of business in this State as required pursuant to section 20 of this regulation.

(b) Conviction of the applicant or licensee of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the license in question.

(c) Any material misstatement on the application for the issuance or renewal of a license.

(d) Willful failure of the applicant or licensee to comply with the provisions of this chapter or chapter 482A of NRS or any of the traffic laws of this State, and any regulations adopted pursuant thereto.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against the applicant or licensee arising out of the operation of the autonomous technology certification facility.

(f) Failure of the applicant or licensee to provide the Department with the authorization to obtain financial records pursuant to section 21 of this regulation.

(g) Commission of any of the acts demonstrating unfitness to operate an autonomous technology certification facility described in section 22 of this regulation.

2. *The Department may refuse to review a subsequent application for a license to operate an autonomous technology certification facility that is submitted by a person who violates any provision of this chapter or chapter 482A of NRS.*

Sec. 24. 1. *An applicant for a license to operate an autonomous technology certification facility or a licensee may, within 30 days after the receipt of the notice of denial or suspension,*

revocation, or refusal to renew the license, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.

2. Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.

4. Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:

- (a) Grant or finally deny the application; or*
- (b) Suspend or revoke the license.*

5. For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.

6. Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the license or continue to refuse to renew the license if he or she deems such action to be necessary and in the public interest. In

any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 25. 1. *An applicant for the issuance or renewal of a license issued pursuant to the provisions of sections 17 to 26, inclusive, of this regulation shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Department will include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of sections 17 to 26, inclusive, of this regulation if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department will advise the

applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 26. 1. *If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to the provisions of sections 17 to 26, inclusive, of this regulation, the Department will deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Department will reinstate a license issued pursuant to the provisions of sections 17 to 26, inclusive, of this regulation that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. NAC 483.110 is hereby amended to read as follows:

483.110 1. The holder of a Class A noncommercial driver's license may drive:

(a) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, if the gross vehicle weight rating of the trailing vehicle is more than 10,000 pounds;

(b) Any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle; or

(c) A vehicle falling within Class B or Class C, but may not drive a motorcycle *or an autonomous vehicle in autonomous mode* unless the holder obtains an appropriate endorsement.

2. The holder of a Class B driver's license may drive any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within Class C, but may not drive a motorcycle *or an autonomous vehicle in autonomous mode* unless the holder obtains an appropriate endorsement.

3. The holder of a Class C driver's license may drive any single vehicle, or combination of vehicles, that does not meet the definition of a vehicle for which a Class A or Class B driver's license is required, including, without limitation, any single vehicle, or combination of vehicles, that either is designed to transport 16 or more passengers, including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F, a moped or a low-speed vehicle, but the holder of a Class C driver's license may not:

(a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;

(b) Tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds, unless the holder obtains a J endorsement;

(c) Drive a combination of vehicles with a gross combination weight rating of less than 10,000 pounds, unless the holder obtains an R endorsement; ~~or~~

(d) Drive a combination of vehicles exceeding 70 feet in length **H**; *or*

(e) Drive an autonomous vehicle in autonomous mode unless the holder obtains a G endorsement.

4. The Department may place a restriction 1 on a Class A, Class B or Class C driver's license if the holder of the driver's license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.

5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.800 to 483.850, inclusive, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if the holder obtains an F endorsement on his or her driver's license.

7. The holder of a Class M driver's license may drive a motorcycle, trimobile or moped. The holder of a Class A, Class B or Class C driver's license may drive a motorcycle only if the holder obtains a Class M endorsement on his or her driver's license.

8. An applicant who is administered a test of driving ability on a motorcycle which does not exceed 6 1/2 horsepower or a displacement of 90 cubic centimeters will be issued a Class M driver's license with a U restriction.

9. An applicant who is administered a test of driving ability on a motorcycle which has three wheels in contact with the ground will be issued a Class M driver's license with an X restriction.

10. An applicant who is administered a test of driving ability on a moped will be issued a Class M driver's license with a Z restriction. A Class M driver's license with a Z restriction does not authorize the operation of any other motor vehicle.

