



Board Report

File #: 2017-0767, File Type: Federal Legislation / State Legislation (Position)

Agenda Number: 15.

EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 16, 2017

SUBJECT: FEDERAL AUTONOMOUS VEHICLE LEGISLATION

ACTION: ADOPT STAFF RECOMMENDED POSITIONS

RECOMMENDATION

ADOPT staff recommended positions:

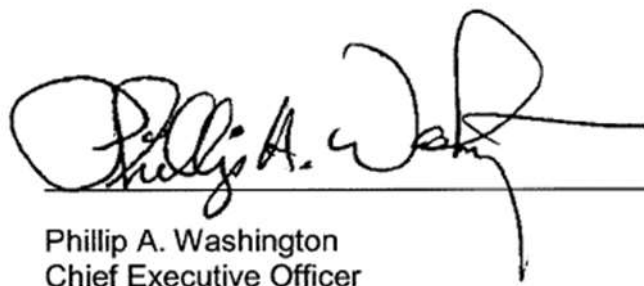
- A. **HOUSE RESOLUTION 3388 (Latta)** - Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act - **WORK WITH AUTHOR**
- B. **SENATE 1885 (Thune)** - American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act - **WORK WITH AUTHOR**

ATTACHMENTS

- Attachment A - H.R.3388 (Latta) and S.1885 (Thune) Legislative Analysis
- Attachment B - H.R. 3388 Bill Language
- Attachment C - S.1885 Bill Language

Prepared by: Michael Davies, Sr. Manager Government Relations,
(213) 922-3769

Reviewed by: Pauletta Tonilas, Chief Communications Officer, (213) 922-3777



Phillip A. Washington
Chief Executive Officer

ATTACHMENT A

BILL: HOUSE RESOLUTION BILL 3388 / U.S. SENATE BILL 1885

AUTHOR: CONGRESSMAN ROBERT E. LATTA (R-OHIO) / U.S. SENATOR JOHN THUNE (R-SOUTH DAKOTA)

SUBJECT: FEDERAL AUTONOMOUS VEHICLE LEGISLATION

STATUS: H.R. 3388 PASSED BY U.S. HOUSE OF REPRESENTATIVES
S. 1885 PASSED BY THE SENATE COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION – PENDING
CONSIDERATION BY FULL SENATE

ACTION: WORK WITH AUTHOR

RECOMMENDATION

Staff recommends the Board of Directors adopt a Work With Author position on H.R. 3388 and S.1885 to ensure that the State of California, Los Angeles County and individual cities across Los Angeles County are able to appropriately regulate the operation of autonomous vehicles on their roadways to safeguard public safety.

ISSUE

Congress is working in both chambers to approve autonomous vehicle legislation that would set the stage for the continuing development of autonomous vehicles across the United States. While the Federal Government has jurisdiction over vehicle design, construction and performance, States and localities have jurisdiction over when, where and how autonomous vehicles operate. Both the House and the Senate bills contain sections providing federal preemption over State and local laws, which has raised concerns over the ability of States and local governments to control and ensure the safe operation of autonomous vehicles. An additional concern is that neither the House nor Senate bills address data sharing between the private sector and States and local governments.

DISCUSSION

As firms developing autonomous vehicles continue to develop and test Highly Autonomous Vehicles (HAV), it is important to establish clear guidelines that are uniform throughout the country in order to not stifle innovation in this new and growing industry. At the same time, it is important for States and local governments who will have HAVs being tested on their streets and highways be able to ensure the safety of the public as well as to regulate the operation of these new vehicles in an effective and efficient manner. Two bills have been considered in Congress have been drafted to establish uniform standards for autonomous vehicles. Congressman Robert Latta (R-OH) has authored H.R. 3388, the Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act, or the SELF DRIVE Act. U.S. Senator John Thune

(R-SD) has authored S. 1885, the American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act, or the AV START Act. Both the SELF DRIVE Act and the AV START Act provide for a process for research and require federal rulemaking on how autonomous vehicle manufacturers inform consumers of research outcomes. The SELF DRIVE Act has passed the U.S. House of Representatives and the AV START Act was favorably reported out of the Committee on Commerce, Science and Transportation and is currently awaiting consideration by the full Senate.

H.R. 3388 contains language preempting State and local laws that place an “unreasonable restriction” on design, construction and performance of HAVs. The term “performance” as it relates to motor vehicles or HAVs has not been defined in any statutes, regulations, or guidelines. Instead, the term performance is referenced in the definitions of “motor vehicle safety” and “motor vehicle standard” within Chapter 301 of the United States Code, which regulates motor vehicle safety. The National Highway Traffic Safety Administration (NHTSA) has been delegated the authority to regulate the safety, design and performance aspects of motor vehicles and motor vehicle equipment, and States continue to be responsible for regulating the human driver and vehicle operations. Because the HAV system is considered the “driver” in an HAV, there are circumstances in which States and local governments must regulate the in-use “performance” of the HAV system as the driver, rather than the equipment.

While S. 1885 initially included the exact same preemption language as H.R. 3388, the language was removed during the Committee markup. The Committee adopted an amendment that modified the bill by removing language specifically reserving for State and local governments the authority to regulate typically State and local concerns such as law enforcement and traffic laws. This language should be reinserted in S. 1885 and combined with the suggested clarification on the term performance before being passed by the Senate.

If H.R. 3388 and S. 1885 were amended to clearly state that the term performance, as it relates to preempting state laws, excludes all local and state traffic laws, States and local governments would be in a much stronger position to ensure public safety as it relates to the operation of autonomous vehicles on their roadways.

Another concern is that neither H.R. 3388 nor S. 1885 addresses data sharing between the private sector and States and local governments. Both bills should be modified to require private sector entities to share anonymized automated vehicle operation and performance data with State and local governments to ensure that States and local governments are able to ensure the safe operation of automated vehicles on our roadways.

DETERMINATION OF SAFETY IMPACT

Without properly addressing the issue of data sharing and defining the term “performance” and making clear that “performance” does not preempt or preclude continued enforcement of and compliance with local traffic laws, States and local

governments may not be able to effectively ensure the safe and efficient operation of Highly Autonomous Vehicles on local streets.

FINANCIAL IMPACT

There is no financial impact determined at this time.

ALTERNATIVES CONSIDERED

Our agency could consider the option of not being involved in the development of federal legislation with respect to autonomous vehicles. Metro staff does not recommend this alternative.

NEXT STEPS

Should the Board adopt a position to work with the authors on both bills, staff will communicate the Board's position to the authors and their professional staff and work to ensure that our Board-adopted recommendation is reflected in the final legislation Congress adopts with respect to autonomous vehicles. Staff will continue to keep the Board informed as this issue is addressed throughout the 115th Congress.

115TH CONGRESS
1ST SESSION

H. R. 3388

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2017

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over highly automated vehicles, to provide safety measures for such vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Safely Ensuring Lives Future Deployment and Research
 4 In Vehicle Evolution Act” or the “SELF DRIVE Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. NHTSA authority and State preemption for autonomous motor vehicles.
- Sec. 4. Updated or new motor vehicle safety standards for highly automated vehicles.
- Sec. 5. Cybersecurity of automated driving systems.
- Sec. 6. General exemptions.
- Sec. 7. Motor vehicle testing or evaluation.
- Sec. 8. Information on highly automated driving systems made available to prospective buyers.
- Sec. 9. Highly Automated Vehicle Advisory Council.
- Sec. 10. Rear seat occupant alert system.
- Sec. 11. Headlamps.
- Sec. 12. Privacy plan required for highly automated vehicles.
- Sec. 13. Definitions.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to memorialize the Federal
 9 role in ensuring the safety of highly automated vehicles
 10 as it relates to design, construction, and performance, by
 11 encouraging the testing and deployment of such vehicles.

12 **SEC. 3. NHTSA AUTHORITY AND PREEMPTION FOR**
 13 **AUTONOMOUS MOTOR VEHICLES.**

14 Section 30103 of title 49, United States Code, is
 15 amended—

16 (1) by amending subsection (b) to read as fol-
 17 lows:

18 “(b) **PREEMPTION.**—

1 “(1) HIGHLY AUTOMATED VEHICLES.—No
2 State or political subdivision of a State may main-
3 tain, enforce, prescribe, or continue in effect any law
4 or regulation regarding the design, construction, or
5 performance of highly automated vehicles, auto-
6 mated driving systems, or components of automated
7 driving systems unless such law or regulation is
8 identical to a standard prescribed under this chap-
9 ter.

10 “(2) MOTOR VEHICLE STANDARD.—When a
11 motor vehicle safety standard is in effect under this
12 chapter, a State or political subdivision of a State
13 may prescribe or continue in effect a standard appli-
14 cable to the same aspect of performance of a motor
15 vehicle or motor vehicle equipment only if the stand-
16 ard is identical to the standard prescribed under this
17 chapter.

18 “(3) RULES OF CONSTRUCTION.—

19 “(A) IN GENERAL.—Nothing in this sub-
20 section may be construed to prohibit a State or
21 a political subdivision of a State from maintain-
22 ing, enforcing, prescribing, or continuing in ef-
23 fect any law or regulation regarding registra-
24 tion, licensing, driving education and training,
25 insurance, la -

1 tions, safety and emissions inspections, conges-
2 tion management of vehicles on the street with-
3 in a State or political subdivision of a State, or
4 traffic unless the law or regulation is an unrea-
5 sonable restriction on the design, construction,
6 or performance of highly automated vehicles,
7 automated driving systems, or components of
8 automated driving systems.

9 “(B) MOTOR VEHICLE DEALERS.—Nothing
10 in this subsection may be construed to prohibit
11 a State or political subdivision of a State from
12 maintaining, enforcing, prescribing, or con-
13 tinuing in effect any la lation regard-
14 ing the sale, distribution, repair, or service of
15 highly automated vehicles, automated driving
16 systems, or components of automated driving
17 systems by a dealer, manufacturer, or dis-
18 tributor.

19 “(C) CONFORMITY WITH FEDERAL LAW.—
20 Nothing in this subsection shall be construed to
21 preempt, restrict, or limit a State or political
22 subdivision of a State from acting in accordance
23 with any other Federal law.

24 “(4) HIGHER PERFORMANCE REQUIREMENT.—

25 However, the United States Government, a State, or

1 a political subdivision of a State may prescribe a
2 standard for a motor vehicle, motor vehicle equip-
3 ment, highly automated vehicle, or automated driv-
4 ing system obtained for its own use that imposes a
5 higher performance requirement than that required
6 by the otherwise applicable standard under this
7 chapter.

8 “(5) STATE ENFORCEMENT.—A State may en-
9 force a standard that is identical to a standard pre-
10 scribed under this chapter.”; and

11 (2) by amending subsection (e) to read as fol-
12 lows:

13 “(e) COMMON LAW LIABILITY.—

14 “(1) IN GENERAL.—Compliance with a motor
15 vehicle safety standard prescribed under this chapter
16 does not exempt a person from liability at common
17 law.

