

117TH CONGRESS
1ST SESSION

H. R. 3711

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. LATTA (for himself, Mr. BUCSHON, Mr. UPTON, Mr. PENCE, Mr. CARTER of Georgia, Mr. BURGESS, Mr. JOYCE of Pennsylvania, Mr. LONG, Mr. MULLIN, and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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 clarify the Federal role
 9 in ensuring the safety of highly automated vehicles as it
 10 relates to design, construction, and performance, by en-
 11 couraging the testing and deployment of such vehicles.

12 **SEC. 3. NHTSA AUTHORITY AND STATE 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, law enforcement, crash investiga-

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 law or regulation 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.”;

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.”; and

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

22 “(f) LICENSING.—A State may not issue a motor ve-
23 hicle operator’s license for the operation or use of a dedi-
24 cated highly automated vehicle in a manner that discrimi-
25 nates on the basis of disability (as defined in section 3

1 of the Americans with Disabilities Act of 1990 (42 U.S.C.
2 12102)).”.

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

5 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
6 49, United States Code, is amended by inserting after sec-
7 tion 30128 the following new section:

8 **“§ 30129. Updated or new motor vehicle safety stand-**
9 **ards for highly automated vehicles**

10 “(a) SAFETY ASSESSMENT CERTIFICATION.—

11 “(1) FINAL RULE.—Not later than 24 months
12 after the date of the enactment of this section, the
13 Secretary of Transportation shall issue a final rule
14 requiring the submission of safety assessment certifi-
15 cations regarding how safety is being addressed by
16 each entity developing a highly automated vehicle or
17 an automated driving system. Such rule shall in-
18 clude—

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

21 “(B) a clear description of the relevant test
22 results, data, and other contents required to be
23 submitted by such entity, in order to dem-
24 onstrate that such entity’s vehicles are likely to
25 maintain safety, and function as intended and

1 contain fail safe features, to be included in such
2 certifications; and

3 “(C) a specification of the circumstances
4 under which such certifications are required to
5 be updated or resubmitted.

6 “(2) INTERIM REQUIREMENT.—Until the final
7 rule issued under paragraph (1) takes effect, safety
8 assessment letters shall be submitted to the National
9 Highway Traffic Safety Administration as con-
10 templated by the Federal Automated Vehicles Policy
11 issued in September 2016, or any successor guid-
12 ance issued on highly automated vehicles requiring a
13 safety assessment letter.

14 “(3) PERIODIC REVIEW AND UPDATING.—Not
15 later than 5 years after the date on which the final
16 rule is issued under paragraph (1), and not less fre-
17 quently than every 5 years thereafter, the Secretary
18 shall—

19 “(A) review such rule; and

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

22 “(4) RULES OF CONSTRUCTION.—

23 “(A) NO CONDITIONS ON DEPLOYMENT.—

24 Nothing in this subsection may be construed to
25 limit or affect the Secretary’s authority under

1 any other provision of law. The Secretary may
2 not condition deployment or testing of highly
3 automated vehicles on review of safety assess-
4 ment certifications.

5 “(B) NO NEW AUTHORITIES.—No new au-
6 thorities are granted to the Secretary under
7 this section other than the promulgation of the
8 rule pursuant to paragraph (1).

9 “(5) REVIEW AND RESEARCH.—To accommo-
10 date the development and deployment of highly auto-
11 mated vehicles and to ensure the safety and security
12 of highly automated vehicles and motor vehicles and
13 others that will share the roads with highly auto-
14 mated vehicles, not later than 180 days after the
15 date of the enactment of this section, the Secretary
16 shall—

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

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

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

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this section, the Secretary
25 shall make available to the public and submit to the

1 Committee on Energy and Commerce of the House
2 of Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a rule-
4 making and safety priority plan, as necessary to ac-
5 commodate the development and deployment of high-
6 ly automated vehicles and to ensure the safety and
7 security of highly automated vehicles and motor ve-
8 hicles and others that will share the roads with high-
9 ly automated vehicles, to—

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

12 “(B) issue new motor vehicle safety stand-
13 ards; and

14 “(C) consider how objective ranges in per-
15 formance standards could be used to test motor
16 vehicle safety standards, which safety standards
17 would be appropriate for such testing, and
18 whether additional authority would facilitate
19 such testing.

