

**AMENDMENT TO RULES COMMITTEE PRINT 117-**

**55**

**OFFERED BY MR. LATTA OF OHIO**

Page 64 after line 5, add the following new division  
(and update the table of contents accordingly):

1 **DIVISION H—SAFELY ENSURING**  
2 **LIVES FUTURE DEPLOYMENT**  
3 **AND RESEARCH IN VEHICLE**  
4 **EVOLUTION**

5 **SEC. 12001. SHORT TITLE.**

6 This division may be cited as the “Safely Ensuring  
7 Lives Future Deployment and Research In Vehicle Evo-  
8 lution Act” or the “SELF DRIVE Act”.

9 **SEC. 12002. PURPOSE.**

10 The purpose of this division is to clarify the Federal  
11 role in ensuring the safety of highly automated vehicles  
12 as it relates to design, construction, and performance, by  
13 encouraging the testing and deployment of such vehicles.

14 **SEC. 12003. NHTSA AUTHORITY AND STATE PREEMPTION**  
15 **FOR AUTONOMOUS MOTOR VEHICLES.**

16 Section 30103 of title 49, United States Code, is  
17 amended—

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

3           “(b) PREEMPTION.—

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

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

21          “(3) RULES OF CONSTRUCTION.—

22                 “(A) IN GENERAL.—Nothing in this sub-  
23                 section may be construed to prohibit a State or  
24                 a political subdivision of a State from maintain-  
25                 ing, enforcing, prescribing, or continuing in ef-

1           fect any law or regulation regarding registra-  
2           tion, licensing, driving education and training,  
3           insurance, law enforcement, crash investiga-  
4           tions, safety and emissions inspections, conges-  
5           tion management of vehicles on the street with-  
6           in a State or political subdivision of a State, or  
7           traffic unless the law or regulation is an unrea-  
8           sonable restriction on the design, construction,  
9           or performance of highly automated vehicles,  
10          automated driving systems, or components of  
11          automated driving systems.

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

22                   “(C) CONFORMITY WITH FEDERAL LAW.—  
23           Nothing in this subsection shall be construed to  
24           preempt, restrict, or limit a State or political

1 subdivision of a State from acting in accordance  
2 with any other Federal law.

3 “(4) HIGHER PERFORMANCE REQUIREMENT.—  
4 However, the United States Government, a State, or  
5 a political subdivision of a State may prescribe a  
6 standard for a motor vehicle, motor vehicle equip-  
7 ment, highly automated vehicle, or automated driv-  
8 ing system obtained for its own use that imposes a  
9 higher performance requirement than that required  
10 by the otherwise applicable standard under this  
11 chapter.

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

15 (2) by amending subsection (e) to read as fol-  
16 lows:

17 “(e) COMMON LAW LIABILITY.—

18 “(1) IN GENERAL.—Compliance with a motor  
19 vehicle safety standard prescribed under this chapter  
20 does not exempt a person from liability at common  
21 law.

22 “(2) RULE OF CONSTRUCTION.—Nothing in  
23 this section shall be construed to preempt common  
24 law claims.” and

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

1           “(f) LICENSING.—A State may not issue a motor ve-  
2 hicle operator’s license for the operation or use of a dedi-  
3 cated highly automated vehicle in a manner that discrimi-  
4 nates on the basis of disability (as defined in section 3  
5 of the Americans with Disabilities Act of 1990 (42 U.S.C.  
6 12102)).”.

7 **SEC. 12004. UPDATED OR NEW MOTOR VEHICLE SAFETY**  
8                           **STANDARDS FOR HIGHLY AUTOMATED VEHI-**  
9                           **CLES.**

10           (a) IN GENERAL.—Subchapter II of chapter 301 of  
11 title 49, United States Code, as amended by this Act, is  
12 further amended adding at the end the following new sec-  
13 tion:

14 **“§ 30133. Updated or new motor vehicle safety stand-**  
15                           **ards for highly automated vehicles**

16           “(a) SAFETY ASSESSMENT CERTIFICATION.—

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

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

3           “(B) a clear description of the relevant test  
4           results, data, and other contents required to be  
5           submitted by such entity, in order to dem-  
6           onstrate that such entity’s vehicles are likely to  
7           maintain safety, and function as intended and  
8           contain fail safe features, to be included in such  
9           certifications; and

10           “(C) a specification of the circumstances  
11           under which such certifications are required to  
12           be updated or resubmitted.