18 “(2) RULE OF CONSTRUCTION.—Nothing in
19 this section shall be construed to preempt common
20 law claims.”.

21 **SEC. 4. UPDATED OR NEW MOTOR VEHICLE SAFETY STAND-**
22 **ARDS FOR HIGHLY AUTOMATED VEHICLES.**

23 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
24 49, United States Code, is amended by inserting after sec-
tion 30128 the follow

1 **“§ 30129. Updated or new motor vehicle safety stand-**
 2 **ards for highly automated vehicles**

3 “(a) SAFETY ASSESSMENT CERTIFICATION.—

4 “(1) FINAL RULE.—Not later than 24 months
 5 after the date of the enactment of this section, the
 6 Secretary of Transportation shall issue a final rule
 7 requiring the submission of safety assessment certifi-
 8 cations regarding how safety is being addressed by
 9 each entity developing a highly automated vehicle or
 10 an automated driving system. Such rule shall in-
 11 clude—

12 “(A) a specification of which entities are
 13 required to submit such certifications;

“(B) a clear description of the rele

16 -
 17 onstrate that such entity’s vehicles are likely to
 18 maintain safety, and function as intended and
 19 contain fail safe features, to be included in such
 20 certifications; and

21 “(C) a specification of the circumstances
 22 under which such certifications are required to
 23 be updated or resubmitted.

24 “(2) INTERIM REQUIREMENT.—Until the final
 25 rule issued under paragraph (1) takes effect, safety
 26 assessment letters shall be submitted to the National

1 Highway Traffic Safety Administration as con-
2 templated by the Federal Automated Vehicles Policy
3 issued in September 2016, or any successor guid-
4 ance issued on highly automated vehicles requiring a
5 safety assessment letter.

6 “(3) PERIODIC REVIEW AND UPDATING.—Not
7 later than 5 years after the date on which the final
8 rule is issued under paragraph (1), and not less fre-
9 quently than every 5 years thereafter, the Secretary
10 shall—

11 “(A) review such rule; and

12 “(B) update such rule if the Secretary con-
13 siders it necessary.

14 “(4) RULES OF CONSTRUCTION.—

15 “(A) NO CONDITIONS ON DEPLOYMENT.—

16 Nothing in this subsection may be construed to
17 limit or affect the Secretary’s authority under
any other provision of la

19 lymment or testing of highly
20 automated vehicles on review of safety assess-
21 ment certifications.

22 “(B) NO NEW AUTHORITIES.—No new au-
23 thorities are granted to the Secretary under
24 this section other than the promulgation of the
25 rule pursuant to paragraph (1).

1 “(5) REVIEW AND RESEARCH.—To accommo-
2 date the development and deployment of highly auto-
3 mated vehicles and to ensure the safety and security
4 of highly automated vehicles and motor vehicles and
5 others that will share the roads with highly auto-
6 mated vehicles, not later than 180 days after the
7 date of the enactment of this section, the Secretary
8 shall—

9 “(A) initiate or continue a review of the
10 Federal motor vehicle safety standards in effect
11 on such date of enactment; and

12 “(B) initiate or continue research regard-
13 ing new Federal motor vehicle safety standards.

14 “(b) RULEMAKING AND SAFETY PRIORITY PLAN.—

15 “(1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this section, the Secretary
17 shall make available to the public and submit to the
18 Committee on Energy and Commerce of the House
19 of Representatives and the Committee on Commerce,
20 Science, and Transportation of the Senate a rule-
21 making and safety priority plan, as necessary to ac-
22 commodate the development and deployment of high-
23 ly automated vehicles and to ensure the safety and
24 security of highly automated vehicles and motor ve-

1 hicles and others that will share the roads with high-
2 ly automated vehicles, to—

3 “(A) update the motor vehicle safety
4 standards in effect on such date of enactment;

5 “(B) issue new motor vehicle safety stand-
6 ards; and

7 “(C) consider how objective ranges in per-
8 formance standards could be used to test motor
vehicle safety standards, w

10 ld be appropriate for such testing, and
11 whether additional authority would facilitate
12 such testing.

13 “(2) INCLUSION OF PRIORITIES.—

14 “(A) PRIORITIES.—The plan required by
15 paragraph (1) shall detail the overall priorities
16 of the National Highway Traffic Safety Admin-
17 istration for the 5 years following the issuance
18 of the plan, including both priorities with re-
19 spect to highly automated vehicles and priorities
20 with respect to other safety initiatives of the
21 Administration, in order to meet the Nation’s
22 motor vehicle safety challenges.

23 “(B) IDENTIFICATION OF ELEMENTS THAT
24 MAY REQUIRE STANDARDS.—For highly auto-
25 mated vehicles, the National Highway Traffic

1 Safety Administration should identify elements
2 that may require performance standards includ-
3 ing human machine interface, sensors, and ac-
4 tuators, and consider process and procedure
5 standards for software and cybersecurity as
6 necessary.

7 “(3) PERIODIC UPDATING.—The plan required
8 by paragraph (1) shall be updated every 2 years, or
9 more frequently if the Secretary considers it nec-
10 essary.

11 “(4) RULEMAKING PROCEEDINGS ON UPDATED
12 OR NEW MOTOR VEHICLE SAFETY STANDARDS.—

13 “(A) IN GENERAL.—Not later than 18
14 months after the date of enactment of this sec-
15 tion, the Secretary shall initiate the first rule-
16 making proceeding in accordance with the rule-
17 making and safety priority plan required by
18 paragraph (1).

19 “(B) PRIORITIZATION OF SUBSEQUENT
20 PROCEEDINGS.—The Secretary shall continue
21 initiating rulemaking proceedings in accordance
22 with such plan. The Secretary may change at
23 any time those priorities to address matters the
24 Secretary considers of greater priority. If the
25 Secretary makes such a change, the Secretary

1 shall complete an interim update of the priority
2 plan, make such update available to the public,
3 and submit such update to the Committee on
4 Energy and Commerce of the House of Rep-
5 resentatives and the Committee on Commerce,
6 Science, and Transportation of the Senate.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 301 of subtitle VI of title 49, United States Code, is
9 amended by inserting after the item relating to section
10 30128 the following new item:

“30129. Updated or new motor vehicle safety standards for highly auto-
mated vehicles.”.

11 **SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYS-**
12 **TEMS.**

13 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
14 49, United States Code, is amended by inserting after sec-
15 tion 30129 (as added by section 4) the following new sec-
16 tion:

17 **“§ 30130. Cybersecurity of automated driving systems**

18 “(a) CYBERSECURITY PLAN.—A manufacturer may
19 not sell, offer for sale, introduce or deliver for introduction
20 into commerce, or import into the United States, any high-
21 ly automated vehicle, vehicle that performs partial driving
22 automation, or automated driving system unless such
23 manufacturer has developed a cybersecurity plan that in-
24 cludes the following:

1 “(1) A written cybersecurity policy with respect
2 to the practices of the manufacturer for detecting
3 and responding to cyber attacks, unauthorized intru-
4 sions, and false and spurious messages or vehicle
5 control commands. This policy shall include—

6 “(A) a process for identifying, assessing,
7 and mitigating reasonably foreseeable
8 vulnerabilities from cyber attacks or unauthor-
9 ized intrusions, including false and spurious
10 messages and malicious vehicle control com-
11 mands; and

12 “(B) a process for taking preventive and
13 corrective action to mitigate against
14 vulnerabilities in a highly automated vehicle or
15 a vehicle that performs partial driving automa-
16 tion, including incident response plans, intru-
17 sion detection and prevention systems that safe-
18 guard key controls, systems, and procedures
19 through testing or monitoring, and updates to
20 such process based on changed circumstances.

21 “(2) The identification of an officer or other in-
22 dividual of the manufacturer as the point of contact
23 with responsibility for the management of cybersecu-
24 rity.

1 “(3) A process for limiting access to automated
2 driving systems.

3 “(4) A process for employee training and super-
4 vision for implementation and maintenance of the
5 policies and procedures required by this section, in-
6 cluding controls on employee access to automated
7 driving systems.

8 “(b) EFFECTIVE DATE.—This section shall take ef-
9 fect 180 days after the date of enactment of this section.”.

10 (b) ENFORCEMENT AUTHORITY.—Section
11 30165(a)(1) of title 49, United States Code, is amended
12 by inserting “30130,” after “30127,”.

13 (c) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 301 of subtitle VI of title 49, United States Code, is
15 amended by inserting after the item relating to section
16 30129 (as added by section 4) the following new item:

“30130. Cybersecurity of automated driving systems.”.

17 **SEC. 6. GENERAL EXEMPTIONS.**

18 Section 30113 of title 49, United States Code, is
19 amended—

20 (1) in subsection (b)(3)(B)—

21 (A) in clause (iii), by striking “; or” and
22 inserting a semicolon;

23 (B) in clause (iv), by striking the period at
24 the end and inserting “; or”; and

25 (C) by adding at the end the following:

1 “(v) the exemption would make easier the devel-
2 opment or field evaluation of—

3 “(I) a feature of a highly automated vehi-
4 cle providing a safety level at least equal to the
5 safety level of the standard for which exemption
6 is sought; or

7 “(II) a highly automated vehicle providing
8 an overall safety level at least equal to the over-
9 all safety level of nonexempt vehicles.”;

10 (2) in subsection (c), by adding at the end the
11 following:

12 “(5) if the application is made under subsection
13 (b)(3)(B)(v) of this section—

14 “(A) such development, testing, and other
15 data necessary to demonstrate that the motor
16 vehicle is a highly automated vehicle; and

17 “(B) a detailed analysis that includes sup-
18 porting test data, including both on-road and
19 validation and testing data showing (as applica-
20 ble) that—

21 “(i) the safety level of the feature at
22 least equals the safety level of the standard
23 for which exemption is sought; or

1 “(ii) the vehicle provides an overall
2 safety level at least equal to the overall
3 safety level of nonexempt vehicles.”;

4 (3) in subsection (d), by striking “A manufac-
5 turer is eligible” and all that follows and inserting
6 the following:

7 “(1) ELIGIBILITY UNDER SUBSECTION
8 (b)(3)(B)(i).—A manufacturer is eligible for an ex-
9 emption under subsection (b)(3)(B)(i) of this section
10 (including an exemption under subsection
11 (b)(3)(B)(i) relating to a bumper standard referred
12 to in subsection (b)(1)) only if the Secretary deter-
13 mines that the manufacturer’s total motor vehicle
14 production in the most recent year of production is
15 not more than 10,000.

16 “(2) ELIGIBILITY UNDER SUBSECTION
17 (b)(3)(B)(iii).—A manufacturer is eligible for an ex-
18 emption under subsection (b)(3)(B)(iii) of this sec-
19 tion only if the Secretary determines the exemption
20 is for not more than 2,500 vehicles to be sold in the
21 United States in any 12-month period.