20 “(2) INCLUSION OF PRIORITIES.—

21 “(A) PRIORITIES.—The plan required by
22 paragraph (1) shall detail the overall priorities
23 of the National Highway Traffic Safety Admin-
24 istration for the 5 years following the issuance
25 of the plan, including both priorities with re-

1 spect to highly automated vehicles and priorities
2 with respect to other safety initiatives of the
3 Administration, in order to meet the Nation’s
4 motor vehicle safety challenges.

5 “(B) IDENTIFICATION OF ELEMENTS THAT
6 MAY REQUIRE STANDARDS.—For highly auto-
7 mated vehicles, the National Highway Traffic
8 Safety Administration should identify elements
9 that may require performance standards includ-
10 ing human machine interface, sensors, and ac-
11 tuators, and consider process and procedure
12 standards for software and cybersecurity as
13 necessary.

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

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

20 “(A) IN GENERAL.—Not later than 18
21 months after the date of enactment of this sec-
22 tion, the Secretary shall initiate the first rule-
23 making proceeding in accordance with the rule-
24 making and safety priority plan required by
25 paragraph (1).

1 “(B) PRIORITIZATION OF SUBSEQUENT
2 PROCEEDINGS.—The Secretary shall continue
3 initiating rulemaking proceedings in accordance
4 with such plan. The Secretary may change at
5 any time those priorities to address matters the
6 Secretary considers of greater priority. If the
7 Secretary makes such a change, the Secretary
8 shall complete an interim update of the priority
9 plan, make such update available to the public,
10 and submit such update to the Committee on
11 Energy and Commerce of the House of Rep-
12 resentatives and the Committee on Commerce,
13 Science, and Transportation of the Senate.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 301 of subtitle VI of title 49, United States Code, is
16 amended by inserting after the item relating to section
17 30128 the following new item:

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

18 **SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYS-**
19 **TEMS.**

20 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
21 49, United States Code, is amended by inserting after sec-
22 tion 30129 (as added by section 4) the following new sec-
23 tion:

1 **“§ 30130. Cybersecurity of automated driving systems**

2 “(a) CYBERSECURITY PLAN.—A manufacturer may
3 not sell, offer for sale, introduce or deliver for introduction
4 into commerce, or import into the United States, any high-
5 ly automated vehicle, vehicle that performs partial driving
6 automation, or automated driving system unless such
7 manufacturer has developed a cybersecurity plan that in-
8 cludes the following:

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

14 “(A) a process for identifying, assessing,
15 and mitigating reasonably foreseeable
16 vulnerabilities from cyber attacks or unauthor-
17 ized intrusions, including false and spurious
18 messages and malicious vehicle control com-
19 mands; and

20 “(B) a process for taking preventive and
21 corrective action to mitigate against
22 vulnerabilities in a highly automated vehicle or
23 a vehicle that performs partial driving automa-
24 tion, including incident response plans, intru-
25 sion detection and prevention systems that safe-
26 guard key controls, systems, and procedures

1 through testing or monitoring, and updates to
2 such process based on changed circumstances.

3 “(2) The identification of an officer or other in-
4 dividual of the manufacturer as the point of contact
5 with responsibility for the management of cybersecu-
6 rity.

7 “(3) A process for limiting access to automated
8 driving systems.

9 “(4) A process for employee training and super-
10 vision for implementation and maintenance of the
11 policies and procedures required by this section, in-
12 cluding controls on employee access to automated
13 driving systems.

