

118TH CONGRESS
1ST SESSION

H. R. _____

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

M. _____ introduced the following bill; which was referred to the
Committee on _____

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,*

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. NHTSA authority and relationship to other laws.
- Sec. 4. Updated or new motor vehicle safety standards for highly automated vehicles.
- Sec. 5. Cybersecurity of automated driving systems.
- Sec. 6. Exemptions; certification of compliance.
- 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. Definitions.
- Sec. 11. Make inoperative.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to ensure continued United
3 States leadership in the global automotive and auto-
4 nous driving sector by creating rules and regulations as
5 it relates to design, construction, and performance of high-
6 ly automated vehicles and by encouraging the testing and
7 deployment of such vehicles.

8 **SEC. 3. NHTSA AUTHORITY AND RELATIONSHIP TO OTHER** 9 **LAWS.**

10 Section 30103 of title 49, United States Code, is
11 amended—

12 (1) by amending subsection (b) to read as fol-
13 lows:

14 “(b) **RELATIONSHIP TO OTHER LAWS.**—

15 “(1) **HIGHLY AUTOMATED VEHICLES.**—Except
16 as provided in paragraph (4), no State or political
17 subdivision of a State may maintain, enforce, pre-
18 scribe, or continue in effect any law or regulation re-
19 garding the design, construction, or performance of

1 highly automated vehicles, automated driving sys-
2 tems, or components of automated driving systems
3 unless such law or regulation is identical to a stand-
4 ard prescribed under this chapter.

5 “(2) MOTOR VEHICLE STANDARD.—Except as
6 provided in paragraph (4), when a motor vehicle
7 safety standard is in effect under this chapter, a
8 State or political subdivision of a State may pre-
9 scribe or continue in effect a standard applicable to
10 the same aspect of performance of a motor vehicle
11 or motor vehicle equipment only if the standard is
12 identical to the standard prescribed under this chap-
13 ter.

14 “(3) RULES OF CONSTRUCTION.—

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

1 sonable restriction on the design, construction,
2 or performance of highly automated vehicles,
3 automated driving systems, or components of
4 automated driving systems.

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

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

20 “(4) GOVERNMENT-OWNED FLEET REQUIRE-
21 MENTS.—Notwithstanding paragraphs (1) and (2),
22 the United States Government, a State, or a political
23 subdivision of a State may prescribe a standard for
24 a motor vehicle, motor vehicle equipment, highly
25 automated vehicle, or automated driving system ob-

1 tained for its own use that imposes a higher per-
2 formance requirement than that required by the oth-
3 erwise applicable standard under this chapter.

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

7 (2) by amending subsection (e) to read as fol-
8 lows:

9 “(e) COMMON LAW LIABILITY.—

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

14 “(2) RULE OF CONSTRUCTION.—Nothing in
15 this section shall be construed to preempt common
16 law claims.”; and

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

18 “(f) LICENSING.—A State may not issue a motor ve-
19 hicle operator’s license for the operation or use of a dedi-
20 cated highly automated vehicle in a manner that discrimi-
21 nates on the basis of disability (as defined in section 3
22 of the Americans with Disabilities Act of 1990 (42 U.S.C.
23 12102)).”.

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

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

6 **“§ 30130. Updated or new motor vehicle safety stand-**
7 **ards for highly automated vehicles**

8 “(a) SAFETY ASSESSMENTS.—

9 “(1) FINAL RULE.—Not later than 24 months
10 after the date of the enactment of this section, the
11 Secretary of Transportation shall issue a final rule
12 requiring the submission of a safety assessment re-
13 garding how safety is being addressed by each entity
14 developing a highly automated vehicle or an auto-
15 mated driving system. Such rule shall include—

16 “(A) a specification of which entities are
17 required to submit;

18 “(B) a clear description of the relevant
19 contents required to be submitted by such enti-
20 ty, in order to demonstrate that such entity’s
21 vehicles are designed to maintain safety, and
22 function as intended and contain fail safe fea-
23 tures, to be included in such assessments, which
24 shall include the following subject areas as iden-
25 tified in Automated Driving Systems (ADS): A
26 vision for Safety 2.0 guidance—