22 “(3) ELIGIBILITY UNDER SUBSECTION
23 (b)(3)(B)(ii), (iv), or (v).—A manufacturer is eligi-
24 ble for an exemption under subsection (b)(3)(B)(ii),
25 (iv), or (v) of this section only if the Secretary deter-

1 mines the exemption is for not more than 100,000
2 vehicles per manufacturer to be sold, leased, or oth-
3 erwise introduced into commerce in the United
4 States in any 12-month period.

5 “(4) LIMITATION ON NUMBER OF VEHICLES
6 EXEMPTED.—All exemptions granted to a manufac-
7 turer under subsections (b)(3)(B)(i) through (v)
8 shall not exceed a total of (i) 25,000 vehicles manu-
9 factured within the first 12-month period, (ii)
10 50,000 vehicles manufactured within the second 12-
11 month period, (iii) 100,000 vehicles manufactured
12 within the third 12-month period, and, (iv) 100,000
13 vehicles manufactured within the fourth 12-month
14 period. Any renewals under subsections (b)(3)(B)(i)
15 through (v) shall not exceed a total of 100,000 vehi-
16 cles manufactured within a 12-month period.”;

17 (4) in subsection (e), by striking “An exemption
18 or renewal” and all that follows and inserting the
19 following:

20 “(1) EXEMPTION UNDER SUBSECTION
21 (b)(3)(B)(i).—An exemption or renewal under sub-
22 section (b)(3)(B)(i) of this section may be granted
23 for not more than 3 years.

24 “(2) EXEMPTION UNDER SUBSECTION
25 (b)(3)(B)(iii).—An exemption or renewal under sub-

1 section (b)(3)(B)(iii) this section may be granted for
2 not more than 2 years.

3 “(3) EXEMPTION UNDER SUBSECTION
4 (b)(3)(B)(ii), (iv), or (v).—An exemption or renewal
5 under subsection (b)(3)(B)(ii), (iv), or (v) of this
6 section may be granted for not more than 4 years.”;
7 and

8 (5) by adding at the end the following:

9 “(i) LIMITATION ON CERTAIN EXEMPTIONS.—No ex-
10 emption from crashworthiness standards of motor vehicle
11 safety standards shall be granted under subsection
12 (b)(3)(B)(v) until the Secretary issues the safety assess-
13 ment certification rule pursuant to section 30129(a) and
14 the rulemaking and safety priority plan pursuant to sec-
15 tion 30129(b) and one year has passed from the date by
16 which the Secretary has issued both such rule and such
17 plan. This subsection shall not apply to exemptions from
18 occupant protection standards if the exemption is for a
19 vehicle that will not carry its operator or passengers. This
20 subsection shall not apply to exemptions from crash-
21 worthiness standards if the exemption sought is for a
22 standard addressing the steering control system and it is
23 for a vehicle that—

24 “(1) will not have a steering control system;

1 “(2) provides impact protection to an occupant
2 in the front left seat at a level at least equal to the
3 level provided in nonexempt vehicles; and

4 “(3) provides a safety level at least equal to the
5 safety level of the standard for which the exemption
6 is sought.

7 “(j) REPORTING REQUIREMENT.—A manufacturer
8 granted an exemption under subsection (b)(3)(B)(ii), (iv),
9 or (v), shall provide information about all crashes of which
10 it has actual knowledge involving _____ les,
11 regardless of whether a claim is submitted to the manufac-
12 turer, in accordance with part 579 of title 49, Code of
13 Federal Regulations.

14 “(k) PROCESS AND ANALYSIS.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this subsection, the
17 Secretary of Transportation shall publish in the
18 Federal Register a notice that details the process
19 and analysis used for the consideration of exemption
20 or renewal applications under subsection
21 (b)(3)(B)(v).

22 “(2) PERIODIC REVIEW AND UPDATING.—The
23 notice required by paragraph (1) shall be reviewed
24 every 5 years and updated if the Secretary considers
25 it necessary.

1 “(1) EXEMPTION DATABASE.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish a publicly available and searchable electronic
4 database of each motor vehicle for which an exemp-
5 tion from motor vehicle safety standards prescribed
6 under this chapter or a bumper standard prescribed
7 under chapter 325 has been granted.

8 “(2) VEHICLE IDENTIFICATION NUMBER.—The
9 database established under paragraph (1) shall be
10 searchable by Vehicle Identification Number and
11 shall include no information identifying the vehicle
12 owner.”.

13 **SEC. 7. MOTOR VEHICLE TESTING OR EVALUATION.**

14 Section 30112(b)(10) of title 49, United States Code,
15 is amended—

16 (1) by striking “that prior to the date of enact-
17 ment of this paragraph”;

18 (2) in subparagraph (A), by striking “motor ve-
19 hicles into the United States that are certified” and
20 inserting “into the United States motor vehicles that
21 are certified, or motor vehicle equipment utilized in
22 a motor vehicle that is certified,”;

23 (3) in subparagraph (C), by striking the period
24 at the end and inserting “; or”;

1 (4) by redesignating subparagraphs (A) through
2 (C) as clauses (i) through (iii), respectively, and
3 moving their margins 2 ems to the right;

4 (5) by striking “evaluation by a manufacturer
5 that agrees not to sell or offer for sale” and insert-
6 ing the following: “evaluation by—

7 “(A) a manufacturer that agrees not to sell
8 or lease or offer for sale or lease”; and

9 (6) by adding at the end the following:

10 “(B) a manufacturer of highly automated
11 vehicles, automated driving systems, or compo-
12 nents of automated driving systems that agrees
13 not to sell or lease or offer for sale or lease the
14 highly automated vehicles, automated driving
15 systems, or components of automated driving
16 systems at the conclusion of the testing or eval-
17 uation and—

18 “(i) has submitted to the Secretary—

19 “(I) the name of the individual,
20 partnership, corporation, or institu-
21 tion of higher education and a point
22 of contact;

23 “(II) the residence address of the
24 individual, partnership, corporation,

1 or institution of higher education and
2 State of incorporation if applicable;

3 “(III) a description of each type
4 of motor vehicle used during develop-
5 ment of highly automated vehicles,
6 automated driving systems, or compo-
7 nents of automated driving systems
8 manufactured by the individual, part-
9 nership, corporation, or institution of
10 higher education; and

11 “(IV) proof of insurance for any
12 State in which the individual, partner-
13 ship, corporation, or institution of
14 higher education intends to test or
15 evaluate highly automated vehicles;
16 and

17 “(ii) if applicable, has identified an
18 agent for service of process in accordance
19 with part 551 of title 49, Code of Federal
20 Regulations.”.

21 **SEC. 8. INFORMATION ON HIGHLY AUTOMATED DRIVING**
22 **SYSTEMS MADE AVAILABLE TO PROSPECTIVE**
23 **BUYERS.**

24 (a) RESEARCH.—Not later than 3 years after the
25 date of enactment of this Act, the Secretary of Transpor-

1 tation shall complete research to determine the most effective
2 tive method and terminology for informing consumers for
3 each highly automated vehicle or a vehicle that performs
4 partial driving automation about the capabilities and limitations
5 tations of that vehicle. The Secretary shall determine
6 whether such information is based upon or includes the
7 terminology as defined by SAE International in Recommended
8 Practice Report J3016 (published September
9 2016) or whether such description should include alternative
10 native terminology.

11 (b) RULEMAKING.—After the completion of the study
12 required under subsection (a), the Secretary shall initiate
13 a rulemaking proceeding to require manufacturers to inform
14 consumers of the capabilities and limitations of a vehicle’s
15 driving automation system or feature for any highly
16 automated vehicle or any vehicle that performs partial
17 driving automation.

18 **SEC. 9. HIGHLY AUTOMATED VEHICLE ADVISORY COUNCIL.**

19 (a) ESTABLISHMENT.—Subject to the availability of
20 appropriations, not later than 6 months after the date of
21 enactment of this Act, the Secretary of Transportation
22 shall establish in the National Highway Traffic Safety Administration
23 a Highly Automated Vehicle Advisory Council
24 (hereinafter referred to as the “Council”).

1 (b) MEMBERSHIP.—Members of the Council shall in-
2 clude a diverse group representative of business, academia
3 and independent researchers, State and local authorities,
4 safety and consumer advocates, engineers, labor organiza-
5 tions, environmental experts, a representative of the Na-
6 tional Highway Traffic Safety Administration, and other
7 members determined to be appropriate by the Secretary.
8 Any subcommittee of the Council shall be composed of not
9 less than 15 and not more than 30 members appointed
10 by the Secretary.

11 (c) TERMS.—Members of the Council shall be ap-
12 pointed by the Secretary of Transportation and shall serve
13 for a term of three years.

14 (d) VACANCIES.—Any vacancy occurring in the mem-
15 bership of the Council shall be filled in the same manner
16 as the original appointment for the position being vacated.
17 The vacancy shall not affect the power of the remaining
18 members to execute the duties of the Council.

19 (e) DUTIES AND SUBCOMMITTEES.—The Council
20 may form subcommittees as needed to undertake informa-
21 tion gathering activities, develop technical advice, and
22 present best practices or recommendations to the Sec-
23 retary regarding—

24 (1) advancing mobility access for the disabled
25 community with respect to the deployment of auto-

1 mated driving systems to identify impediments to
2 their use and ensure an awareness of the needs of
3 the disabled community as these vehicles are being
4 designed for distribution in commerce;

5 (2) mobility access for senior citizens and popu-
6 lations underserved by traditional public transpor-
7 tation services and educational outreach efforts with
8 respect to the testing and distribution of highly
9 automated vehicles in commerce;

10 (3) cybersecurity for the testing, deployment,
11 and updating of automated driving systems with re-
12 spect to supply chain risk management, interactions
13 with Information Sharing and Analysis Centers and
14 Information Sharing and Analysis Organizations,
15 and a framework for identifying and implementing
16 recalls of motor vehicles or motor vehicle equipment;

17 (4) the development of a framework that allows
18 manufacturers of highly automated vehicles to share
19 with each other and the National Highway Traffic
20 Safety Administration relevant, situational informa-
21 tion related to any testing or deployment event on
22 public streets resulting or that reasonably could have
23 resulted in damage to the vehicle or any occupant
24 thereof and validation of such vehicles in a manner
25 that does not risk public disclosure of such informa-

1 tion or disclosure of confidential business informa-
2 tion;

3 (5) labor and employment issues that may be
4 affected by the deployment of highly automated vehi-
5 cles;

6 (6) the environmental impacts of the deploy-
7 ment of highly automated vehicles, and the develop-
8 ment and deployment of alternative fuel infrastruc-
9 ture alongside the development and deployment of
10 highly automated vehicles;

11 (7) protection of consumer privacy and security
12 of information collected by highly automated vehi-
13 cles;

14 (8) cabin safety for highly automated vehicle
15 passengers, and how automated driving systems may
16 impact collision vectors, overall crashworthiness, and
17 the use and placement of airbags, seatbelts, anchor
18 belts, head restraints, and other protective features
19 in the cabin;

20 (9) the testing and deployment of highly auto-
21 mated vehicles and automated driving systems in
22 areas that are rural, remote, mountainous, insular,
23 or unmapped to evaluate operational limitations
24 caused by natural geographical or man-made fea-
25 tures, or adverse weather conditions, and to enhance

1 the safety and reliability of highly automated vehi-
2 cles and automated driving systems used in such
3 areas with such features or conditions; and

4 (10) independent verification and validation
5 procedures for highly automated vehicles that may
6 be useful to safeguard motor vehicle safety.