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

16 (b) ENFORCEMENT AUTHORITY.—Section
17 30165(a)(1) of title 49, United States Code, is amended
18 by inserting “30130,” after “30127,”.

19 (c) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 301 of subtitle VI of title 49, United States Code, is
21 amended by inserting after the item relating to section
22 30129 (as added by section 4) the following new item:

“30130. Cybersecurity of automated driving systems.”.

23 **SEC. 6. GENERAL EXEMPTIONS.**

24 Section 30113 of title 49, United States Code, is
25 amended—

1 (1) in subsection (b)(3)(B)—

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

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

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

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

9 “(I) a feature of a highly automated vehi-
10 cle providing a safety level at least equal to the
11 safety level of the standard for which exemption
12 is sought; or

13 “(II) a highly automated vehicle providing
14 an overall safety level at least equal to the over-
15 all safety level of nonexempt vehicles;

16 “(vi) the exemption would promote transpor-
17 tation access for individuals with disabilities (as de-
18 fined in section 3 of the Americans with Disabilities
19 Act of 1990 (42 U.S.C. 12102)) and would pro-
20 vide—

21 “(I) a safety level at least equal to the
22 safety level of the standard for which the ex-
23 emption is sought; or

1 “(II) an overall safety level at least equal
2 to the overall safety level of nonexempt vehi-
3 cles.”;

4 (2) in subsection (c), by adding at the end the
5 following:

6 “(5) if the application is made under subsection
7 (b)(3)(B)(v) or (vi)—

8 “(A) such development, testing, and other
9 data necessary to demonstrate that the motor
10 vehicle is a highly automated vehicle; and

11 “(B) a detailed analysis that includes sup-
12 porting test data, including both on-road and
13 validation and testing data showing (as applica-
14 ble) that—

15 “(i) the safety level of the feature at
16 least equals the safety level of the standard
17 for which exemption is sought; or

18 “(ii) the vehicle provides an overall
19 safety level at least equal to the overall
20 safety level of nonexempt vehicles.”;

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

24 “(1) ELIGIBILITY UNDER SUBSECTION
25 (b)(3)(B)(i).—A manufacturer is eligible for an ex-

1 exemption under subsection (b)(3)(B)(i) of this section
2 (including an exemption under subsection
3 (b)(3)(B)(i) relating to a bumper standard referred
4 to in subsection (b)(1)) only if the Secretary deter-
5 mines that the manufacturer's total motor vehicle
6 production in the most recent year of production is
7 not more than 10,000.

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

14 “(3) ELIGIBILITY UNDER SUBSECTION
15 (b)(3)(B)(ii), (iv), or (v).—A manufacturer is eligi-
16 ble for an exemption under subsection (b)(3)(B)(ii),
17 (iv), or (v) of this section only if the Secretary deter-
18 mines the exemption is for not more than 100,000
19 vehicles per manufacturer to be sold, leased, or oth-
20 erwise introduced into commerce in the United
21 States in any 12-month period.

22 “(4) LIMITATION ON NUMBER OF VEHICLES
23 EXEMPTED.—All exemptions granted to a manufac-
24 turer under subsections (b)(3)(B)(i) through (v)
25 shall not exceed a total of (i) 25,000 vehicles manu-

1 factured within the first 12-month period, (ii)
2 50,000 vehicles manufactured within the second 12-
3 month period, (iii) 100,000 vehicles manufactured
4 within the third 12-month period, and, (iv) 100,000
5 vehicles manufactured within the fourth 12-month
6 period. Any renewals under subsections (b)(3)(B)(i)
7 through (v) shall not exceed a total of 100,000 vehi-
8 cles manufactured within a 12-month period.”;

9 (4) in subsection (e), by striking “An exemption
10 or renewal” and all that follows and inserting the
11 following:

12 “(1) EXEMPTION UNDER SUBSECTION
13 (b)(3)(B)(i).—An exemption or renewal under sub-
14 section (b)(3)(B)(i) of this section may be granted
15 for not more than 3 years.