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

21           “(3) PERIODIC REVIEW AND UPDATING.—Not  
22           later than 5 years after the date on which the final  
23           rule is issued under paragraph (1), and not less fre-  
24           quently than every 5 years thereafter, the Secretary  
25           shall—

1           “(A) review such rule; and

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

4           “(4) RULES OF CONSTRUCTION.—

5           “(A) NO CONDITIONS ON DEPLOYMENT.—

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

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

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

7           “(1) IN GENERAL.—Not later than 1 year after  
8           the date of enactment of this section, the Secretary  
9           shall make available to the public and submit to the  
10          Committee on Energy and Commerce of the House  
11          of Representatives and the Committee on Commerce,  
12          Science, and Transportation of the Senate a rule-  
13          making and safety priority plan, as necessary to ac-  
14          commodate the development and deployment of high-  
15          ly automated vehicles and to ensure the safety and  
16          security of highly automated vehicles and motor ve-  
17          hicles and others that will share the roads with high-  
18          ly automated vehicles, to—

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

21               “(B) issue new motor vehicle safety stand-  
22               ards; and

23               “(C) consider how objective ranges in per-  
24               formance standards could be used to test motor  
25               vehicle safety standards, which safety standards



1 would be appropriate for such testing, and  
2 whether additional authority would facilitate  
3 such testing.

4 “(2) INCLUSION OF PRIORITIES.—

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

14 “(B) IDENTIFICATION OF ELEMENTS THAT  
15 MAY REQUIRE STANDARDS.—For highly auto-  
16 mated vehicles, the National Highway Traffic  
17 Safety Administration should identify elements  
18 that may require performance standards includ-  
19 ing human machine interface, sensors, and ac-  
20 tuators, and consider process and procedure  
21 standards for software and cybersecurity as  
22 necessary.

23 “(3) PERIODIC UPDATING.—The plan required  
24 by paragraph (1) shall be updated every 2 years, or

1 more frequently if the Secretary considers it nec-  
2 essary.

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

5 “(A) IN GENERAL.—Not later than 18  
6 months after the date of enactment of this sec-  
7 tion, the Secretary shall initiate the first rule-  
8 making proceeding in accordance with the rule-  
9 making and safety priority plan required by  
10 paragraph (1).

11 “(B) PRIORITIZATION OF SUBSEQUENT  
12 PROCEEDINGS.—The Secretary shall continue  
13 initiating rulemaking proceedings in accordance  
14 with such plan. The Secretary may change at  
15 any time those priorities to address matters the  
16 Secretary considers of greater priority. If the  
17 Secretary makes such a change, the Secretary  
18 shall complete an interim update of the priority  
19 plan, make such update available to the public,  
20 and submit such update to the Committee on  
21 Energy and Commerce of the House of Rep-  
22 resentatives and the Committee on Commerce,  
23 Science, and Transportation of the Senate.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
25 for subchapter II of chapter 301 of title 49, United States

1 Code, as amended by this Act, is further amended by add-  
2 ing at the end the following new item:

“30133. Updated or new motor vehicle safety standards for highly auto-  
mated vehicles.”.