7 (f) REPORT TO CONGRESS.—The recommendations
8 of the Council shall also be reported to the Committee on
9 Energy and Commerce of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate.

12 (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-
13 tablishment and operation of the Council and any sub-
14 committees of the Council shall conform to the require-
15 ments of the Federal Advisory Committee Act (5 U.S.C.
16 App.).

17 (h) TECHNICAL ASSISTANCE.—On request of the
18 Council, the Secretary shall provide such technical assist-
19 ance to the Council as the Secretary determines to be nec-
20 essary to carry out the Council's duties.

21 (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-
22 quest of the Council, the Secretary may detail, with or
23 without reimbursement, any of the personnel of the De-
24 partment of Transportation to the Council to assist the
25 Council in carrying out its duties. Any detail shall not in-

1 interrupt or otherwise affect the civil service status or privi-
2 leges of the Federal employee.

3 (j) PAYMENT AND EXPENSES.—Members of the
4 Council shall serve without pay, except travel and per diem
5 will be paid each member for meetings called by the Sec-
6 retary.

7 (k) TERMINATION.—The Council and any sub-
8 committees of the Council shall terminate 6 years after
9 the date of enactment of this Act.

10 **SEC. 10. REAR SEAT OCCUPANT ALERT SYSTEM.**

11 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
12 49, United States Code, is amended by inserting after sec-
13 tion 30130 (as added by section 5) the following new sec-
14 tion:

15 **“§ 30131. Rear seat occupant alert system**

16 “(a) RULEMAKING REQUIRED.—Not later than 2
17 years after the date of enactment of this section, the Sec-
18 retary shall issue a final r ll new passenger
19 motor vehicles weighing less than 10,000 pounds gross ve-
20 hicle weight to be equipped with an alarm system to alert
21 the operator to check rear designated seating positions
22 after the vehicle motor or engine is deactivated by the op-
23 erator.

24 “(b) PHASE-IN.—The rule issued pursuant to sub-
25 section (a) shall require full compliance with the rule be-

1 ginning on September 1st of the calendar year that begins
2 2 years after the date on which the final rule is issued.

3 “(c) DEFINITIONS.—For purposes of this section—

4 “(1) the term ‘passenger motor vehicle’ has the
5 meaning given that term in section 32101; and

6 “(2) the term ‘rear designated seating position’
7 means any designated seating position that is rear-
8 ward of the front seat.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 301 of subtitle VI of title 49, United States Code, is
11 amended by inserting after the item relating to section
12 30130 (as added by section 5) the following new item:

“30131. Rear seat occupant alert system.”.

13 **SEC. 11. HEADLAMPS.**

14 (a) SAFETY RESEARCH INITIATIVE.—Not later than
15 2 years after the date of enactment of this Act, the Sec-
16 retary of Transportation shall complete research into the
17 development of updated motor vehicle safety standards or
18 performance requirements for motor vehicle headlamps
19 that would improve the performance of headlamps and im-
20 prove overall safety.

21 (b) RULEMAKING OR REPORT.—

22 (1) RULEMAKING.—After the completion of the
23 research required by subsection (a), the Secretary
24 shall initiate a rulemaking proceeding to revise the
25 motor vehicle safety standards regarding headlamps

1 if the Secretary determines that a revision of the
2 standards meets the requirements and consider-
3 ations set forth in subsections (a) and (b) of section
4 30111 of title 49, United States Code.

5 (2) REPORT.—If the Secretary determines that
6 a revision to the standard described in paragraph
7 (1) does not meet the requirements and consider-
8 ations set forth in such subsections, the Secretary
9 shall submit a report describing the reasons for not
10 revising the standard to the Committee on Energy
11 and Commerce of the House of Representatives and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate.

14 **SEC. 12. PRIVACY PLAN REQUIRED FOR HIGHLY AUTO-**
15 **MATED VEHICLES.**

16 (a) PRIVACY PLAN.—A manufacturer may not sell,
17 offer for sale, introduce or deliver for introduction in inter-
18 state commerce, or import into the United States, any
19 highly automated vehicle, vehicle that performs partial
20 driving automation, or automated driving system unless
21 the manufacturer has developed a privacy plan that in-
22 cludes the following:

23 (1) A written privacy plan with respect to the
24 collection, use, sharing, and storage of information
25 about vehicle owners or occupants collected by a

1 highly automated vehicle, vehicle that performs par-
2 tial driving automation, or automated driving sys-
3 tem. Such policy shall include the following:

4 (A) The practices of the manufacturer with
5 respect to the way that information about vehi-
6 cle owners or occupants is collected, used,
7 shared, or stored.

8 (B) The practices of the manufacturer
9 with respect to the choices offered to vehicle
10 owners or occupants regarding the collection,
11 use, sharing, and storage of such information.

12 (C) The practices of the manufacturer with
13 respect to the data minimization, de-identifica-
14 tion, and retention of information about vehicle
15 owners or occupants.

16 (D) The practices of the manufacturer
17 with respect to extending its privacy plan to the
18 entities it shares such information with.

19 (2) A method for providing notice to vehicle
20 owners or occupants about the privacy policy.

21 (3) If information about vehicle owners or occu-
22 pants is altered or combined so that the information
23 can no longer reasonably be linked to the highly
24 automated vehicle, vehicle that performs partial driv-
25 ing automation, or automated driving system from

1 which the information is retrieved, the vehicle owner,
2 or occupants, the manufacturer is not required to in-
3 clude the process or practices regarding that infor-
4 mation in the privacy policy.

5 (4) If information about an occupant is
6 anonymized or encrypted the manufacturer is not re-
7 quired to include the process or practices regarding
8 that information in the privacy policy.

9 (b) STUDY.—The Federal Trade Commission shall
10 conduct a study and submit a report to the Committee
11 on Energy and Commerce of the House of Representatives
12 and the Committee on Commerce, Science, and Transpor-
13 tation of the Senate on the highly automated vehicle mar-
14 ketplace, including an examination of the following issues:

15 (1) Which entities in the ecosystem have access
16 to vehicle owner or occupant data.

17 (2) Which entities in the highly automated vehi-
18 cle marketplace have privacy plans.

19 (3) What are the terms and disclosures made in
20 such privacy plans, including regarding the collec-
21 tion, use, sharing, and storage of vehicle owner or
22 occupant data.

23 (4) What disclosures are made to consumers
24 about such privacy plans.

1 (5) What methods are available to enable dele-
2 tion of information about vehicle owners or occu-
3 pants from any data storage system within the vehi-
4 cle (other than a system that is critical to the safety
5 or operation of the vehicle) before the vehicle is sold,
6 leased, or rented, or otherwise occupied by a new
7 owner or occupant.

8 (c) FEDERAL TRADE COMMISSION ENFORCEMENT.—
9 A violation of subsection (a) shall be treated as a an unfair
10 or deceptive act or practice within the meaning of section
11 5(a)(1) of the Federal Trade Commission Act (15 U.S.C.
12 45(a)(1)). The Federal Trade Commission shall enforce
13 this section in the same manner, by the same means, and
14 with the same jurisdiction, powers, and duties as though
15 all applicable terms and provisions of the Federal Trade
16 Commission Act were incorporated into and made a part
17 of this Act.

18 (d) EFFECTIVE DATE.—This section shall take effect
19 180 days after the date of enactment of this section and
20 shall only apply to highly automated vehicles, vehicles that
21 perform partial driving automation, or automated driving
22 systems first introduced after the effective date of this sec-
23 tion.

1 **SEC. 13. DEFINITIONS.**

2 (a) AMENDMENTS TO TITLE 49, UNITED STATES
3 CODE.—Section 30102 of title 49, United States Code,
4 is amended—

5 (1) in subsection (a)—

6 (A) by redesignating paragraphs (1)
7 through (13) as paragraphs (2), (3), (4), (5),
8 (8), (9), (10), (11), (12), (13), (15), (16), and
9 (17), respectively;

10 (B) by inserting before paragraph (2) (as
11 so redesignated) the following:

12 “(1) ‘automated driving system’ means the
13 hardware and software that are collectively capable
14 of performing the entire dynamic driving task on a
15 sustained basis, regardless of whether such system is
16 limited to a specific operational design domain.”;

17 (C) by inserting after paragraph (5) (as so
18 redesignated) the following:

19 “(6) ‘dynamic driving task’ means all of the
20 real time operational and tactical functions required
21 to operate a vehicle in on-road traffic, excluding the
22 strategic functions such as trip scheduling and selec-
23 tion of destinations and waypoints, and including—

24 “(A) lateral vehicle motion control via
25 steering;

1 “(B) longitudinal vehicle motion control
2 via acceleration and deceleration;

3 “(C) monitoring the driving environment
4 via object and event detection, recognition, clas-
5 sification, and response preparation;

6 “(D) object and event response execution;

7 “(E) maneuver planning; and

8 “(F) enhancing conspicuity via lighting,
9 signaling, and gesturing.

10 “(7) ‘highly automated vehicle’—

11 “(A) means a motor vehicle equipped with
12 an automated driving system; and

13 “(B) does not include a commercial motor
14 vehicle (as defined in section 31101).”;

15 (D) by inserting after paragraph (13) (as
16 so redesignated) the following:

17 “(14) ‘operational design domain’ means the
18 specific conditions under which a given driving auto-
19 mation system or feature thereof is designed to func-
20 tion.”; and

21 (E) by adding at the end the following:

22 “(18) ‘vehicle that performs partial driving au-
23 tomation’ does not include a commercial motor vehi-
24 cle (as defined in section 31101).”;

25 (2) by adding at the end the following:

1 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

2 “(1) If SAE International (or its successor or-
3 ganization) revises the definition of any of the terms
4 defined in paragraph (1), (6), or (14) of subsection
5 (a) in Recommended Practice Report J3016, it shall
6 notify the Secretary of the revision. The Secretary
7 shall publish a notice in the Federal Register to in-
form the public of the new definition unless, w

10 lic comment on
11 the new definition, the Secretary notifies SAE Inter-
12 national (or its successor organization) that the Sec-
13 retary has determined that the new definition does
14 not meet the need for motor vehicle safety, or is oth-
15 erwise inconsistent with the purposes of this chapter.
16 If the Secretary so notifies SAE International (or its
17 successor organization), the existing definition in
18 subsection (a) shall remain in effect.

19 “(2) If the Secretary does not reject a defini-
20 tion revised by SAE International (or its successor
21 organization) as described in paragraph (1), the Sec-
22 retary shall promptly make any conforming amend-
23 ments to the regulations and standards of the Sec-
24 retary that are necessary. The revised definition
25 shall apply for purposes of this chapter. The require-

1 ments of section 553 of title 5 shall not apply to the
2 making of any such conforming amendments.