16 “(2) EXEMPTION UNDER SUBSECTION
17 (b)(3)(B)(iii).—An exemption or renewal under sub-
18 section (b)(3)(B)(iii) this section may be granted for
19 not more than 2 years.

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

24 and

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

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

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

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

20 “(3) provides a safety level at least equal to the
21 safety level of the standard for which the exemption
22 is sought.

23 “(j) REPORTING REQUIREMENT.—A manufacturer
24 granted an exemption under subsection (b)(3)(B)(ii), (iv),
25 or (v), shall provide information about all crashes of which

1 it has actual knowledge involving such exempted vehicles,
2 regardless of whether a claim is submitted to the manufac-
3 turer, in accordance with part 579 of title 49, Code of
4 Federal Regulations.

5 “(k) PROCESS AND ANALYSIS.—

6 “(1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this subsection, the
8 Secretary of Transportation shall publish in the
9 Federal Register a notice that details the process
10 and analysis used for the consideration of exemption
11 or renewal applications under subsection
12 (b)(3)(B)(v).

13 “(2) PERIODIC REVIEW AND UPDATING.—The
14 notice required by paragraph (1) shall be reviewed
15 every 5 years and updated if the Secretary considers
16 it necessary.

17 “(l) EXEMPTION DATABASE.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a publicly available and searchable electronic
20 database of each motor vehicle for which an exemp-
21 tion from motor vehicle safety standards prescribed
22 under this chapter or a bumper standard prescribed
23 under chapter 325 has been granted.

24 “(2) VEHICLE IDENTIFICATION NUMBER.—The
25 database established under paragraph (1) shall be

1 searchable by Vehicle Identification Number and
2 shall include no information identifying the vehicle
3 owner.”.

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

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

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

9 (2) in subparagraph (A), by striking “motor ve-
10 hicles into the United States that are certified” and
11 inserting “into the United States motor vehicles that
12 are certified, or motor vehicle equipment utilized in
13 a motor vehicle that is certified,”;

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

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

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

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

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

1 “(B) a manufacturer of highly automated
2 vehicles, automated driving systems, or compo-
3 nents of automated driving systems that agrees
4 not to sell or lease or offer for sale or lease the
5 highly automated vehicles, automated driving
6 systems, or components of automated driving
7 systems at the conclusion of the testing or eval-
8 uation and—

9 “(i) has submitted to the Secretary—

10 “(I) the name of the individual,
11 partnership, corporation, or institu-
12 tion of higher education and a point
13 of contact;

14 “(II) the residence address of the
15 individual, partnership, corporation,
16 or institution of higher education and
17 State of incorporation if applicable;

18 “(III) a description of each type
19 of motor vehicle used during develop-
20 ment of highly automated vehicles,
21 automated driving systems, or compo-
22 nents of automated driving systems
23 manufactured by the individual, part-
24 nership, corporation, or institution of
25 higher education; and

1 “(IV) proof of insurance for any
2 State in which the individual, partner-
3 ship, corporation, or institution of
4 higher education intends to test or
5 evaluate highly automated vehicles;
6 and

7 “(ii) if applicable, has identified an
8 agent for service of process in accordance
9 with part 551 of title 49, Code of Federal
10 Regulations.”.

11 **SEC. 8. INFORMATION ON HIGHLY AUTOMATED DRIVING**
12 **SYSTEMS MADE AVAILABLE TO PROSPECTIVE**
13 **BUYERS.**

14 (a) RESEARCH.—Not later than 3 years after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation shall complete research to determine the most effec-
17 tive method and terminology for informing consumers for
18 each highly automated vehicle or a vehicle that performs
19 partial driving automation about the capabilities and limi-
20 tations of that vehicle. The Secretary shall determine
21 whether such information is based upon or includes the
22 terminology as defined by SAE International in Rec-
23 ommended Practice Report J3016 (published September
24 2016) or whether such description should include alter-
25 native terminology.