- 1 “(i) system safety;
- 2 “(ii) operational design domain;
- 3 “(iii) object and event detection and
- 4 response;
- 5 “(iv) minimal risk condition or failure
- 6 mitigation strategy, as appropriate;
- 7 “(v) validation methods;
- 8 “(vi) human-machine interface;
- 9 “(vii) vehicle cybersecurity;
- 10 “(viii) crashworthiness;
- 11 “(ix) post-crash behavior;
- 12 “(x) data recording;
- 13 “(xi) consumer education and train-
- 14 ing;
- 15 “(xii) Federal, State, and local laws;
- 16 “(xiii) accessibility, including non-
- 17 visual accessibility; and
- 18 “(xiv) any other relevant laws;
- 19 “(C) a clear description of how test results
- 20 were achieved, including virtual methods using
- 21 modeling simulation tools;
- 22 “(D) a specification of the circumstances
- 23 under which such assessments are required to
- 24 be updated or resubmitted; and

1 “(E) a General Class Determination that
2 certain required contents are entitled to con-
3 fidential treatment under section 552(b) of title
4 5.

5 “(2) INTERIM REQUIREMENT.—Until the final
6 rule issued under paragraph (1) takes effect, safety
7 assessments shall be submitted to the National
8 Highway Traffic Safety Administration as con-
9 templated by the agency’s Automated Driving Sys-
10 tems 2.0: A Vision for Safety issued in September.
11 Submissions shall address the safety elements con-
12 tained in the Voluntary Guidance—Federal Auto-
13 mated Vehicles Policy issued in September 2016, or
14 any successor guidance issued on highly automated
15 vehicles requiring a safety assessment letter.

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

21 “(A) review such rule;

22 “(B) update such rule if the Secretary con-
23 siders it necessary; and

24 “(C) submit a report on the Secretary’s
25 findings to the Committee on Energy and Com-

1 merce of the House of Representatives and the
2 Committee on Commerce, Science, and Trans-
3 portation of the Senate not later than one cal-
4 endar month after each review is completed.

5 “(4) RULES OF CONSTRUCTION.—

6 “(A) NO CONDITIONS ON DEPLOYMENT.—

7 Nothing in this subsection may be construed to
8 limit or affect the Secretary’s authority under
9 any other provision of law. The Secretary may
10 not condition deployment or testing of highly
11 automated vehicles on review of safety assess-
12 ments.

13 “(B) NO NEW AUTHORITIES.—No new au-
14 thorities are granted to the Secretary under
15 this section other than the promulgation of the
16 rule pursuant to paragraph (1).

17 “(5) REVIEW AND RESEARCH.—To accommo-
18 date the development and deployment of highly auto-
19 mated vehicles and to ensure the safety and security
20 of highly automated vehicles and motor vehicles and
21 others that will share the roads with highly auto-
22 mated vehicles, not later than 180 days after the
23 date of the enactment of this section, the Secretary
24 shall—

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

4 “(B) initiate or continue research regard-
5 ing new Federal motor vehicle safety standards,
6 including research to identify or develop vehicle
7 level objective performance tests to evaluate the
8 safety performance of vehicles equipped with an
9 automated driving system.

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

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this section, the Sec-
13 retary shall make available to the public and submit
14 to the Committee on Energy and Commerce of the
15 House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Sen-
17 ate a rulemaking and safety priority plan, as nec-
18 essary to accommodate the development and deploy-
19 ment of highly automated vehicles, across a variety
20 of use cases, and to ensure the safety and security
21 of highly automated vehicles and motor vehicles and
22 others that will share the roads with highly auto-
23 mated vehicles, to—

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

1 “(B) issue new motor vehicle safety stand-
2 ards; and

3 “(C) consider how objective ranges in per-
4 formance standards could be used to test motor
5 vehicle safety standards, which safety standards
6 would be appropriate for such testing, and
7 whether additional authority would facilitate
8 such testing.

9 “(2) INCLUSION OF PRIORITIES.—

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

19 “(B) IDENTIFICATION OF ELEMENTS THAT
20 MAY REQUIRE STANDARDS.—For highly auto-
21 mated vehicles, the National Highway Traffic
22 Safety Administration should identify require
23 performance standards including human ma-
24 chine interface, sensors, and actuators, and

1 consider process and procedure standards for
2 software and cybersecurity as necessary.