3 “(3) Pursuant to section 553 of title 5, the Sec-
4 retary may update any of the definitions in para-
5 graph (1), (6), or (14) of subsection (a) if the Sec-
6 retary determines that materially changed cir-
7 cumstances regarding highly automated vehicles
8 have impacted motor vehicle safety such that the
9 definitions need to be updated to reflect such cir-
10 cumstances.”.

11 (b) DEFINITIONS IN THIS ACT.—As used in this
12 Act—

13 (1) the term “automated driving system” has
14 the meaning given such term in subsection (a) of
15 section 30102 of title 49, United States Code, sub-
16 ject to any revisions made to the definition of such
17 term pursuant to subsection (c) of such section;

18 (2) the term “highly automated vehicle” has the
19 meaning given such term in subsection (a) of section
20 30102 of title 49, United States Code, not subject
21 to any revision under subsection (c) of such section;
22 and

23 (3) the term “vehicle that performs partial driv-
24 ing automation” has the meaning given such term in
25 subsection (a) of section 30102 of title 49, United

1 States Code, not subject to any revision under sub-
2 section (c) of such section.

Passed the House of Representatives September 6,
2017.

Attest:

KAREN L. HAAS,
Clerk.

115TH CONGRESS
1ST SESSION

S. 1885

To support the development of highly automated vehicle safety technologies,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2017

Mr. THUNE (for himself, Mr. PETERS, Mr. BLUNT, and Ms. STABENOW) in-
troduced the follow ll; which was read twice and referred to the Com-
mittee on Commerce, Science, and Transportation

A BILL

To support the development of highly automated vehicle
safety technologies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “American Vision for Safer Transportation through Ad-
6 vancement of Revolutionary Technologies Act” or the “AV
7 **START Act**”.

8 (b) **TABLE OF CONTENTS.**—The table of contents of
9 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

- Sec. 3. Relationship to other laws.
 Sec. 4. Expedited resolution of highly automated vehicles conflicts with standards.
 Sec. 5. Highly automated vehicles testing.
 Sec. 6. Highly automated vehicles exemptions.
 Sec. 7. Inoperative controls.
 Sec. 8. Levels of driving automation.
 Sec. 9. Safety evaluation report.
 Sec. 10. Highly Automated Vehicles Technical Safety Committee.
 Sec. 11. Highly automated vehicles rulemaking.
 Sec. 12. Consumer education.
 Sec. 13. Traffic safety and law enforcement.
 Sec. 14. Cybersecurity.
 Sec. 15. Savings provision.

1 **SEC. 2. DEFINITIONS.**

2 (a) **IN GENERAL.**—In this Act:

3 (1) **AUTOMATED DRIVING SYSTEM; DEDICATED**
 4 **HIGHLY AUTOMATED VEHICLE; HIGHLY AUTOMATED**
 5 **VEHICLE; MANUFACTURER; MOTOR VEHICLE; MOTOR**
 6 **VEHICLE EQUIPMENT.**—The terms “automated driv-
 7 ing system”, “dedicated highly automated vehicle”,
 8 “highly automated vehicle”, “manufacturer”, “motor
 9 vehicle”, and “motor vehicle equipment” have the
 10 meanings given such terms in section 30102 of title
 11 49, United States Code, as amended by subsection
 12 (b).

13 (2) **NHTSA.**—The term “NHTSA” means the
 14 National Highway Traffic Safety Administration.

15 (3) **SECRETARY.**—The term “Secretary” means
 16 the Secretary of Transportation.

17 (b) **MOTOR VEHICLE SAFETY CHAPTER.**—Section
 18 30102(a) of title 49, United States Code, is amended—

1 (1) by redesignating paragraphs (5) through
2 (13) as paragraphs (8) through (16) respectively;

3 (2) by redesignating paragraphs (3) and (4) as
4 paragraphs (5) and (6), respectively;

5 (3) by redesignating paragraphs (1) and (2) as
6 paragraphs (2) and (3), respectively;

7 (4) by inserting before paragraph (2), as redesi-
8 gnated, the following:

9 “(1) AUTOMATED DRIVING SYSTEM.—In de-
10 scribing a Level 3, 4, or 5 automated driving system
11 (as defined by SAE International standard J3016,
12 published on September 30, 2016, or subsequently
13 adopted by the Secretary), the term ‘automated driv-
14 ing system’ means the hardware and software that
15 is collectively capable of performing the entire dy-
16 namic driving task on a sustained basis, regardless
17 of whether the system is limited to a specific oper-
18 ational design domain.”;

19 (5) by inserting after paragraph (3), as redesi-
20 gnated, the following:

21 “(4) DEDICATED HIGHLY AUTOMATED VEHI-
22 CLE.—The term ‘dedicated highly automated vehicle’
23 means a highly automated vehicle designed to be op-
24 erated exclusively (as defined by the SAE Inter-
25 national standard J3016, published on September

1 30, 2016) by a Level 4 or 5 automated driving sys-
 2 tem (as defined by the SAE International standard
 3 J3016, published on September 30, 2016, or subse-
 4 quently adopted by the Secretary) for all trips.”; and

5 (6) by inserting after paragraph (6), as redesign-
 6 nated, the following:

7 “(7) HIGHLY AUTOMATED VEHICLE.—The term
 8 ‘highly automated vehicle’ means a motor vehicle
 9 with a gross vehicle weight of 10,000 pounds or less
 10 that is equipped with a Level 3, 4, or 5 automated
 11 driving system (as defined by SAE International
 12 standard J3016, published on September 30, 2016,
 13 or subsequently adopted by the Secretary).”.

14 **SEC. 3. RELATIONSHIP TO OTHER LAWS.**

15 (a) IN GENERAL.—Section 30103 of title 49, United
 16 States Code, is amended—

17 (1) in subsection (b), to read as follows:

18 “(b) PREEMPTION.—

19 “(1) HIGHLY AUTOMATED VEHICLES.—No
 20 State or political subdivision of a State may main-
 21 tain, enforce, prescribe, or continue in effect any law
 22 or regulation regarding the design, construction, or
 23 performance of highly automated vehicles, auto-
 24 mated driving systems, or components of automated
 25 driving systems unless such law or regulation is

1 identical to a standard prescribed under this chap-
2 ter.

3 “(2) MOTOR VEHICLE STANDARD.—When a
4 motor vehicle safety standard is in effect under this
5 chapter, a State or political subdivision of a State
6 may prescribe or continue in effect a standard appli-
7 cable to the same aspect of performance of a motor
8 vehicle or motor vehicle equipment only if the stand-
9 ard is identical to the standard prescribed under this
10 chapter.

11 “(3) RULES OF CONSTRUCTION.—

12 “(A) IN GENERAL.—Nothing in this sub-
13 section may be construed to prohibit a State or
14 a political subdivision of a State from maintain-
15 ing, enforcing, prescribing, or continuing in ef-
16 fect any law or regulation regarding registra-
17 tion, licensing, driving education and training,
18 insurance, law enforcement, crash investiga-
19 tions, safety and emissions inspections, conges-
20 tion management of vehicles on the street with-
21 in a State or political subdivision of a State, or
22 traffic unless the law or regulation is an unrea-
23 sonable restriction on the design, construction,
24 or performance of highly automated vehicles,

1 automated driving systems, or components of
2 automated driving systems.

3 “(B) MOTOR VEHICLE DEALERS.—Nothing
4 in this subsection may be construed to prohibit
5 a State or political subdivision of a State from
6 maintaining, enforcing, prescribing, or con-
7 tinuing in effect any law or regulation regard-
8 ing the sale, distribution, repair, or service of
9 highly automated vehicles, automated driving
10 systems, or components of automated driving
11 systems by a dealer, manufacturer, or dis-
12 tributor.

13 “(C) CONFORMITY WITH FEDERAL LAW.—
14 Nothing in this subsection shall be construed to
15 preempt, restrict, or limit a State or political
16 subdivision of a State from acting in accordance
17 with any other Federal law.

18 “(4) HIGHER PERFORMANCE REQUIREMENT.—
19 However, the United States Government, a State, or
20 a political subdivision of a State may prescribe a
21 standard for a motor vehicle, motor vehicle equip-
22 ment, highly automated vehicle, or automated driv-
23 ing system obtained for its own use that imposes a
24 higher performance requirement than that required

1 by the otherwise applicable standard under this
2 chapter.

3 “(5) STATE ENFORCEMENT.—A State may en-
4 force a standard that is identical to a standard pre-
5 scribed under this chapter.”; and

6 (2) in subsection (c), to read as follows:

7 “(e) COMMON LAW LIABILITY.—

8 “(1) IN GENERAL.—Compliance with a motor
9 vehicle safety standard prescribed under this chapter
10 does not exempt a person from liability at common
11 law.

12 “(2) RULE OF CONSTRUCTION.—Nothing in
13 this section shall be construed to preempt common
14 law claims.”.

15 (b) LICENSING.—Notwithstanding section 30103 of
16 title 49, United States Code, as amended by subsection
17 (a), a State may not issue a motor vehicle operator’s li-
18 cense for the operation or use of a dedicated highly auto-
19 mated vehicle in a manner that discriminates on the basis
20 of disability (as defined in section 3 of the Americans with
21 Disabilities Act of 1990 (42 U.S.C. 12102)).

22 **SEC. 4. EXPEDITED RESOLUTION OF HIGHLY AUTOMATED**
23 **VEHICLES CONFLICTS WITH STANDARDS.**

24 (a) DEFINITIONS.—In this section:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of the John A. Volpe National Trans-
3 portation Systems Center of the Department of
4 Transportation.

5 (2) DYNAMIC DRIVING TASK.—The term “dy-
6 namic driving task” has the meaning given the term
7 by SAE International standard J3016, published on
8 September 30, 2016.

9 (3) SAFETY STANDARD.—The term “safety
10 standard” means a Federal motor vehicle safety
11 standard prescribed under chapter 301 of title 49,
12 United States Code.

13 (b) REFERENCES TO HUMAN DRIVERS.—Not later
14 than 180 days after the date of the enactment of this Act,
15 the Director or other designated entity, after consultation
16 with stakeholders, shall prepare and submit to the Sec-
17 retary a report that identifies each provision, requirement,
18 specification, or procedure in a safety standard with a ref-
19 erence to features of the equipment that—

20 (1) are necessary only for the performance of
21 the dynamic driving task by a human driver;

22 (2) specify a location or reference point within
23 a vehicle by reference to the position of a human
24 driver; or

1 (3) serve a purpose of providing information to,
 2 or receiving input from, a human driver engaged in
 3 performing the dynamic driving task.

4 (c) SUBSTITUTION OF CONFORMING REFERENCES TO
 5 AUTOMATED SYSTEMS.—

6 (1) IN GENERAL.—In each provision of the re-
 7 port prepared under subsection (b) identifying the
 8 text of a regulation from a safety standard, a test
 9 procedure, or a method for determining compliance
 10 with a safety standard, the Director or designated
 11 entity shall include—

12 (A) an alternative reference to an auto-
 13 mated system that is suitable for assessing,
 14 through an objective test procedure, the compli-
 15 ance of a dedicated highly automated vehicle, or
 16 of a highly automated vehicle operating in auto-
 17 mated mode, with the safety standard; or

18 (B) a determination that—

(i) the rele

21 -
 22 ance of a dynamic driving task by a human
 23 driver; and

24 (ii) no alternative reference to an
 25 automated system is practicable.