1 (b) RULEMAKING.—After the completion of the study
2 required under subsection (a), the Secretary shall initiate
3 a rulemaking proceeding to require manufacturers to in-
4 form consumers of the capabilities and limitations of a ve-
5 hicle’s driving automation system or feature for any highly
6 automated vehicle or any vehicle that performs partial
7 driving automation.

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

9 (a) ESTABLISHMENT.—Subject to the availability of
10 appropriations, not later than 6 months after the date of
11 enactment of this Act, the Secretary of Transportation
12 shall establish in the National Highway Traffic Safety Ad-
13 ministration a Highly Automated Vehicle Advisory Council
14 (hereinafter referred to as the “Council”).

15 (b) MEMBERSHIP.—Members of the Council shall in-
16 clude a diverse group representative of business (including
17 motor vehicle manufacturers, mobility service providers,
18 and motor vehicle dealers), academia and independent re-
19 searchers, State and local authorities, safety and con-
20 sumer advocates, disability organizations, engineers, labor
21 organizations, environmental experts, a representative of
22 the National Highway Traffic Safety Administration, and
23 other members determined to be appropriate by the Sec-
24 retary. Any subcommittee of the Council shall be com-

1 posed of not less than 15 and not more than 30 members
2 appointed by the Secretary.

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

6 (d) VACANCIES.—Any vacancy occurring in the mem-
7 bership of the Council shall be filled in the same manner
8 as the original appointment for the position being vacated.
9 The vacancy shall not affect the power of the remaining
10 members to execute the duties of the Council.

11 (e) DUTIES AND SUBCOMMITTEES.—The Council
12 may form subcommittees as needed to undertake informa-
13 tion gathering activities, develop technical advice, and
14 present best practices or recommendations to the Sec-
15 retary regarding—

16 (1) advancing mobility access for the disabled
17 community with respect to the deployment of auto-
18 mated driving systems to identify impediments to
19 their use and ensure an awareness of the needs of
20 the disabled community as these vehicles are being
21 designed for distribution in commerce;

22 (2) mobility access for senior citizens and popu-
23 lations underserved by traditional public transpor-
24 tation services and educational outreach efforts with

1 respect to the testing and distribution of highly
2 automated vehicles in commerce;

3 (3) cybersecurity for the testing, deployment,
4 and updating of automated driving systems with re-
5 spect to supply chain risk management, interactions
6 with Information Sharing and Analysis Centers and
7 Information Sharing and Analysis Organizations,
8 and a framework for identifying and implementing
9 recalls of motor vehicles or motor vehicle equipment;

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

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

24 (6) the environmental impacts of the deploy-
25 ment of highly automated vehicles, and the develop-

1 ment and deployment of alternative fuel infrastruc-
2 ture alongside the development and deployment of
3 highly automated vehicles;

4 (7) protection of consumer privacy and security
5 of information collected by highly automated vehi-
6 cles;

7 (8) cabin safety for highly automated vehicle
8 passengers, and how automated driving systems may
9 impact collision vectors, overall crashworthiness, and
10 the use and placement of airbags, seatbelts, anchor
11 belts, head restraints, and other protective features
12 in the cabin;

13 (9) the testing and deployment of highly auto-
14 mated vehicles and automated driving systems in
15 areas that are rural, remote, mountainous, insular,
16 or unmapped to evaluate operational limitations
17 caused by natural geographical or man-made fea-
18 tures, or adverse weather conditions, and to enhance
19 the safety and reliability of highly automated vehi-
20 cles and automated driving systems used in such
21 areas with such features or conditions; and

22 (10) independent verification and validation
23 procedures for highly automated vehicles that may
24 be useful to safeguard motor vehicle safety.