3 “(3) PERIODIC UPDATING.—

4 “(A) IN GENERAL.—The plan required by
5 paragraph (1) shall be updated every 2 years,
6 or more frequently if the Secretary considers it
7 necessary.

8 “(B) REPORTING.—The Secretary shall
9 submit the updated plan to the Committee on
10 Energy and Commerce of the House of Rep-
11 resentatives and the Committee on Commerce,
12 Science, and Transportation of the Senate not
13 later than 30 days after each update is com-
14 pleted.

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

17 “(A) IN GENERAL.—Not later than 18
18 months after the date of the enactment of this
19 section, the Secretary shall initiate the first
20 rulemaking proceeding in accordance with the
21 rulemaking and safety priority plan required by
22 paragraph (1).

23 “(B) PRIORITIZATION OF SUBSEQUENT
24 PROCEEDINGS.—The Secretary shall continue
25 initiating rulemaking proceedings in accordance

1 with such plan. The Secretary may change at
2 any time those priorities to address matters the
3 Secretary considers of greater priority. If the
4 Secretary makes such a change, the Secretary
5 shall complete an interim update of the priority
6 plan, make such update available to the public,
7 and submit such update to the Committee on
8 Energy and Commerce of the House of Rep-
9 resentatives and the Committee on Commerce,
10 Science, and Transportation of the Senate.

11 “(C) DEADLINES.—Not later than 3 years
12 after the date of the enactment of this section,
13 the Secretary shall finalize regulations to up-
14 date, as necessary, existing Federal motor vehi-
15 cle safety standards, testing procedures, and
16 methods for determining compliance with safety
17 standards for dedicated highly automated vehi-
18 cles.

19 “(c) INAPPLICABILITY.—

20 “(1) DEDICATED HIGHLY AUTOMATED VEHI-
21 CLE.—A dedicated highly automated vehicle is not
22 subject to those Federal motor vehicle safety stand-
23 ards, or elements of such standards, that pertain
24 solely to motor vehicle operation by a human driver

1 seated in the vehicle and are not relevant to the op-
2 eration of a vehicle by an automated driving system.

3 “(2) REMEDIES.—The Secretary may employ
4 remedies available for noncompliance with a Federal
5 motor vehicle safety standard for a dedicated highly
6 automated vehicle if the Secretary determines that a
7 standard, or element of a standard, does not pertain
8 solely to a motor vehicle operation by a human driv-
9 er seated in the vehicle.

10 “(3) RULE OF CONSTRUCTION.—This sub-
11 section does not alter, amend, or affect the Sec-
12 retary’s authority to address defects related to motor
13 vehicle safety that may be presented by the auto-
14 mated driving system or dedicated highly automated
15 vehicle.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 301 of subtitle VI of title 49, United States Code, is
18 amended by inserting after the item relating to section
19 30129 the following new item:

 “30130. Updated or new motor vehicle safety standards for highly automated
 vehicles”.

20 **SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYS-**
21 **TEMS.**

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

tion 30130 (as added by section 4) the following new section:

“§ 30131. Cybersecurity of automated driving systems

“(a) CYBERSECURITY PLAN.—A manufacturer may not sell, offer for sale, introduce or deliver for introduction into commerce, or import into the United States, any highly automated vehicle or automated driving system unless such manufacturer has developed a cybersecurity plan that includes the following:

“(1) A written cybersecurity policy with respect to the practices of the manufacturer for detecting and responding to cyber attacks, unauthorized intrusions, and false vehicle control commands. This policy shall include—

“(A) a process for identifying, assessing, and mitigating reasonably foreseeable cyber risks from cyber attacks or unauthorized intrusions, including false and malicious vehicle control commands; and

“(B) a process for taking preventive and corrective action to mitigate against cyber risks in a highly automated vehicle, including incident response plans, intrusion detection and prevention systems that safeguard key controls, systems, and procedures through testing or

1 monitoring, and updates to such process based
2 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 of any highly automated vehicle or automated
7 driving system.

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

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

15 “(b) EFFECTIVE DATE.—This section shall take ef-
16 fect 1 year after the date of the enactment of this sec-
17 tion.”.

18 (b) ENFORCEMENT AUTHORITY.—Section
19 30165(a)(1) of title 49, United States Code, is amended
20 by inserting “30131,” after “30127,”.