1 (2) CONDITIONS.—In carrying out paragraph
2 (1), the Director or designated entity—

3 (A) shall ensure that all requirements re-
4 main objective and practicable;

5 (B) may not modify the purpose of any
6 safety standard; and

7 (C) may specify different references for—

8 (i) dedicated highly automated vehi-
9 cles that are intended for human occu-
10 pancy; and

11 (ii) dedicated highly automated vehi-
12 cles that are not designed, intended, or
13 marketed for human occupancy.

14 (d) RULEMAKING.—

15 (1) COMMENCEMENT.—Not later than 90 days
16 after the date on which the Director or designated
17 entity submits the report under subsection (b), the
18 Secretary shall commence a rulemaking proceeding
19 to incorporate the report by reference into the rel-
20 evant safety standards, except as provided in para-
21 graph (3).

22 (2) FINAL RULE.—Not later than 1 year after
23 the Director or other entity submits the report
24 under subsection (b), the Secretary shall issue a
final r

the rele

2 (3).

3 (3) ALTERNATIVE TEXT.—If the Secretary de-
4 termines that one or more of the revisions to a regu-
5 lation contained in the report submitted under sub-
6 section (b) is not objective, is not practicable, or
7 does not meet the need for motor vehicle safety, the
8 Secretary shall incorporate alternative regulatory
9 text.

10 (4) INCORPORATION BY REFERENCE.—If the
11 Secretary does not complete the rulemaking pro-
ceeding under this subsection within 1 y

12 (b), the
13 (b), the
14 revisions to regulations contained in such report
shall be incorporated by reference into the rele

16 .

17 (c) S ISON.—Nothing in this section
18 may be construed to prohibit the Secretary from maintain-
19 ing different test procedures for highly automated vehicles
20 that retain the capability to be operated by a human driver
21 when such vehicles are not operating in an automated
22 mode.

23 **SEC. 5. HIGHLY AUTOMATED VEHICLES TESTING.**

24 Section 30112(b) of title 49, United States Code, is
25 amended—

1 (1) in paragraph (9), by striking “or” at the
2 end;

3 (2) in paragraph (10)—

4 (A) in the matter preceding subparagraph
5 (A), by inserting “(except for a highly auto-
6 mated vehicle)” after “the introduction of a
7 motor vehicle”; and

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting “; or”; and

10 (3) by adding at the end the following:

11 “(11) the introduction of a motor vehicle into
12 interstate commerce solely for the purposes of test-
13 ing, e , or demonstration of a highly auto-
14 mated vehicle or automated driving system if—

15 “(A) the testing, evaluation, or demonstra-
16 tion of the vehicle is only conducted by employ-
17 ees, agents, or fleet management contractors of
18 the manufacturer of the highly automated vehi-
19 cle, the automated driving system, or any com-
20 ponent thereof;

21 “(B) such manufacturer agrees not to sell,
22 lease, or offer for sale or lease, the vehicle or
23 system at the conclusion of the testing, evalua-
24 tion, or demonstration; and

1 “(C) such manufacturer has submitted ap-
 2 propriate manufacturer identification informa-
 3 tion that is similar to information submitted by
 4 manufacturers subject to a Federal motor vehi-
 5 cle safety standard under part 566 of title 49,
 6 Code of Federal Regulations, before the com-
 7 mencement of such testing or evaluation.”.

8 **SEC. 6. HIGHLY AUTOMATED VEHICLES EXEMPTIONS.**

9 (a) IN GENERAL.—Section 30113 of title 49, United
 10 States Code, is amended—

11 (1) in subsection (a)—

12 (A) by striking “this section,” and insert-
 13 ing the following: “this section—
 14 “(1) the term”;

15 (B) by striking the period at the end and
 16 inserting “; and”; and

17 (C) by adding at the end the following:

18 “(2) the term ‘new motor vehicle safety feature’
 19 includes any feature that enables a highly automated
 20 vehicle or an automated driving system, regardless
 21 of whether an exemption has already been granted
 22 for a similar feature on another model or models.”;

23 (2) in subsection (b)—

24 (A) by amending paragraph (2) to read as
 25 follows:

1 “(2) The Secretary may begin a proceeding under
2 this subsection when a manufacturer applies for an exemp-
3 tion or a renewal of an exemption. The Secretary shall
4 publish notice of the application and provide an oppor-
5 tunity to comment. An application for an exemption or
6 for a renewal of an exemption shall be filed at a time and
7 in the way, and contain such information, this section and
8 the Secretary require. The Secretary shall grant or deny
9 an exemption for a highly automated vehicle not later than
10 180 days after receiving an application for such exemption
11 from a manufacturer.”; and

12 (B) in paragraph (3)(B)(iv), by inserting
13 “or introducing or delivering into interstate
14 commerce” after “selling”;

15 (3) in subsection (d)—

16 (A) by inserting “(1)” after “ELIGI-
17 BILITY.—”; and

18 (B) by striking the second sentence and in-
19 serting the following:

20 “(2) A manufacturer is eligible for an exemp-
21 tion under clause (ii), (iii), or (iv) of subsection
22 (b)(3)(B) only if the Secretary determines that—

23 “(A) the exemption is for not more than
24 2,500 vehicles to be sold in the United States
25 in any 12-month period; or

1 “(B) the vehicle is a highly automated ve-
2 hicle; and

3 “(i) during the 12-month period be-
4 ginning on the date of the enactment of
5 the AV START Act, the exemption is for
6 not more than 50,000 vehicles to be sold
7 or introduced into interstate commerce in
8 the United States;

9 “(ii) d 12-month period im-
10 mediately following the period described in
11 clause (i), the exemption is for not more
12 than 75,000 vehicles to be sold or intro-
13 duced into interstate commerce in the
14 United States; and

15 “(iii) d -month period fol-
16 lowing the period described in clause (ii),
17 the exemption is for not more than
18 100,000 vehicles to be sold or introduced
19 into interstate commerce in the United
20 States.

21 “(C) A manufacturer of a highly auto-
22 mated vehicle may petition the Secretary to ex-
23 pand the exemption under paragraph (2)(B) to
24 more than 100,000 vehicles in any 12-month

1 period after the exemption has been in place for
2 5 years.”; and

3 (4) in subsection (e), by inserting “, unless the
4 vehicle is a highly automated vehicle” before the pe-
5 riod at the end.

6 (b) SUNSET.—A manufacturer’s eligibility for an ex-
7 emption from a provision, clause, sentence, or paragraph
8 in a motor vehicle safety standard under section
9 30113(d)(2)(B) of title 49, United States Code, as amend-
10 ed by subsection (a), shall end on the date on which a
11 standard (except for a standard promulgated under sec-
12 tion 4 of this Act) that amends the provision, clause, sen-
13 tence, or paragraph from which an exemption is sought
14 takes effect, with due consideration for any lead time spec-
15 ified for compliance.

SEC. 7. INOPERATIV

18 —

19 (1) by inserting “(1)” before “A manufac-
20 turer”; and

21 (2) by adding at the end the following:

22 “(2) The prohibition under paragraph (1) shall not
23 apply to a manufacturer that intentionally allows a device
24 or element of design installed on or in a motor vehicle or
25 item of equipment in compliance with an applicable motor

1 vehicle safety standard to be temporarily disabled during
2 the time that an automated driving system is performing
3 the entire dynamic driving task.”.

4 **SEC. 8. LEVELS OF DRIVING AUTOMATION.**

5 (a) USE OF SAE INTERNATIONAL’S TAXONOMY AND
6 DEFINITIONS.—The Secretary shall use the taxonomy and
7 definitions for automated driving systems set forth in SAE
8 International standard J3016, published on September
9 30, 2016, for the various levels of automation for motor
10 vehicles.

11 (b) REVIEW.—

12 (1) IN GENERAL.—The Secretary—

13 (A) shall review the taxonomy and defini-
14 tions for automated driving systems set forth by
15 SAE International to ensure that such tax-
16 onomy and definitions are clear and objective;
17 and

18 (B) may provide feedback to SAE Inter-
19 national for potential updates.

20 (2) USE OF REVISED STANDARD.—

21 (A) DETERMINATION.—Not later than 120
22 days after SAE International revises the stand-
23 ard referred to in subsection (a), the Secretary,
24 after publishing notice of the revision in the
25 Federal Register, shall determine whether to

1 adopt the revised standard to identify the various
2 ious le les.

3 (B) EFFECT OF DECISION NOT TO ADOPT
4 THE REVISED STANDARD.—If the Secretary de-
5 cides not to adopt the revised standard—

6 (i) the Secretary shall notify SAE
7 International of the Secretary’s decision;
8 and

9 (ii) the definitions referred to in sub-
10 section (a) shall remain in effect.

11 **SEC. 9. SAFETY EVALUATION REPORT.**

12 (a) IN GENERAL.—Subchapter I of chapter 301 of
13 title 49, United States Code, is amended by adding at the
14 end the following:

15 **“§ 30107. Highly automated vehicles safety evaluation**
16 **report**

17 “(a) IN GENERAL.—

18 “(1) REQUIREMENT.—Each manufacturer in-
19 troducing a new highly automated vehicle or auto-
20 mated driving system into interstate commerce shall
21 provide a safety evaluation report, in accordance
22 with this section, that describes how the manufac-
23 turer is addressing the safety of such vehicle or sys-
24 tem.

1 “(2) SUBMISSION.—Each manufacturer de-
2 scribed in paragraph (1) shall—

3 “(A) submit a report to the Secretary—

4 “(i) upon testing a highly automated
5 vehicle or automated driving system; and

6 “(ii) not later than 90 days before
7 selling, offering for sale, or otherwise com-
8 mercializing a highly automated vehicle or
9 automated driving system; and

10 “(B) annually submit, until the vehicle or
11 system is no longer being sold, offered for sale,
12 or otherwise introduced into interstate com-
13 merce by the manufacturer or until the system
14 is no longer being incorporated into new motor
15 vehicles by the manufacturer, an updated report
16 to the Secretary that—

17 “(i) may disclose that no significant
18 changes were made to the vehicle or sys-
19 tem; and

20 “(ii) shall provide aggregate results of
21 any significant safety deviation from ex-
22 pected performance disclosed in the pre-
23 vious report.

24 “(3) REVIEW.—The Secretary—

1 “(A) shall review each report submitted
2 under paragraph (2); and

3 “(B) may require that the manufacturer
4 submit additional or clarifying information.

5 “(4) LIMITATION.—The Secretary may not con-
6 dition the manufacture, testing, sale, offer for sale,
7 or introduction into interstate commerce of a highly
8 automated vehicle or automated driving system
9 based on a review of a safety evaluation report or
10 additional information submitted under this section.