3 **SEC. 12005. CYBERSECURITY OF AUTOMATED DRIVING SYS-**  
4 **TEMS.**

5 (a) IN GENERAL.—Subchapter II of chapter 301 of  
6 title 49, United States Code, as amended by this Act, is  
7 further amended by adding at the end the following new  
8 section:

9 **“§ 30134. Cybersecurity of automated driving systems**

10 “(a) CYBERSECURITY PLAN.—A manufacturer may  
11 not sell, offer for sale, introduce or deliver for introduction  
12 into commerce, or import into the United States, any high-  
13 ly automated vehicle, vehicle that performs partial driving  
14 automation, or automated driving system unless such  
15 manufacturer has developed a cybersecurity plan that in-  
16 cludes the following:

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

22 “(A) a process for identifying, assessing,  
23 and mitigating reasonably foreseeable  
24 vulnerabilities from cyber attacks or unauthor-

1            ized intrusions, including false and spurious  
2            messages and malicious vehicle control com-  
3            mands; and

4                  “(B) a process for taking preventive and  
5            corrective action to mitigate against  
6            vulnerabilities in a highly automated vehicle or  
7            a vehicle that performs partial driving automa-  
8            tion, including incident response plans, intru-  
9            sion detection and prevention systems that safe-  
10           guard key controls, systems, and procedures  
11           through testing or monitoring, and updates to  
12           such process based on changed circumstances.

13                 “(2) The identification of an officer or other in-  
14           dividual of the manufacturer as the point of contact  
15           with responsibility for the management of cybersecu-  
16           rity.

17                 “(3) A process for limiting access to automated  
18           driving systems.

19                 “(4) A process for employee training and super-  
20           vision for implementation and maintenance of the  
21           policies and procedures required by this section, in-  
22           cluding controls on employee access to automated  
23           driving systems.

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

1 (b) ENFORCEMENT AUTHORITY.—Section  
2 30165(a)(1) of title 49, United States Code, as amended  
3 by this Act, is further amended by inserting “30134,”  
4 after “30132.”

5 (c) CLERICAL AMENDMENT.—The table of sections  
6 for subchapter II of chapter 301 of title 49, United States  
7 Code, as amended by this Act, is further amended by add-  
8 ing at the end the following new item:

“30134. Cybersecurity of automated driving systems.”

9 **SEC. 12006. GENERAL EXEMPTIONS.**

10 Section 30113 of title 49, United States Code, is  
11 amended—

12 (1) in subsection (b)(3)(B)—

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

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

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

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

20 “(I) a feature of a highly automated vehi-  
21 cle providing a safety level at least equal to the  
22 safety level of the standard for which exemption  
23 is sought; or

1           “(II) a highly automated vehicle providing  
2           an overall safety level at least equal to the over-  
3           all safety level of nonexempt vehicles.

4           “(vi) the exemption would promote transpor-  
5           tation access for individuals with disabilities (as de-  
6           fined in section 3 of the Americans with Disabilities  
7           Act of 1990 (42 U.S.C. 12102)) and would pro-  
8           vide—

9                           “(I) a safety level at least equal  
10                          to the safety level of the standard for  
11                          which the exemption is sought; or

12                           “(II) an overall safety level at  
13                          least equal to the overall safety level  
14                          of nonexempt vehicles.”;

15           (2) in subsection (c), by adding at the end the  
16           following:

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

19                           “(A) such development, testing, and other  
20                          data necessary to demonstrate that the motor  
21                          vehicle is a highly automated vehicle; and

22                           “(B) a detailed analysis that includes sup-  
23                          porting test data, including both on-road and  
24                          validation and testing data showing (as applica-  
25                          ble) that—

1 “(i) the safety level of the feature at  
2 least equals the safety level of the standard  
3 for which exemption is sought; or

4 “(ii) the vehicle provides an overall  
5 safety level at least equal to the overall  
6 safety level of nonexempt vehicles.”;

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

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

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

1           “(3) ELIGIBILITY UNDER SUBSECTION  
2           (b)(3)(B)(ii), (iv), or (v).—A manufacturer is eligi-  
3           ble for an exemption under subsection (b)(3)(B)(ii),  
4           (iv), or (v) of this section only if the Secretary deter-  
5           mines the exemption is for not more than 100,000  
6           vehicles per manufacturer to be sold, leased, or oth-  
7           erwise introduced into commerce in the United  
8           States in any 12-month period.