21 (c) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 301 of subtitle VI of title 49, United States Code, is
23 amended by inserting after the item relating to section
24 30130 (as added by section 4) the following new item:

“30131. Cybersecurity of automated driving systems”.

1 **SEC. 6. EXEMPTIONS; CERTIFICATION OF COMPLIANCE.**

2 (a) GENERAL EXEMPTIONS.—Section 30113 of title
3 49, United States Code, is amended—

4 (1) in subsection (b)(3)—

5 (A) in subparagraph (A), by striking
6 “and” at the end;

7 (B) by redesignating subparagraph (B) as
8 subparagraph (C);

9 (C) by inserting before subparagraph (C)
10 (as so redesignated) the following:

11 “(B) an exemption applied for by a manu-
12 facturer who is domiciled in the People’s Re-
13 public of China or who is under the control of
14 the Chinese Communist Party or the Govern-
15 ment of the People’s Republic of China would
16 not pose a risk to United States security; and”;
17 and

18 (D) in subparagraph (C), as so redesign-
19 nated—

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

22 (ii) in clause (iv), by striking the pe-
23 riod at the end and inserting a semicolon;
24 and

25 (iii) by adding at the end the fol-
26 lowing:

1 “(v) the exemption would make easier
2 the deployment, development, or field eval-
3 uation of—

4 “(I) a feature of a highly auto-
5 mated vehicle providing a safety level
6 at least equal to the safety level of the
7 standard for which exemption is
8 sought; or

9 “(II) a highly automated vehicle
10 providing an overall safety level at
11 least equal to the overall safety level
12 of nonexempt vehicles;

13 “(vi) compliance with the standard
14 would prevent the manufacturer from sell-
15 ing, introducing, or delivering into inter-
16 state commerce a motor vehicle with an
17 overall safety level at least equal to the
18 safety level of nonexempt vehicles; or

19 “(vii) the exemption would provide—

20 “(I) transportation access for in-
21 dividuals with disabilities (as defined
22 in section 3 of the Americans with
23 Disabilities Act of 1990 (42 U.S.C.
24 12102)), including non-visual access

1 for individual who are blind or vis-
2 ually impaired; and

3 “(II) either—

4 “(aa) a safety level at least
5 equal to the safety level of the
6 standard from which the exemp-
7 tion is sought; or

8 “(bb) an overall safety level
9 at least equal to the overall safe-
10 ty level of non-exempt vehicles.”;

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

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

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

18 “(B) a detailed analysis, such as on-road,
19 closed course, or other testing data, as appro-
20 priate, showing (as applicable) 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), (v), (vi).—A manufacturer is eligi-
24 ble for an exemption under subsection (b)(3)(B)(ii),
25 (iv), (v), or (vi) of this section only if the Secretary

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

5 “(4) LIMITATION ON NUMBER OF VEHICLES
6 EXEMPTED.—Any exemptions granted to a manufac-
7 turer under subsections (b)(3)(B)(i) through (v)
8 shall not exceed a total of—

9 “(A) 25,000 vehicles introduced into the
10 stream of commerce within the first 12-month
11 period after the date of the enactment of this
12 paragraph;

13 “(B) 50,000 vehicles introduced into the
14 stream of commerce within the second 12-
15 month period after such date of enactment;

16 “(C) 100,000 vehicles introduced into the
17 stream of commerce within the third 12-month
18 period after such date of enactment; and

19 “(D) 100,000 vehicles introduced into the
20 stream of commerce within the fourth 12-month
21 period after such date of enactment.

22 “(5) LIMITATION ON NUMBER OF RENEWALS.—
23 Any renewals granted to a manufacturer under sub-
24 sections (b)(3)(B)(i) through (v) shall not exceed a

1 total of 100,000 vehicles manufactured within a 12-
2 month period.”;

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

6 “(1) EXEMPTION UNDER SUBSECTION
7 (b)(3)(B)(i).—An exemption or renewal under sub-
8 section (b)(3)(B)(i) of this section may be granted
9 for not more than 3 years.

10 “(2) EXEMPTION UNDER SUBSECTION
11 (b)(3)(B)(iii).—An exemption or renewal under sub-
12 section (b)(3)(B)(iii) of this section may be granted
13 for not more than 2 years.