11 “(b) SAFETY EVALUATION REPORT SUBJECT
12 AREAS.—Each report submitted by a manufacturer under
13 subsection (a) shall describe how the manufacturer is ad-
14 dressing, through a documented assessment, testing, and
15 validation process, each of the subject areas described in
16 paragraphs (1) through (9).

17 “(1) SYSTEM SAFETY.—The avoidance of un-
18 reasonable risks to safety, including—

19 “(A) assurance that systems, including
20 hardware and software, perform intended func-
21 tions;

22 “(B) the mitigation of unreasonable risks
23 to safety caused by a malfunction of the auto-
24 mated driving system; and

1 “(C) sense of objects, motorcyclists,
2 bicyclists, pedestrians, and animals in or cross-
3 ing the path of travel through the automated
4 driving system.

5 “(2) DATA RECORDING.—The collection by the
6 vehicle of automated driving system performance in-
7 formation and incident and crash data—

8 “(A) to record the occurrence of malfunc-
9 tions, disengagements, degradations, or failures;

10 “(B) to aid in the analysis of the cause of
11 any issues described in subparagraph (A);

12 “(C) to enable efforts to work with other
13 entities to address data recording and sharing;
14 and

15 “(D) with respect to event data recorder
16 information, that complies with the collection
17 and sharing requirements under the FAST Act
18 (Public Law 114–94).

19 “(3) CYBERSECURITY.—The minimization of
20 cybersecurity risks to safety and the exchange of in-
21 formation about any vulnerabilities discovered from
22 field incidents, internal testing, or external security
23 research.

24 “(4) HUMAN-MACHINE INTERFACE.—

1 “(A) The methods of informing the human
2 driver or operator about whether the automated
3 driving system is functioning properly.

4 “(B) For a Level 3 vehicle, the methods to
5 address driver reengagement.

6 “(C) The use of a human-machine inter-
7 face by people with disabilities through visual,
8 auditory, or haptic displa .

9 “(5) CRASHWORTHINESS.—Practicable protec-
10 tion for all occupants given any planned seating po-
11 sitions or interior configurations.

12 “(6) CAPABILITIES.—The capabilities and limi-
13 tations of the highly automated vehicle or automated
14 driving system.

15 “(7) POST-CRASH BEHAVIOR.—The post-crash
16 behavior of the highly automated vehicle or auto-
17 mated driving system if sensors or critical systems
18 are damaged in a crash.

19 “(8) ACCOUNT FOR APPLICABLE LAWS.—The
20 account of applicable traffic laws and rules of the
21 road, based on operational design domain, in the de-
22 velopment of a highly automated vehicle or auto-
23 mated driving system.

24 “(9) AUTOMATION FUNCTION.—

1 “(A) The expected operational design do-
2 main in which the highly automated vehicle or
3 automated driving system is designed to oper-
4 ate, including any roadway and infrastructure
5 assets required for the operation of the highly
6 automated vehicle or automated driving system,
7 such as roadside equipment, pavement mark-
8 ings, signage, and traffic signals, and how it
9 will respond if that operational design domain
10 unexpectedly changes.

11 “(B) The automated driving system’s ex-
12 pected object and event detection and response
13 capabilities, including behavioral competencies
14 and crash avoidance capability.

15 “(C) The ability of the highly automated
16 vehicle or automated driving system to transi-
17 tion to a minimal risk condition when a mal-
18 function is encountered.

19 “(D) The performance of the vehicle
20 through the manufacturer’s development and
21 implementation of tests, including simulation,
22 test track, and on-road testing.

23 “(c) CERTIFICATION OF INAPPLICABLE CAT-
24 EGORIES.—A manufacturer that is solely testing a vehicle

1 or system may certify that one or more of the categories
2 set forth in subsection (b) do not apply.

3 “(d) PUBLICLY AVAILABLE.—The Secretary shall
4 make any report submitted by a manufacturer under this
5 section publicly available as soon as practicable, except the
6 Secretary may not make publicly available any information
7 relating to a trade secret or confidential business informa-
8 tion, or which is privileged. The manufacturer may submit
9 information related to a trade secret or confidential busi-
10 ness information separately from the report.

11 “(e) OFFICIAL SIGNATURE.—Each report submitted
12 by an entity under this section shall be reviewed by a sen-
13 ior official of the entity who—

14 “(1) is knowledgeable about the information
15 contained in the report; and

16 “(2) shall certify that, based on the official’s
17 knowledge, the report does not contain any untrue
18 statement of a material fact.

19 “(f) TERMINATION OF OBLIGATION TO DISCLOSE IN-
20 FORMATION.—

21 “(1) IN GENERAL.—A manufacturer’s obliga-
22 tion to provide information on a specific category
23 under subsection (b) shall end on the effective date
24 of a motor vehicle safety standard applicable to the
25 same aspect of vehicle or system performance as is

1 covered by the category, with due consideration for
2 any lead time specified for compliance.

3 “(2) EFFECT OF NEW STANDARD.—In adopting
4 any standard applicable to highly automated vehicle
5 performance, the Secretary shall—

6 “(A) identify the category under subsection
7 (b) to which the standard relates, if any; and

8 “(B) specify what information is no longer
9 required to be included in the report as a result
10 of the new standard.

11 “(g) RULE OF CONSTRUCTION.—

12 “(1) SUBMISSIONS.—A manufacturer may sub-
13 mit a safety evaluation report for vehicles introduced
14 into interstate commerce before the date of the en-
15 actment of the AV START Act.

16 “(2) SAVINGS PROVISIONS.—Nothing in this
17 section may be construed to amend, limit the au-
18 thority, or prohibit the use of the information in-
19 cluded in the report under chapter 301 of title 49,
20 United States Code.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 301 of title 49, United States Code, is amended by
23 inserting after the item relating to section 30106 the fol-
24 lowing:

“30107. Highly automated vehicles safety evaluation report.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on the date that is 90 days
 3 after the date of the enactment of this Act.

4 **SEC. 10. HIGHLY AUTOMATED VEHICLES TECHNICAL COM-**
 5 **MITTEE.**

6 (a) ESTABLISHMENT.—Not later than 180 days after
 7 the date of the enactment of this Act, the Secretary shall
 8 establish a Highly Automated Vehicles Technical Com-
 9 mittee (referred to in this section as the “Committee”)
 10 to provide a forum for stakeholders to discuss, prioritize,
 11 and make technical recommendations for highly auto-
 12 mated vehicle and automated driving system safety.

13 (b) MEMBERSHIP.—

14 (1) VOTING MEMBERS.—The Secretary—

15 (A) shall appoint 15 voting members to the
 16 Committee who—

17 (i) are specially qualified to serve on
 18 the Committee because of their technical
 19 knowledge of automated driving systems,
 20 vehicle-to-vehicle infrastructure systems, or
 21 the impact of such systems on Federal
 22 motor vehicle safety standards; and

23 (ii) shall include representatives of
 24 SAE International, automated vehicle
 25 proving grounds designated by the Depart-

1 ment of Transportation, highly automated
2 vehicle and automated driving system man-
3 ufacturers, safety organizations, State and
4 local government agencies, and other orga-
5 nizations directly or indirectly impacted by
6 NHTSA regulations; and

7 (B) may appoint new members to the
8 Committee at any time.

9 (2) COMPENSATION.—Members of the Com-
10 mittee shall serve without compensation.

11 (3) CHAIRPERSON.—The Secretary, or the Sec-
12 retary’s designee, shall act as Chairperson of the
13 Committee, but will not have voting rights, except to
14 break a tie.

15 (c) DUTIES.—

16 (1) RECOMMENDATIONS.—The Committee shall
17 provide consensus-based recommendations to the
18 Secretary on rulemaking, policy, and guidance re-
19 garding highly automated vehicle safety, including—

20 (A) the identification and creation of per-
21 formance standards; and

22 (B) the harmonization of national highly
23 automated vehicle safety standards with inter-
24 national standards.

1 (2) SCOPE.—The Committee shall study issues
2 relating to highly automated vehicles, including—

3 (A) system safety;

4 (B) automated steering and braking;

5 (C) crashworthiness for vehicles with un-
6 conventional seating positions or vehicles not in-
7 tended for human occupancy;

 (D) e

10 (E) accessibility for people with physical,
11 sensory, or other disabilities, including for those
12 who rely on mobility devices;

13 (F) potential conflicts with existing Fed-
14 eral motor vehicle safety standards; and

15 (G) any other issue the Secretary considers
16 appropriate.

17 (3) SUPPORT.—The NHTSA Office of Rule-
18 making and the NHTSA Office of Vehicle Safety
19 Research shall provide support services to the Com-
20 mittee.

21 (4) MEETINGS.—The Committee shall meet not
22 less frequently than 4 times per year. Committee
23 meetings shall be open to the public, except in cir-
24 cumstances in which a meeting is likely to discuss—

1 (A) internal personnel rules and practices
2 of the NHTSA;

3 (B) matters specifically exempted from dis-
4 closure by statute;

5 (C) trade secrets or confidential or privi-
6 leged business information;

7 (D) matters involving criminal accusation
8 or official censure;

9 (E) information of a personal nature that,
10 if disclosed, would constitute an unwarranted
11 invasion of personal privacy; or

12 (F) investigatory records that might inter-
13 fere with enforcement proceedings.

14 (5) WORKING GROUPS.—

15 (A) IN GENERAL.—The Committee may
16 establish temporary working groups, as nec-
17 essary, to address specific issues. Each working
18 group shall include at least 1 member who rep-
19 represents a manufacturer of highly automated ve-
20 hicles or automated driving systems and other
21 individuals who are subject matter experts on
22 the issue before the working group.

23 (B) DISABILITY ACCESS.—The Committee
24 shall establish a working group to develop vol-
25 untary best practices regarding highly auto-

1 mated vehicle accessibility for people with phys-
2 ical, sensory, or other disabilities, including for
3 those who rely on mobility devices. Such best
4 practices shall address the physical accessibility
5 of highly automated vehicles and human-ma-
6 chine interface accessibility through visual, au-
7 ditory, or haptic displa . The
8 working group shall include representatives
9 from national organizations representing indi-
10 viduals with disabilities.

11 (d) **RECOMMENDATIONS FOR HIGHLY AUTOMATED**
12 **VEHICLES.—**

13 (1) **IN GENERAL.—**On a periodic basis, the
14 Committee shall release recommendations on vol-
15 untary standards regarding highly automated vehicle
16 safety.

17 (2) **WORK PLAN.—**Not later than 180 days
18 after the Committee is established under subsection
19 (a), the Committee shall submit a work plan to the
20 Secretary for carrying out this section.

21 (3) **REPORT.—**Not later than 5 years after the
22 date of the enactment of this Act, the Committee
23 shall submit a report containing recommendations of
24 consensus-based, feasible, and objective standards to
25 the Secretary for potential rulemaking governing

1 highly automated vehicles that meet the need for
2 motor vehicle safety.