1 (f) REPORT TO CONGRESS.—The recommendations
2 of the Council shall also be reported to the Committee on
3 Energy and Commerce of the House of Representatives
4 and the Committee on Commerce, Science, and Transpor-
5 tation of the Senate.

6 (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-
7 tablishment and operation of the Council and any sub-
8 committees of the Council shall conform to the require-
9 ments of the Federal Advisory Committee Act (5 U.S.C.
10 App.).

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

15 (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-
16 quest of the Council, the Secretary may detail, with or
17 without reimbursement, any of the personnel of the De-
18 partment of Transportation to the Council to assist the
19 Council in carrying out its duties. Any detail shall not in-
20 terrupt or otherwise affect the civil service status or privi-
21 leges of the Federal employee.

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

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

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

5 (a) IN GENERAL.—Chapter 301 of subtitle VI of title
6 49, United States Code, is amended by inserting after sec-
7 tion 30130 (as added by section 5) the following new sec-
8 tion:

9 **“§ 30131. Rear seat occupant alert system**

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

18 “(b) PHASE-IN.—The rule issued pursuant to sub-
19 section (a) shall require full compliance with the rule be-
20 ginning on September 1st of the calendar year that begins
21 2 years after the date on which the final rule is issued.

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

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

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

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 301 of subtitle VI of title 49, United States Code, is
6 amended by inserting after the item relating to section
7 30130 (as added by section 5) the following new item:

 “30131. Rear seat occupant alert system.”.

8 **SEC. 11. HEADLAMPS.**

9 (a) SAFETY RESEARCH INITIATIVE.—Not later than
10 2 years after the date of enactment of this Act, the Sec-
11 retary of Transportation shall complete research into the
12 development of updated motor vehicle safety standards or
13 performance requirements for motor vehicle headlamps
14 that would improve the performance of headlamps and im-
15 prove overall safety.

16 (b) RULEMAKING OR REPORT.—

17 (1) RULEMAKING.—After the completion of the
18 research required by subsection (a), the Secretary
19 shall initiate a rulemaking proceeding to revise the
20 motor vehicle safety standards regarding headlamps
21 if the Secretary determines that a revision of the
22 standards meets the requirements and consider-
23 ations set forth in subsections (a) and (b) of section
24 30111 of title 49, United States Code.

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

10 **SEC. 12. PRIVACY PLAN REQUIRED FOR HIGHLY AUTO-**
11 **MATED VEHICLES.**

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

19 (1) A written privacy plan with respect to the
20 collection, use, sharing, and storage of information
21 about vehicle owners or occupants collected by a
22 highly automated vehicle, vehicle that performs par-
23 tial driving automation, or automated driving sys-
24 tem. Such policy shall include the following:

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

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

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

13 (D) The practices of the manufacturer
14 with respect to extending its privacy plan to the
15 entities it shares such information with.

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

18 (3) If information about vehicle owners or occu-
19 pants is altered or combined so that the information
20 can no longer reasonably be linked to the highly
21 automated vehicle, vehicle that performs partial driv-
22 ing automation, or automated driving system from
23 which the information is retrieved, the vehicle owner,
24 or occupants, the manufacturer is not required to in-

1 clude the process or practices regarding that infor-
2 mation in the privacy policy.

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

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

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

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

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

21 (4) What disclosures are made to consumers
22 about such privacy plans.

23 (5) What methods are available to enable dele-
24 tion of information about vehicle owners or occu-
25 pants from any data storage system within the vehi-

1 cle (other than a system that is critical to the safety
2 or operation of the vehicle) before the vehicle is sold,
3 leased, or rented, or otherwise occupied by a new
4 owner or occupant.

5 (c) FEDERAL TRADE COMMISSION ENFORCEMENT.—

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

15 (d) EFFECTIVE DATE.—This section shall take effect
16 180 days after the date of enactment of this section and
17 shall only apply to highly automated vehicles, vehicles that
18 perform partial driving automation, or automated driving
19 systems first introduced after the effective date of this sec-
20 tion.