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

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

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



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

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

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

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

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

1 standard addressing the steering control system and it is  
2 for a vehicle that—

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

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

7 “(3) provides a safety level at least equal to the  
8 safety level of the standard for which the exemption  
9 is sought.

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

17 “(k) PROCESS AND ANALYSIS.—

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

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

5           “(1) EXEMPTION DATABASE.—

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

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

17 **SEC. 12007. MOTOR VEHICLE TESTING OR EVALUATION.**

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

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

22           (2) in subparagraph (A), by striking “motor ve-  
23 hicles into the United States that are certified” and  
24 inserting “into the United States motor vehicles that

1 are certified, or motor vehicle equipment utilized in  
2 a motor vehicle that is certified,”;

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

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

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

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

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

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

22 “(i) has submitted to the Secretary—

23 “(I) the name of the individual,  
24 partnership, corporation, or institu-

1                   tion of higher education and a point  
2                   of contact;

3                   “(II) the residence address of the  
4                   individual, partnership, corporation,  
5                   or institution of higher education and  
6                   State of incorporation if applicable;

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

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

21                  “(ii) if applicable, has identified an  
22                  agent for service of process in accordance  
23                  with part 551 of title 49, Code of Federal  
24                  Regulations.”.

1 **SEC. 12008. INFORMATION ON HIGHLY AUTOMATED DRIV-**  
2 **ING SYSTEMS MADE AVAILABLE TO PROSPEC-**  
3 **TIVE BUYERS.**

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

16 (b) RULEMAKING.—After the completion of the study  
17 required under subsection (a), the Secretary shall initiate  
18 a rulemaking proceeding to require manufacturers to in-  
19 form consumers of the capabilities and limitations of a ve-  
20 hicle’s driving automation system or feature for any highly  
21 automated vehicle or any vehicle that performs partial  
22 driving automation.

23 **SEC. 12009. HIGHLY AUTOMATED VEHICLE ADVISORY**  
24 **COUNCIL.**

25 (a) ESTABLISHMENT.—Subject to the availability of  
26 appropriations, not later than 6 months after the date of

1 enactment of this Act, the Secretary of Transportation  
2 shall establish in the National Highway Traffic Safety Ad-  
3 ministration a Highly Automated Vehicle Advisory Council  
4 (hereinafter referred to as the “Council”).

5 (b) MEMBERSHIP.—Members of the Council shall in-  
6 clude a diverse group representative of business (including  
7 motor vehicle manufacturers, mobility service providers,  
8 and motor vehicle dealers), academia and independent re-  
9 searchers, State and local authorities, safety and con-  
10 sumer advocates, disability organizations, engineers, labor  
11 organizations, environmental experts, a representative of  
12 the National Highway Traffic Safety Administration, and  
13 other members determined to be appropriate by the Sec-  
14 retary. Any subcommittee of the Council shall be com-  
15 posed of not less than 15 and not more than 30 members  
16 appointed by the Secretary.

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

20 (d) VACANCIES.—Any vacancy occurring in the mem-  
21 bership of the Council shall be filled in the same manner  
22 as the original appointment for the position being vacated.  
23 The vacancy shall not affect the power of the remaining  
24 members to execute the duties of the Council.

1 (e) DUTIES AND SUBCOMMITTEES.—The Council  
2 may form subcommittees as needed to undertake informa-  
3 tion gathering activities, develop technical advice, and  
4 present best practices or recommendations to the Sec-  
5 retary regarding—

6 (1) advancing mobility access for the disabled  
7 community with respect to the deployment of auto-  
8 mated driving systems to identify impediments to  
9 their use and ensure an awareness of the needs of  
10 the disabled community as these vehicles are being  
11 designed for distribution in commerce;

12 (2) mobility access for senior citizens and popu-  
13 lations underserved by traditional public transpor-  
14 tation services and educational outreach efforts with  
15 respect to the testing and distribution of highly  
16 automated vehicles in commerce;