11. An applicant who is administered a test of driving ability in a low-speed vehicle will be issued a Class C driver's license with an X restriction. The Department will indicate on the back of such a driver's license that the holder may not drive a vehicle on a highway where the posted speed limit is greater than 35 miles per hour, except to cross a highway at an intersection.

12. *The holder of a Class A, Class B or Class C driver's license may operate an autonomous vehicle in autonomous mode only if the holder obtains a G endorsement on his or her driver's license as required pursuant to section 5 of this regulation.*

13. As used in this section, unless the context otherwise requires:

(a) *“Autonomous vehicle” has the meaning ascribed to it in NRS 482A.030.*

(b) “Gross combination weight rating” means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

~~(b)~~ (c) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

~~(e)~~ (d) “Low-speed vehicle” has the meaning ascribed to it in NRS ~~484.527.~~

~~(d)~~ *484B.637.*

(e) “Moped” has the meaning ascribed to it in NRS 486.038.

~~(e)~~ (f) “Motorcycle” has the meaning ascribed to it in NRS 486.041.

~~(f)~~ (g) “Trimobile” has the meaning ascribed to it in NRS 486.057.

Sec. 28. 1. This regulation becomes effective on March 1, 2012.

2. Sections 14, 15, 25 and 26 of this regulation expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R084-11
February 6, 2012

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 482A:

1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on November 30, 2011, and held on December 19th at the Legislative Building at 401 South Carson Street, room 3138 in Carson City. This was a video-conference workshop with the Great Basin College at 1500 College Parkway in Elko. An additional workshop was held on the 20th of December at the Legislative Counsel Bureau at 555 E. Washington Ave., in Las Vegas.

A Notice of Intent to Act upon the Regulations was noticed on December 30, 2011, and a public hearing was held on February 3, 2012 at the Legislative Building at 401 South Carson Street, room 3138 in Carson City. This was a video-conference public hearing with the Legislative Counsel Bureau at 555 E. Washington Ave., Las Vegas.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention Heather Hawkins-Fancher, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

**2. The number of persons who:
(a) Attended each hearing;**

Public Workshop:

- 9 people at the Carson City location;
- No one showed at the Elko location;
- 6 people at the Las Vegas location;

Public Hearing:

- 9 people at the Carson City location;
- 3 people at the Las Vegas location.

(b) Testified at each hearing;

Public Workshop:

- 2 people testified at the Carson City location;
- 0 people testified at the Elko location;
- 1 person testified at the Las Vegas location.

and

Public Hearing:

- 5 people testified at the Carson City location;
- 2 people testified at the Las Vegas location.

(c) Submitted to the agency written statements:

Comments were solicited using electronic mail and postings as described in both the Workshop and Hearing notices. Formal written comments from the automotive industry were submitted for the public workshop and hearing.

Public Workshop:

- The Alliance of Automobile Manufacturers
- Google Corporation
- DENSO International America, Inc.
- Global Automakers, Inc.
- State Farm Insurance Company

Public Hearing:

- United States Automobile Association (USAA)
- Google Corporation
- State Farm Insurance Company
- Alliance of Automobile Manufacturers
- Mr. Ralph Ong – Citizen from Caltech
- Property Casualty Insurers Association of America

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited using electronic mail and postings as described in both the Workshop and Hearing notices. As well, the notice of the public workshop and hearing were directly sent to all industry stakeholders who participated in the development of the draft regulations. The regulations for each public meeting were provided to the stakeholders as well.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Changes were made as a result of comments from the industry stakeholder's. As well, the Department of Motor Vehicles made additional changes to the draft regulations as a result of further research.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects;

(Adverse Effects)

Points to make:

○ **Definition of Autonomous Vehicles:**

▪ **Stakeholder Concerns:**

Various auto manufacturers are slowly implementing autonomous like enhancements to their vehicles but at this point none of these enhancements fall under the States definition of “autonomous technology.” Some automobile manufacturers believe Nevada should provide an exemption that would allow them to bypass the regulations based upon the requirement that all of their vehicles must pass the Federal Motor Vehicle Safety Standards (FMVSS).

