

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R081-22

August 1, 2022

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

AUTHORITY: §§ 1-14, NRS 482B.150.

A REGULATION relating to transportation; establishing requirements for the operation and testing of alternative electronic transportation system vehicles on the highways of this State; establishing requirements for the registration of an alternative electronic transportation system vehicle; making confidential certain information submitted to the Department of Motor Vehicles relating to alternative electronic transportation system vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Department of Motor Vehicles to regulate the operation and testing of vehicles and mobile transportation devices equipped with an alternative electronic transportation system on the highways and premises to which the public has access in this State. (NRS 482B.150) Vehicles and mobile transportation devices that are equipped with an alternative electronic transportation system are referred to collectively as alternative electronic transportation system vehicles. (NRS 482B.020)

Sections 2-6 of this regulation define terms related to alternative electronic transportation system vehicles. **Section 7** of this regulation sets forth the circumstances under which a person is deemed to be the operator of an alternative electronic transportation system vehicle.

Section 8 of this regulation requires the owner of an alternative electronic transportation system vehicle to submit certain additional information when registering the vehicle with the Department. **Section 12** of this regulation prohibits an alternative electronic transportation system vehicle from being: (1) registered in this State unless the alternative electronic transportation system vehicle meets certain federal standards and regulations; and (2) tested or operated on a highway of this State unless the alternative electronic transportation system vehicle can be operated in compliance with the motor vehicle and traffic laws of this State and satisfies certain requirements relating to safety if the alternative electronic transportation system fails.

Section 9 of this regulation requires the Department to keep as confidential any documents and records submitted to or obtained by the Department relating to the testing or operation of an alternative electronic transportation system vehicle or alternative electronic transportation system.

Section 10 of this regulation establishes requirements which must be satisfied before an alternative electronic transportation system vehicle may be tested or operated on the highways of this State, including the submission to the Department of a certificate of compliance.

Section 11 of this regulation requires a human operator who is inside of an alternative electronic transportation system vehicle to be capable of taking immediate manual control of the alternative electronic transportation system vehicle and authorizes an alternative electronic transportation system vehicle to be operated without a human operator inside of the vehicle under certain circumstances.

Section 13 of this regulation requires a person who wishes to test an alternative electronic transportation system vehicle or alternative electronic transportation system to obtain a testing certificate and testing license plates for the vehicle.

Section 14 of this regulation requires a person to submit to the Department proof of insurance or other proof of financial responsibility in the amount of \$5,000,000 before testing an alternative electronic transportation system vehicle on a highway of this State.

Section 1. Chapter 482B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Certificate of compliance” means a document which certifies that an alternative electronic transportation system vehicle meets the applicable requirements of this chapter and chapter 482B of NRS.*

Sec. 4. *“Dynamic driving task” means all of the real-time operational and tactical functions required to operate an alternative electronic transportation system vehicle in traffic on a highway. The term does not include functions relating to planning for the use of the vehicle, including, without limitation, the scheduling of a trip or the selection of a destination or waypoint.*

Sec. 5. *“Minimal risk condition” means a condition in which an alternative electronic transportation system vehicle operating without a human driver, upon experiencing a failure of its alternative electronic transportation system that renders the alternative electronic*

transportation system vehicle unable to perform the dynamic driving task, achieves a reasonably safe state which may include, without limitation, bringing the alternative electronic transportation system vehicle to a complete stop.

Sec. 6. *“Operational design domain” means a description of the specific domain or domains in which an alternative electronic transportation system is designed to properly operate, including, without limitation, types of roadways, ranges of speed and environmental conditions.*

Sec. 7. *For the purposes of this chapter, unless the context otherwise requires, a person shall be deemed the operator of an alternative electronic transportation system vehicle if the person controls the vehicle, whether from the inside of the vehicle or from a remote location that is outside of the vehicle, by engaging an alternative electronic transportation system.*

Sec. 8. 1. *An alternative electronic transportation system vehicle must be registered before the alternative electronic transportation system vehicle may be operated on the highways of this State in the same manner and under the same circumstances as a vehicle which is not an alternative electronic transportation system vehicle and which is required to be registered in this State pursuant to chapter 482 of NRS.*

2. *Before an alternative electronic transportation system vehicle may be registered in this State, the owner of the alternative electronic transportation system vehicle must submit to the Department, in addition to any other requirement set forth in chapter 482 or 482B of NRS for registering a vehicle:*

(a) 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.