14 “(3) EXEMPTION UNDER SUBSECTION
15 (b)(3)(B)(ii), (iv), (v), (vi).—An exemption or re-
16 newal under subsection (b)(3)(B)(ii), (iv), (v), or (vi)
17 of this section may be granted for not more than 5
18 years.”; and

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

20 “(i) CRASHWORTHINESS FINDINGS FOR HIGHLY
21 AUTOMATED VEHICLES.—In making a finding relating to
22 the safety level required for an exemption under sub-
23 section (b)(3)(B)(v) for a highly automated vehicle that
24 does not meet 1 or more of the crashworthiness standards
25 set forth in section 571.201 through 571.226 of title 49,

1 Code of Federal Regulations (relating to Federal Motor
2 Vehicle Safety Standard Number 201 through Federal
3 Motor Vehicle Safety Standard Number 226), the Sec-
4 retary may not consider the crash avoidance capabilities
5 of the highly automated vehicle.

6 “(j) PROCEDURES FOR HIGHLY AUTOMATED VEHI-
7 CLES EXEMPTIONS.—

8 “(1) COMMENCEMENT.—The Secretary shall
9 commence a proceeding for exemption under sub-
10 section (b)(3)(B)(v) upon receipt of an application in
11 accordance with subsection (c)(5).

12 “(2) DETERMINATION.—Except as provided in
13 subsection (k)(1)(B), the Secretary shall determine
14 whether to approve or deny an application for an ex-
15 emption under subsection (b)(3)(B)(v) not later than
16 180 days after the date on which the application is
17 received by the Secretary.

18 “(k) PROCESS AND ANALYSIS.—

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

1 (b)(3)(B)(v). The notice shall, to the extent possible,
2 provide details on—

3 “(A) the information the Secretary needs
4 from applicants to fully consider the exemption
5 or renewal of applicants; and

6 “(B) the process by which the Secretary
7 may request any additional information from
8 applicants necessary to complete consideration
9 of such applicants.

10 “(2) PERIODIC REVIEW AND UPDATING.—The
11 notice required by paragraph (1) shall be reviewed
12 every 5 years and updated as the Secretary con-
13 siderers necessary.

14 “(1) EXEMPTION DATABASE.—

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

21 “(2) VEHICLE IDENTIFICATION NUMBER.—The
22 database established under paragraph (1) shall be
23 searchable by Vehicle Identification Number and
24 shall not include information that identifies the vehi-
25 cle owner.

1 “(m) EXEMPTION OR RENEWAL PROCEDURE.—

2 “(1) IN GENERAL.—The Secretary shall com-
3 mence a proceeding under this section when a manu-
4 facturer submits to the Secretary an application for
5 an exemption or a renewal of an exemption.

6 “(2) PUBLICATION.—The Secretary shall—

7 “(A) publish in the Federal Register a no-
8 tice of the relevant application;

9 “(B) provide an opportunity for public
10 comment; and

11 “(C) not later than 90 days after the com-
12 mencement of a proceeding pursuant to sub-
13 paragraph (A), and every 90 days thereafter
14 until the Secretary makes a decision under this
15 section, publish in the Federal Register a notice
16 describing the status of the application and an
17 estimated date of a decision described in sub-
18 section (g).

19 “(3) DETERMINATION.—The Secretary shall de-
20 termine whether to approve or deny an application
21 for an exemption by not later than 180 days after
22 the date on which the application is received by the
23 Secretary.

24 “(n) PROHIBITION ON HARMFUL MOTOR VEHICLES
25 TESTING IN THE UNITED STATES.—A motor vehicle may

1 not be granted an exemption under this section if the man-
2 ufacturer of such vehicle—

3 “(1) is under the control of the Chinese Com-
4 munist Party or the Government of the People’s Re-
5 public of China; or

6 “(2) shares information with the Chinese Com-
7 munist Party or the Government of the People’s Re-
8 public of China.

9 “(o) DETERMINATION REGARDING SECURITY.—For
10 purposes of this section, the Secretary, in coordination
11 with the Secretary of Commerce, shall determine whether
12 any motor vehicle or motor vehicle equipment poses a risk
13 to United States security.”.