▪ **Department Position:**

The State has made strides to ensure that “autonomous vehicle” definition within the proposed regulations provides more clarification to the stakeholders regarding what is not considered autonomous. Self parallel parking and other systems today require some type of human intervention to successfully operate the vehicle. The autonomous vehicle, per Nevada’s definition, does not require human intervention to operate the vehicle. There is a clear distinction between the two systems. As well, the Federal Government has not created any safety standards for autonomous vehicles, so for the automobile manufacturers to convey that the FMVSS program satisfies the State’s safety standards is incorrect. The Departments position is that any person or business who chooses to test or sell autonomous vehicles in our State must comply with our laws, administrative code, and policies.

○ **Testing program:**

▪ **Stakeholder Concerns:**

Some companies and automobile manufacturers have conveyed their concerns about not being specific enough in the regulations when it comes to the testing requirements within the proposed regulations. Auto test companies and manufacturers have successfully tested vehicles for decades under scientific and structured programs. With the creation of these regulations, there are some stakeholders that believe the Department should incorporate the detailed testing requirements similar to what they use today. We have proposed that any person or business that chooses to test their vehicles in our State must provide proof to the Department that they’ve tested their autonomous vehicle(s) a minimum of 10,000 miles. This would be carried out in another State and/or in a formal testing facility.

▪ **Department Position:**

In our discussions with the stakeholders and the National Highway Traffic Safety Administration (NHTSA), the proposed regulations are administrative rules and not the detailed technical safety standards similar to those created by the Federal

Government and automobile manufacturers. The Department does not have the expertise to create the technical safety testing standards the industry is accustomed to, and does not have the qualifications to establish such requirements. However, due to the passage of AB511 the Department is required to establish “minimum safety standards.” The Department is planning to create specific testing guidelines within their policy and procedures after the adoption of the regulations. Through these policies, the Department will be able to track who is testing within our State, require first hand demonstrations of their vehicle, and determine based on their technology where in our State they can test.

○ **Electronic Data Recording (EDR) System:**

▪ **Stakeholder Concerns:**

The proposed regulations require an autonomous system that is being tested or sold to the public to have an electronic data recording system that will capture if a vehicle was in an autonomous mode at anytime within the last 30 seconds prior to an accident. This was requested by the law enforcement and insurance company stakeholders. Some automobile manufacturers have conveyed that this requirement would conflict with the National Highway Traffic Safety Administration EDR regulations (49 C.F.R. Part 563). As well, this requirement would affect the design and operation of the event data recorders that are already installed on vehicles today.

▪ **Department Position:**

The Departments intent behind this prerequisite is to ensure that this data recording system is separate from existing federal EDR requirements that are designed for a specific technology – not autonomous technology. The intent is to have a physically separate system that will convey, prior to impact of the vehicle, if the autonomous system was engaged at anytime during the last 30 seconds. The Department has incorporated language in the regulations to provide the industry with flexibility in how they capture and store this autonomous data. The sensory data in that 30 second window of time can be recorded through one or more forms of technology – cameras, laser, radars, electronic written report, etc... This will aid law enforcement, insurance companies, car owners, and even auto manufacturers in determining the facts behind an accident.

As well, after discussions with the National Highway Safety Administration to explain the separation between the autonomous recorder and the federal EDR system, this issue was no longer a concern. The federal agency also expressed that the current EDR systems are designed for a specific type of technology – not autonomous. Until federal standards are created, the Department reinforces its position to have language in the regulations that require the collection of sensor data.

After the February 3rd public hearing, the Department incorporated additional language from the insurance industry and automotive industry. The amount of time the sensor data had to be retained increased from two years to three. As well, language was inserted to further clarify that the autonomous sensor data collected

by the mechanism – Sections 8 & 16 – does not authorize or require the event data recorder under federal requirements to be modified.