(b) Except as otherwise provided in subsection 3, a signed affidavit, on a form prescribed by the Department, which states that the operator of the alternative electronic transportation system vehicle has been trained in the capabilities and limitations of the alternative electronic transportation system in the alternative electronic transportation system vehicle and holds a driver's license of the class required to operate the alternative electronic transportation system vehicle.

(c) A description of the alternative electronic transportation system vehicle, including, without limitation, whether the alternative electronic transportation system is capable of disengaging and achieving a minimal risk condition.

(d) Any other information requested by the Department to determine if the alternative electronic transportation system vehicle meets the requirements for a vehicle to be operated on the highways of this State.

3. A person who registers a fleet of alternative electronic transportation system vehicles must, in addition to the requirements of subsection 2, provide a signed affidavit, on a form prescribed by the Department, which states that every person who is authorized by the person registering the fleet to operate an alternative electronic transportation system vehicle that is part of the fleet has been trained in the capabilities and limitations of the alternative electronic transportation system of the alternative electronic transportation system vehicle.

Sec. 9. 1. The Department will keep confidential any document or record submitted to or obtained by the Department pursuant to this chapter and chapter 482B of NRS in relation to the testing or operation of an alternative electronic transportation system vehicle or an alternative electronic transportation system.

2. *Any document or record that the Department keeps confidential pursuant to subsection 1:*
- (a) Is deemed to be the proprietary or confidential information of the person who submitted the document or record;*
 - (b) Is not a public record; and*
 - (c) Will not be disclosed by the Department unless:*
 - (1) The Department first obtains the consent of the person who submitted the document or record; or*
 - (2) The Department is ordered to disclose the document or record by a court of competent jurisdiction.*

Sec. 10. 1. *An alternative electronic transportation system vehicle may not be tested on the highways of this State until the person who is responsible for the testing of the alternative electronic transportation system vehicle has submitted to the Department a certificate of compliance for the alternative electronic transportation system vehicle and obtained a testing certificate and testing license plates pursuant to section 13 of this regulation.*

2. *An alternative electronic transportation system vehicle may not be operated on the highways of this State until:*

(a) The manufacturer of the alternative electronic transportation system vehicle or the manufacturer or developer of the alternative electronic transportation system utilized in the alternative electronic transportation system vehicle has submitted to the Department a certificate of compliance for the alternative electronic transportation system vehicle; and

(b) The owner or operator of the alternative electronic transportation system vehicle has obtained from the Department registration for the alternative electronic transportation system vehicle pursuant to chapter 482 of NRS.

3. A certificate of compliance required by this section must:

(a) Be made on a form prescribed by the Department; and

(b) Certify that the alternative electronic transportation system vehicle or the alternative electronic transportation system installed in the alternative electronic transportation system vehicle, as applicable, meets the applicable requirements of sections 11 and 12 of this regulation.

Sec. 11. 1. *Except as otherwise provided in subsection 2, if an alternative electronic transportation system vehicle is being tested or operated on a highway of this State, a human operator must be:*

(a) Seated in a position which allows the human operator to take immediate manual control of the alternative electronic transportation system vehicle; and

(b) Capable of taking over immediate manual control of the alternative electronic transportation system vehicle in the event of a failure of the alternative electronic transportation system or other emergency.

2. An alternative electronic transportation system vehicle may be tested or operated on a highway of this State with the alternative electronic transportation system engaged and without a human operator being present within the alternative electronic transportation system vehicle if the alternative electronic transportation system vehicle satisfies the requirements of paragraph (b) of subsection 2 of section 12 of this regulation.