14 (b) SPECIAL EXEMPTIONS.—Section 30114 of title
15 49, United States Code, is amended—

16 (1) in subsection (b)(5), by striking “significant
17 safety risk.” and inserting “significant safety risk or
18 that such registration has been filed by a manufac-
19 turer that is domiciled in a country that is a foreign
20 adversary, owned wholly or partially by a foreign ad-
21 versary, or located in a country that is a foreign ad-
22 versary, and such manufacturer poses a risk to
23 United States security. For purposes of this para-
24 graph, the Secretary shall coordinate with the Sec-
25 retary of Commerce to determine whether such a

1 manufacturer poses a risk to United States secu-
2 rity.”; and

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

4 “(c) PROHIBITION ON HARMFUL MOTOR VEHICLES
5 TESTING IN THE UNITED STATES.—A motor vehicle may
6 not be granted an exemption under this section if the man-
7 ufacturer of such vehicle—

8 “(1) is under the control of the Chinese Com-
9 munist Party or the Government of the People’s Re-
10 public of China; or

11 “(2) shares information with the Chinese Com-
12 munist Party or the Government of the People’s Re-
13 public of China.”.

14 (c) CERTIFICATION OF COMPLIANCE.—Section
15 30115(b) of title 49, United States Code, is amended to
16 read as follows:

17 “(b) CERTIFICATION LABEL.—In the case of the cer-
18 tification label affixed by an intermediate or final stage
19 manufacturer of a motor vehicle built in more than 1
20 stage, each intermediate or final stage manufacturer shall
21 certify with respect to each applicable Federal motor vehi-
22 cle safety standard—

23 “(1) that it—

24 “(A) has complied with the specifications
25 set forth in the compliance documentation pro-

1 vided by the incomplete motor vehicle manufac-
2 turer in accordance with regulations prescribed
3 by the Secretary; or

4 “(B) has elected to assume responsibility
5 for compliance with that standard;

6 “(2) that the Secretary has determined it is not
7 a threat to security;

8 “(3) that it is not under the control of the Chi-
9 nese Communist Party or the Government of the
10 People’s Republic of China; and

11 “(4) that it does not share information with the
12 Chinese Communist Party or the Government of the
13 People’s Republic of China.”.

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

15 Section 30112 of title 49, United States Code, is
16 amended—

17 (1) in subsection (a), by adding at the end the
18 following:

19 “(4) A person who is domiciled in the People’s
20 Republic of China, or a manufacturer who is under
21 the control of the Chinese Communist Party or the
22 Government of the People’s Republic of China, may
23 not manufacture for sale, sell, offer for sale, intro-
24 duce or deliver for introduction in interstate com-
25 merce, or import into the United States any motor

1 vehicle or motor vehicle equipment if the Secretary,
2 in coordination with the Secretary of Commerce, de-
3 termines that such vehicle or equipment poses a risk
4 to United States security.”;

5 (2) in subsection (b)(10)—

6 (A) by striking “that prior to the date of
7 enactment of this paragraph”;

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

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

16 (D) by redesignating subparagraphs (A)
17 through (C) as clauses (i) through (iii), respec-
18 tively, and moving their margins 2 ems to the
19 right;

20 (E) by striking “evaluation by a manufac-
21 turer that agrees not to sell or offer for sale”
22 and inserting the following: “evaluation by—

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

25 (F) 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 the test-
20 ing and evaluation; and

21 “(IV) proof of insurance for any
22 State in which the individual, partner-
23 ship, corporation, or institution of
24 higher education intends to test or

1 evaluate highly automated vehicles;
2 and
3 “(ii) if applicable, has identified an
4 agent for service of process in accordance
5 with part 551 of title 49, Code of Federal
6 Regulations.”; and

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

8 “(c) DETERMINATION REGARDING SECURITY.—For
9 purposes of this section, the Secretary, in coordination
10 with the Secretary of Commerce, shall determine whether
11 any motor vehicle or motor vehicle equipment poses a risk
12 to United States security.”.

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

16 (a) RESEARCH.—Not later than 3 years after the
17 date of the enactment of this Act, the Secretary of Trans-
18 portation shall complete research to determine the most
19 effective method and terminology for informing consumers
20 about, with respect to each highly automated vehicle, the
21 capabilities and limitations of such vehicle. As part of such
22 research, the Secretary shall determine whether such ter-
23 minology should be based upon or include the terminology
24 as defined in the document titled “SAE J3016” (as re-

1 vised in April 2021) or whether such terminology should
2 include alternative terminology.