Some insurance companies have also voiced concerns on how the sensory data can be extracted, but the Department believes these standards will be addressed in time by the judicial court process, federal government and automotive industry. The regulations provide the administrative rules to ensure the data is available to law enforcement and the insurance industry, but it is not the Departments role to set the standards on how the information will be extracted.

○ **Certification of Compliance:**

▪ **Stakeholder Concerns:**

Manufacturers have concerns that if any autonomous technology is applied to their vehicles which were not developed by their company, they and/or the Nevada dealer would be held liable for any defects or noncompliance issues. The manufacturers have asked for the regulations to be modified so liability would be removed from their companies.

▪ **Department Position:**

This is a product liability situation that is handled today through the justice system. The facts of any product liability case will determine the judicial outcome, not the regulations.

(Beneficial Effects)

- Nevada is the first State in the Nation to legalize autonomous vehicles prior to the technology being made available to the public. This technology will assist in reducing the number of auto accidents due to distracted driving and in many cases save lives, which is the most important benefit to this technology. Additional benefits are a reduction of insurance claims, reduced property damage claims, reduction in bodily injury medical costs due to accidents, etc...
- With the publicity of this ground breaking legislation other jurisdictions have indicated a strong desire to move forward in proposing their own legislation for autonomous vehicles.
 - On January 4, 2012, the Florida House of Representatives and Senate submitted two bill drafts – HB1207 and SB1768 – defining “autonomous technology,” authorizing vehicles for testing, and preparing a report on the safe operation of autonomous vehicles.
 - On January 23, 2011, Hawaii House of Representatives submitted HB2238. Their bill has strong similarities with Nevada AB511. Hawaii is proposing to adopt rules that focus on safety requirements, insurance coverage, testing, and a driver’s license endorsement.

Nevada will continue to be a template for many States as well as Federal agencies like the National Traffic Safety Administration (NHTSA). NHTSA is currently researching this technology and will eventually create safety standards, but it could take several years to complete. Having other jurisdictions adopt similar legislation will provide uniformity as well as produce safer highways.

- This new technology may allow for future economic growth in our State and open up engineering and manufacturing opportunities. As this technology is enhanced and perfected to produce a fully autonomous vehicle into the market, many current business approaches could be improved. Some examples are, but not limited to:
 - Trucking companies could utilize the autonomous technology to assist long haul drivers and fatigue issues, which have caused accidents in the past.
 - People who have medical conditions that are today disqualified from driving could possibly own a fully autonomous vehicle to transport them to any destination they choose.
 - Taxi services could expand their services to pick up people without a driver and transport them to their destination. It wouldn't eliminate drivers but it would allow the business to expand their services to transport more people and not be limited to the staff they can hire.

and

(b) Both immediate and long-term effects.

Immediate Effects:

Once the regulations are adopted the Department will be developing and implementing the testing and driver's license endorsement sections of the regulation so businesses can apply for the ability to test in our State. Certain businesses may decide to establish offices in our State for testing and future development opportunities.

Since the autonomous technology will not be available to the public immediately, the Department will be implementing the certification of compliance facilities and vehicle registration program requirements directly after completing the testing phase of this project.

Long-Term Effects:

Once this technology is available to the public and more people and jurisdictions embrace these autonomous features there will be a steady reduction in auto accidents, property damage claims, bodily injuries and fatalities. This technology is truly a safety device to protect and save lives. National fatalities will start to drop as more jurisdictions adopt similar autonomous technology laws.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The Departments Compliance Enforcement Division will be responsible for the inspections, random audits, and investigations of businesses that are licensed as a testing company and/or an Autonomous Technology Certification Facility. The estimated costs and impacts are unknown at this time.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No overlapping or duplication.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

No Federal regulations have been adopted for this technology. Nevada is the first in the Nation to pass this law and propose regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The Department is adopting the fee structure from other established programs for the testing license plates, autonomous vehicle registration license plates, and driver's license endorsements. At this time, the Department is unable to determine the annual revenue projections for these fees.