Sec. 12. 1. *An alternative electronic transportation system vehicle must not be registered in this State unless the alternative electronic transportation system vehicle has affixed to it a label pursuant to 49 C.F.R. § 567.4.*

2. Except as otherwise provided in subsection 3, an alternative electronic transportation system vehicle must not be tested or operated on a highway of this State unless the alternative electronic transportation system vehicle is capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State, unless an exemption has been granted by the Department, and:

(a) If the alternative electronic transportation system vehicle is designed to be controlled by a human operator who is physically present inside of the alternative electronic transportation system vehicle, the alternative electronic transportation system vehicle is equipped with:

(1) A means to engage and disengage the alternative electronic transportation system which is easily accessible to the human operator of the alternative electronic transportation system vehicle;

(2) An indicator located inside the alternative electronic transportation system vehicle which indicates when the alternative electronic transportation system is operating the alternative electronic transportation system vehicle; and

(3) A means to alert the human operator to take manual control of the alternative electronic transportation system vehicle if a failure of the alternative electronic transportation system occurs which renders the alternative electronic transportation system unable to perform the dynamic driving task relevant to its intended operational design domain; and

(b) If the alternative electronic transportation system vehicle may be controlled by a human operator from a remote location outside of the vehicle, the alternative electronic

transportation system vehicle is capable of achieving a minimal risk condition if a failure of the alternative electronic transportation system occurs which renders the alternative electronic transportation system unable to perform the dynamic driving task relevant to its intended operational design domain.

3. If a federal law or regulation provides standards for the operation of an alternative electronic transportation system vehicle, an alternative electronic transportation system vehicle may be tested or used on a highway of this State with a human operator if the alternative electronic transportation system vehicle is capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State and such a federal law or regulation.

Sec. 13. *1. A person may not test an alternative electronic transportation system vehicle or an alternative electronic transportation system on the highways of this State unless the person has met the requirements of section 14 of this regulation and obtained a testing certificate and testing license plates pursuant to this section. A person may apply for a testing certificate and testing license plates which, when attached to an alternative electronic transportation system vehicle, authorize the testing of the alternative electronic transportation system vehicle on the highways of this State, by submitting to the Department:*

(a) A form prescribed by the Department to request a testing certificate and testing license plates.

(b) A document on which the developer of the alternative electronic transportation system certifies that the alternative electronic transportation system vehicle, the alternative electronic transportation system, or both, meet the applicable requirements of sections 11 and 12 of this regulation.

2. *A form to request a testing certificate and testing license plates submitted pursuant to this section must be accompanied by a nonrefundable fee of \$100 and a nonrefundable fee of \$12 for each set of testing license plates requested by the applicant.*

3. *A person who holds a testing certificate that is issued by the Department pursuant to this section:*

(a) Shall report to the Department, within 10 business days after a motor vehicle crash, any motor vehicle crash involving the testing of the alternative electronic transportation system vehicle which results in personal injury or property damage estimated to exceed \$750 and include in the report a copy of any report prepared by law enforcement personnel and, if no report was prepared by law enforcement personnel, a completed "Report of Traffic Crash," form SR-1, available on the Internet website of the Department;

(b) Must ensure that the testing certificate is:

(1) In the alternative electronic transportation system vehicle at all times when the alternative electronic transportation system vehicle or alternative electronic transportation system is being tested; and

(2) Accessible and available to be examined by a peace officer regardless of the presence or absence of any person in the alternative electronic transportation system vehicle; and

(c) Is not required to register, pursuant to chapter 482 of NRS, an alternative electronic transportation system vehicle if the person is solely testing the alternative electronic transportation system vehicle or alternative electronic transportation system.

Sec. 14. *Before a person begins testing an alternative electronic transportation system vehicle on a highway of this State, the person must:*

- 1. Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of \$5,000,000; or*
- 2. Make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of \$5,000,000.*