3 (e) CONSULTATION AND PUBLICATION OF RE-
4 PORTS.—

5 (1) IN GENERAL.—The Secretary shall consult
6 with the Committee, as appropriate, on highly auto-
7 mated vehicle safety matters, including the develop-
8 ment and implementation of relevant policies, pro-
9 grams, and rulemaking.

10 (2) RECOMMENDED AGENDA.—The Secretary
11 shall regularly provide recommendations to the Com-
12 mittee regarding the agenda of the Committee and
13 areas in which Committee activity would benefit and
14 complement Department of Transportation efforts.

15 (3) REPORTS.—The Secretary shall make any
16 report or recommendation developed under this sec-
17 tion publicly available.

18 (f) FACA.—The Committee shall not be subject to
the requirements under the Federal A

20 (5 U.S.C. App.).

21 (g) TERMINATION.—The Committee shall terminate
22 upon the submission of the final report required under
23 subsection (d)(3) unless the Secretary determines that the
24 Committee should continue.

1 **SEC. 11. HIGHLY AUTOMATED VEHICLES RULEMAKING.**

2 (a) IN GENERAL.—The Secretary shall review and
3 seek public comment on the recommendations for stand-
4 ards made by the Highly Automated Vehicles Technical
5 Committee under section 10(d)(3).

6 (b) DETERMINATION.—Not later than 1 year after
7 the receipt of the recommendations referred to in sub-
8 section (a), the Secretary shall—

9 (1) make a determination whether to approve
10 one or more of the recommendations, based on an
11 identified need for motor vehicle safety; and

12 (2) begin a rulemaking proceeding on the rec-
13 ommendations approved pursuant to paragraph (1)
14 on the safety of highly automated vehicles.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to restrict the authority of the Sec-
17 retary under section 30111 of title 49, United States
18 Code. Any Federal motor vehicle safety standard adopted
19 pursuant to this section shall meet the requirements under
20 such section 30111.

21 **SEC. 12. CONSUMER EDUCATION.**

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary shall
24 establish a working group on responsible education efforts
25 for advanced driver assist systems and automated driving
26 systems.

1 (b) DUTIES.—The working group established under
2 subsection (a) shall—

3 (1) identify recommended education and re-
4 sponsible marketing strategies that may be volun-
5 tarily employed by industry to inform consumers, ve-
6 hicle owners and operators, and other stakeholders
7 about advanced driver assistance systems and auto-
8 mated driving systems as they become available or
9 are soon to be introduced into interstate commerce;
10 and

11 (2) submit a report containing the findings and
12 recommendations of the working group to Congress
13 and making such report available to the public.

14 (c) CONSIDERATIONS.—The working group shall con-
15 sider topics pertaining to—

16 (1) intent, capabilities, and limitations of ad-
17 vanced driver assistance systems and automated
18 driving systems;

19 (2) engagement and disengagement methods,
20 including methods to address driver engagement in
21 lower levels of automation;

22 (3) human-machine interfaces;

23 (4) emergency fallback scenarios;

24 (5) operational boundary responsibilities;

1 (6) response in the event of a crash or system
2 failure;

3 (7) potential mechanisms that could change
4 function behavior in service; and

5 (8) consistent nomenclature and taxonomy for
6 safety features and systems.

7 (d) MEMBERSHIP.—

8 (1) IN GENERAL.—The Secretary shall appoint,
9 as members of the working group, individuals with
10 expertise in automated driving systems and driver
11 assistance systems, including—

12 (A) representatives of—

13 (i) motor vehicle manufacturers;

14 (ii) manufacturers of automated driv-
15 ing systems and driver assistance systems
16 (including components);

17 (iii) motor vehicle dealers;

18 (iv) motor vehicle owners and opera-
19 tors, including fleet managers, vehicle rent-
20 al companies, and transportation network
21 companies;

22 (v) consumers or consumer advocacy
23 groups;

- 1 (v) automated vehicle proving
2 grounds designated by the Department of
3 Transportation;
- 4 (v) public health organizations;
- 5 (v) marketing professionals;
- 6 (i) entities with national experience
7 in consumer education; and
- 8 (x) enabling technology companies;
- 9 and
- 10 (B) any other members the Secretary con-
11 sider appropriate.
- 12 (2) COMPENSATION.—Members of the working
13 group shall serve without compensation.
- 14 (3) CONSULTATION.—The Secretary shall con-
15 sult with the Federal Trade Commission about the
16 recommendations of the working group, as appro-
17 priate.
- 18 (e) TERMINATION.—The working group established
19 under this section shall terminate on the date that is 2
20 years after the date of the enactment of this Act.
- 21 **SEC. 13. TRAFFIC SAFETY AND LAW ENFORCEMENT.**
- 22 (a) RESEARCH.—The Secretary, in coordination with
23 State and local transportation and highway safety entities,
24 State and local law enforcement entities, and other rel-

1 evant parties, shall research the traffic safety implications
2 of highly automated vehicles, including—

3 (1) the intersection of conventional and highly
4 automated vehicles; and

5 (2) law enforcement impacts, including—

6 (A) enforcing applicable laws;

7 (B) identifying whether a vehicle was in
8 automated mode at the time of a crash;

9 (C) lawfully accessing event data informa-
10 tion; and

11 (D) determining how a highly automated
12 vehicle should respond to law enforcement.

13 (b) COORDINATION OF SAFETY.—The Secretary, in
14 coordination with State, local, and law enforcement agen-
15 cies, may develop a process for State and local entities
16 to provide information, on a voluntary basis, to the Sec-
17 retary to assist the Department of Transportation in iden-
18 tifying defects related to motor vehicle safety of highly
19 automated vehicles.

20 (c) CRASH DATA.—Not later than 3 years after the
21 date of the enactment of this Act, the Secretary shall re-
22 vise the crash investigation data collection system to in-
23 clude the collection of crash report data elements that dis-
24 tinguish whether the vehicle involved in a crash is a highly
25 automated vehicle, including the level of automation and

1 whether the vehicle was in automated mode at the time
2 of a crash.

3 **SEC. 14. CYBERSECURITY.**

4 (a) IN GENERAL.—Subchapter I of chapter 301 of
5 title 49, United States Code, as amended by section 9,
6 is further amended by adding at the end the following:

7 **“§ 30108. Cybersecurity risks to the safety of highly**
8 **automated vehicles**

9 “(a) DEFINITIONS.—In this section:

10 “(1) CYBERSECURITY INCIDENT.—The term
11 ‘cybersecurity incident’ has the meaning given the
12 term ‘incident’ in section 227(a) of the Homeland
13 Security Act of 2002 (6 U.S.C. 148(a)).

14 “(2) CYBERSECURITY RISK.—The term ‘cyber-
15 security risk’ has the meaning given the term in sec-
16 tion 227(a) of the Homeland Security Act of 2002
17 (6 U.S.C. 148(a)).

18 “(3) CYBERSECURITY VULNERABILITY.—The
19 term ‘cybersecurity vulnerability’ has the meaning
20 given the term ‘security vulnerability’ in section 102
21 of the Cybersecurity Information Sharing Act of
22 2015 (6 U.S.C. 1501).

23 “(b) CYBERSECURITY PLAN.—

24 “(1) IN GENERAL.—Each manufacturer of a
25 highly automated vehicle or automated driving sys-

1 tem shall develop, maintain, and execute a written
2 plan for identifying and reducing cybersecurity risks
3 to the motor vehicle safety of such vehicles and sys-
4 tems.

5 “(2) REQUIREMENTS.—The plan required
6 under paragraph (1) shall include a process for—

7 “(A) the risk-based prioritized identifica-
8 tion and protection of safety-critical vehicle con-
9 trol systems and the broader transportation
10 ecosystem, as applicable;

11 “(B) the efficient detection and response
12 to potential vehicle cybersecurity incidents in
13 the field;

14 “(C) facilitating expeditious recovery from
15 incidents as they occur;

16 “(D) the institutionalization of methods
17 for the accelerated adoption of lessons learned
18 across industry through voluntary exchange of
19 information pertaining to cybersecurity inci-
20 dents, threats, and vulnerabilities, including the
21 consideration of a coordinated cybersecurity
22 vulnerability disclosure policy or other related
23 practices for collaboration with third-party cy-
24 bersecurity researchers;

1 “(E) the identification of the point of con-
2 tact of the manufacturer with responsibility for
3 the management of cybersecurity;

4 “(F) the use of segmentation and isolation
5 techniques in vehicle architecture design, as ap-
6 propriate; and

7 “(G) supporting voluntary efforts by indus-
8 try and standards-setting organizations to de-
9 velop and identify consistent standards and
10 guidelines relating to vehicle cybersecurity, con-
11 sistent, and to the extent appropriate, with the
12 cybersecurity risk management activities de-
13 scribed in section 2(e) of the National Institute
14 of Standards and Technology Act (15 U.S.C.
15 272(e)).

16 “(3) INSPECTION.—The Secretary may inspect
17 any cybersecurity plan developed by a manufacturer
18 under this subsection to enable the Secretary to de-
19 cide whether the manufacturer has complied, or is
20 complying, with this chapter or a regulation pre-
21 scribed or order issued pursuant to this chapter.

22 “(4) PROTECTIONS FOR DISCLOSURE.—The
23 Secretary may, by notice and comment rulemaking,
24 establish a requirement that manufacturers subject

1 to subsection (b) develop a summary of its plan that
2 is suitable for public disclosure, as appropriate.

3 “(c) COORDINATED CYBERSECURITY VULNER-
4 ABILITY DISCLOSURE.—The Secretary may work coopera-
5 tively with manufacturers of highly automated vehicles
6 and automated driving systems to incentivize manufactur-
7 ers to voluntarily adopt a coordinated vulnerability disclo-
8 sure policy and practice in which a security researcher pri-
9 vately discloses information related to a discovered vulner-
10 ability to a manufacturer and allows the manufacturer
11 time to confirm and remediate the vulnerability—

12 “(1) so that manufacturers build relationships
13 with security researchers to mitigate cybersecurity
14 risks; and

15 “(2) to discover and mitigate cybersecurity
16 vulnerabilities in highly automated vehicles or auto-
17 mated driving systems that present a risk to motor
18 vehicle safety (as defined in section 30102 of title
19 49, United States Code).

20 “(d) COORDINATION.—All Federal agencies under-
21 taking research on cybersecurity risks associated with
22 highly automated vehicles shall coordinate with the Sec-
23 retary on their findings.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 301 of title 49, United States Code, is amended by

1 inserting after the item relating to section 30107, as
2 added by section 9, the following:

“30108. Cybersecurity risks to the safety of highly automated vehicles.”.

3 (c) **EFFECTIVE DATE.**—The amendments made by
4 this section shall take effect on the date that is 18 months
5 after the date of the enactment of this Act.

6 **SEC. 15. SAVINGS PROVISION.**

7 Nothing in this Act may be construed to alter any
8 existing authority under subtitle VI of title 49, United
9 States Code, relating to motor vehicles with a gross vehicle
10 weight of 10,001 pounds or more.

○