3 (b) RULEMAKING.—After the completion of the re-
4 search required under subsection (a), the Secretary shall
5 initiate a rulemaking to require each manufacturer of a
6 highly automated vehicle to provide information to con-
7 sumers that clearly describes the functions and limitations
8 of the driving automation system or feature of such vehi-
9 cle.

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

11 (a) ESTABLISHMENT.—Subject to the availability of
12 appropriations, not later than 180 days after the date of
13 the enactment of this Act, the Secretary of Transportation
14 shall establish in the National Highway Traffic Safety Ad-
15 ministration a Highly Automated Vehicle Advisory Council
16 (in this section referred to as the “Council”).

17 (b) MEMBERSHIP.—Members of the Council shall be
18 appointed by the Secretary and shall include a diverse
19 group representative of business (including motor vehicle
20 manufacturers, independent automated driving systems
21 manufactures, automated driving systems and component
22 suppliers, mobility service providers, and motor vehicle
23 dealers), academia and independent researchers, State and
24 local authorities, safety and consumer advocates, disability
25 organizations, engineers, cybersecurity providers, labor or-

ganizations, environmental experts, the National Highway Traffic Safety Administration, and others determined to be appropriate by the Secretary. The Council shall be composed of not less than 15 and not more than 30 members.

(c) TERMS.—Members of the Council shall serve for a term of three years.

(d) VACANCIES.—A vacancy in the membership of the Council shall be filled in the same manner as the original appointment was made for the position being vacated. A vacancy in the membership of the Council shall not affect the power of the remaining members to execute the duties of the Council.

(e) DUTIES AND SUBCOMMITTEES.—The Council, including by forming subcommittees as needed, shall undertake information gathering activities, develop technical advice, and present best practices and recommendations to the Secretary regarding—

(1) advancing mobility access for the disabled community through the deployment of automated driving systems, including by identifying impediments to the use of such systems by the disabled community and ensuring an awareness of the needs of the disabled community as such systems are being designed for distribution in commerce;

1 (2) advancing mobility access for senior citizens
2 and populations underserved by traditional public
3 transportation services through the deployment of
4 automated driving systems, including through edu-
5 cational outreach efforts with respect to the testing
6 and distribution of highly automated vehicles in
7 commerce;

8 (3) cybersecurity for the testing, deployment,
9 and secure updating of automated driving systems,
10 including the issues of supply chain risk manage-
11 ment, interactions with Information Sharing and
12 Analysis Centers and Information Sharing and Anal-
13 ysis Organizations, and establishing a framework for
14 identifying and implementing recalls of motor vehi-
15 cles or motor vehicle equipment;

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

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

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

9 (7) cabin safety for highly automated vehicle
10 passengers, including how automated driving sys-
11 tems may impact collision vectors, overall crash-
12 worthiness, and the use and placement of airbags,
13 seatbelts, anchor belts, head restraints, and other
14 protective features in the cabin;

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

1 (9) verification and validation procedures for
2 highly automated vehicles that may be useful to
3 safeguard motor vehicle safety.

4 (f) REPORT TO CONGRESS.—Any recommendations
5 of the Council that are presented to the Secretary under
6 subsection (e) shall be submitted as a report to the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives and the Committee on Commerce, Science,
9 and Transportation of the Senate.

10 (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-
11 tablishment and operation of the Council and any sub-
12 committees of the Council shall conform to the require-
13 ments of chapter 10 of title 5, United States Code.

14 (h) TECHNICAL ASSISTANCE.—At the request of the
15 Council, the Secretary shall provide such technical assist-
16 ance to the Council as the Secretary determines to be nec-
17 essary to assist the Council to carry out the duties of the
18 Council.

19 (i) DETAIL OF FEDERAL EMPLOYEES.—At the re-
20 quest of the Council, the Secretary may detail, with or
21 without reimbursement, any of the personnel of the De-
22 partment of Transportation to the Council to assist the
23 Council in carrying out the duties of the Council. A detail
24 under this subsection shall not interrupt or otherwise af-

1 fect the civil service status or privileges of the Federal em-
2 ployee detailed.

3 (j) PAYMENT AND EXPENSES.—Members of the
4 Council shall serve without pay, except that travel and per
5 diem shall be available to each member of the Council for
6 meetings called by the Secretary.