21 **SEC. 13. DEFINITIONS.**

22 (a) AMENDMENTS TO TITLE 49, UNITED STATES
23 CODE.—Section 30102 of title 49, United States Code,
24 is amended—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1)
2 through (13) as paragraphs (2), (4), (5), (6),
3 (9), (10), (11), (12), (13), (14), (16), (17), and
4 (18), respectively;

5 (B) by inserting before paragraph (2) (as
6 so redesignated) the following:

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

12 (C) by inserting before paragraph (3) (as
13 so redesignated) the following:

14 “(3) “dedicated highly automated vehicle”
15 means a highly automated vehicle designed to be op-
16 erated exclusively by a Level 4 or 5 automated driv-
17 ing system (as defined by the SAE International
18 standard J3016, published on September 30, 2016,
19 or subsequently adopted by the Secretary) for all
20 trips.”;

21 (D) by inserting after paragraph (5) (as so
22 redesignated) the following:

23 “(7) ‘dynamic driving task’ means all of the
24 real time operational and tactical functions required
25 to operate a vehicle in on-road traffic, excluding the

1 strategic functions such as trip scheduling and selec-
2 tion of destinations and waypoints, and including—

3 “(A) lateral vehicle motion control via
4 steering;

5 “(B) longitudinal vehicle motion control
6 via acceleration and deceleration;

7 “(C) monitoring the driving environment
8 via object and event detection, recognition, clas-
9 sification, and response preparation;

10 “(D) object and event response execution;

11 “(E) maneuver planning; and

12 “(F) enhancing conspicuity via lighting,
13 signaling, and gesturing;

14 “(8) ‘highly automated vehicle’—

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

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

19 (E) by inserting after paragraph (13) (as
20 so redesignated) the following:

21 “(15) ‘operational design domain’ means the
22 specific conditions under which a given driving auto-
23 mation system or feature thereof is designed to func-
24 tion.”; and

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

1 “(19) ‘vehicle that performs partial driving au-
2 tomation’ does not include a commercial motor vehi-
3 cle (as defined in section 31101).”;

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

5 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

6 “(1) If SAE International (or its successor or-
7 ganization) revises the definition of any of the terms
8 defined in paragraph (1), (6), or (14) of subsection
9 (a) in Recommended Practice Report J3016, it shall
10 notify the Secretary of the revision. The Secretary
11 shall publish a notice in the Federal Register to in-
12 form the public of the new definition unless, within
13 90 days after receiving notice of the new definition
14 and after opening a period for public comment on
15 the new definition, the Secretary notifies SAE Inter-
16 national (or its successor organization) that the Sec-
17 retary has determined that the new definition does
18 not meet the need for motor vehicle safety, or is oth-
19 erwise inconsistent with the purposes of this chapter.
20 If the Secretary so notifies SAE International (or its
21 successor organization), the existing definition in
22 subsection (a) shall remain in effect.

23 “(2) If the Secretary does not reject a defini-
24 tion revised by SAE International (or its successor
25 organization) as described in paragraph (1), the Sec-

1 retary shall promptly make any conforming amend-
2 ments to the regulations and standards of the Sec-
3 retary that are necessary. The revised definition
4 shall apply for purposes of this chapter. The require-
5 ments of section 553 of title 5 shall not apply to the
6 making of any such conforming amendments.

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

15 (b) DEFINITIONS IN THIS ACT.—As used in this
16 Act—

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

22 (2) the term “highly automated vehicle” has the
23 meaning given such term in subsection (a) of section
24 30102 of title 49, United States Code, not subject

1 to any revision under subsection (c) of such section;
2 and

3 (3) the term “vehicle that performs partial driv-
4 ing automation” has the meaning given such term in
5 subsection (a) of section 30102 of title 49, United
6 States Code, not subject to any revision under sub-
7 section (c) of such section.

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