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

10 **SEC. 10. DEFINITIONS.**

11 (a) AMENDMENTS TO TITLE 49, UNITED STATES
12 CODE.—Section 30102 of title 49, United States Code,
13 is amended—

14 (1) in subsection (a)—

15 (A) by redesignating paragraphs (1)
16 through (13) as paragraphs (3), (4), (6), (7),
17 (11), (12), (13), (14), (15), (16), (18), (19),
18 and (20), respectively;

19 (B) by inserting before paragraph (2) (as
20 so redesignated) the following:

21 “(1) ‘automated driving system’ means the
22 hardware and software that are collectively capable
23 of performing the entire dynamic driving task on a
24 sustained basis, regardless of whether such system is
25 limited to a specific operational design domain.

1 “(2) ‘control’ means the power, direct or indi-
2 rect, whether exercised or not exercised, to deter-
3 mine, direct, or decide important matters affecting a
4 manufacturer.”;

5 (C) by inserting after paragraph (3) (as so
6 redesignated) the following:

7 “(5) ‘dedicated highly automated vehicle’ means
8 a highly automated vehicle designed to be operated
9 exclusively by a Level 4 or 5 automated driving sys-
10 tem (as defined by the SAE International standard
11 J3016, published on April 30, 2021, or subsequently
12 adopted by the Secretary) for all trips.”;

13 (D) by inserting after paragraph (6) (as so
14 redesignated) the following:

15 “(8) ‘foreign adversary’ has the meaning given
16 that term in part 7.4 of title 15, Code of Federal
17 Regulations.

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

23 “(A) lateral vehicle motion control via
24 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, gesturing, and sounding the horn.

10 “(10) ‘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).”; and

15 (E) by inserting after paragraph (14) (as
16 so redesignated) the following:

17 “(17) ‘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 (2) by adding at the end the following:

22 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

23 “(1) REVISION OF A DEFINITION BY SAE
24 INTERNATIONAL.—If SAE International (or its suc-
25 cessor organization) revises the definition of any of

1 the terms defined in paragraph (1), (6), or (14) of
2 subsection (a) in Recommended Practice Report
3 J3016, SAE International shall notify the Secretary
4 of the revision. The Secretary shall publish a notice
5 in the Federal Register to inform the public of the
6 new definition unless, within 90 days after receiving
7 notice of the new definition and after opening a pe-
8 riod for public comment on the new definition, the
9 Secretary notifies SAE International (or its suc-
10 cessor organization) that the Secretary has deter-
11 mined that the new definition does not meet the
12 need for motor vehicle safety, or is otherwise incon-
13 sistent with the purposes of this chapter. If the Sec-
14 retary so notifies SAE International (or its successor
15 organization), the existing definition in subsection
16 (a) shall remain in effect.

17 “(2) ADOPTION OF REVISION.—If the Secretary
18 does not reject a definition revised by SAE Inter-
19 national (or its successor organization) as described
20 in paragraph (1), the Secretary shall promptly make
21 any conforming amendments to the regulations and
22 standards of the Secretary that are necessary. The
23 revised definition shall apply for purposes of this
24 chapter. The requirements of section 553 of title 5

1 shall not apply to the making of any such con-
2 forming amendments.

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

12 (b) DEFINITIONS.—In this Act:

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

19 (2) HIGHLY AUTOMATED VEHICLE.—The term
20 “highly automated vehicle” has the meaning given
21 such term in subsection (a) of section 30102 of title
22 49, United States Code, not subject to any revision
23 under subsection (c) of such section.

1 **SEC. 11. MAKE INOPERATIVE.**

2 Section 30122(b) of title 49, United States Code, is
3 amended—

4 (1) by inserting “(1)” before “A manufac-
5 turer”; and

6 (2) by adding at the end, the following:

7 “(2) Paragraph (1) shall not apply in any case in
8 which a manufacture intentionally causes a device or ele-
9 ment of a design relating to the performance of the dy-
10 namic driving task by a human driver to be temporarily
11 disabled during the time that an automated driving system
12 is performing the entire dynamic driving task if the appli-
13 cable motor vehicle is—

14 “(A) in compliance with all other applicable
15 motor vehicle safety standards when the automated
16 driving system is engaged; and

17 “(B) in compliance with all applicable motor ve-
18 hicle safety standards when the automated driving
19 system is not engaged.”.