17 (3) cybersecurity for the testing, deployment,  
18 and updating of automated driving systems with re-  
19 spect to supply chain risk management, interactions  
20 with Information Sharing and Analysis Centers and  
21 Information Sharing and Analysis Organizations,  
22 and a framework for identifying and implementing  
23 recalls of motor vehicles or motor vehicle equipment;

24 (4) the development of a framework that allows  
25 manufacturers of highly automated vehicles to share



1 with each other and the National Highway Traffic  
2 Safety Administration relevant, situational informa-  
3 tion related to any testing or deployment event on  
4 public streets resulting or that reasonably could have  
5 resulted in damage to the vehicle or any occupant  
6 thereof and validation of such vehicles in a manner  
7 that does not risk public disclosure of such informa-  
8 tion or disclosure of confidential business informa-  
9 tion;

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

13 (6) the environmental impacts of the deploy-  
14 ment of highly automated vehicles, and the develop-  
15 ment and deployment of alternative fuel infrastruc-  
16 ture alongside the development and deployment of  
17 highly automated vehicles;

18 (7) protection of consumer privacy and security  
19 of information collected by highly automated vehi-  
20 cles;

21 (8) cabin safety for highly automated vehicle  
22 passengers, and how automated driving systems may  
23 impact collision vectors, overall crashworthiness, and  
24 the use and placement of airbags, seatbelts, anchor

1 belts, head restraints, and other protective features  
2 in the cabin;

3 (9) the testing and deployment of highly auto-  
4 mated vehicles and automated driving systems in  
5 areas that are rural, remote, mountainous, insular,  
6 or unmapped to evaluate operational limitations  
7 caused by natural geographical or man-made fea-  
8 tures, or adverse weather conditions, and to enhance  
9 the safety and reliability of highly automated vehi-  
10 cles and automated driving systems used in such  
11 areas with such features or conditions; and

12 (10) independent verification and validation  
13 procedures for highly automated vehicles that may  
14 be useful to safeguard motor vehicle safety.

15 (f) REPORT TO CONGRESS.—The recommendations  
16 of the Council shall also be reported to the Committee on  
17 Energy and Commerce of the House of Representatives  
18 and the Committee on Commerce, Science, and Transpor-  
19 tation of the Senate.

20 (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-  
21 tablishment and operation of the Council and any sub-  
22 committees of the Council shall conform to the require-  
23 ments of the Federal Advisory Committee Act (5 U.S.C.  
24 App.).

1           (h) **TECHNICAL ASSISTANCE.**—On request of the  
2 Council, the Secretary shall provide such technical assist-  
3 ance to the Council as the Secretary determines to be nec-  
4 essary to carry out the Council’s duties.

5           (i) **DETAIL OF FEDERAL EMPLOYEES.**—On the re-  
6 quest of the Council, the Secretary may detail, with or  
7 without reimbursement, any of the personnel of the De-  
8 partment of Transportation to the Council to assist the  
9 Council in carrying out its duties. Any detail shall not in-  
10 terrupt or otherwise affect the civil service status or privi-  
11 leges of the Federal employee.

12          (j) **PAYMENT AND EXPENSES.**—Members of the  
13 Council shall serve without pay, except travel and per diem  
14 will be paid each member for meetings called by the Sec-  
15 retary.

16          (k) **TERMINATION.**—The Council and any sub-  
17 committees of the Council shall terminate 6 years after  
18 the date of enactment of this Act.

19 **SEC. 12010. REAR SEAT OCCUPANT ALERT SYSTEM.**

20          (a) **IN GENERAL.**—Subchapter II of chapter 301 of  
21 title 49, United States Code, as amended by this Act, is  
22 further amended by adding at the end the following new  
23 section:

1 **“§ 30135. Rear seat occupant alert system**

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

10       “(b) PHASE-IN.—The rule issued pursuant to sub-  
11 section (a) shall require full compliance with the rule be-  
12 ginning on September 1st of the calendar year that begins  
13 2 years after the date on which the final rule is issued.

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

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

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

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 for subchapter II of chapter 301 of title 49, United States  
22 Code, as amended by this Act, is further amended by add-  
23 ing at the end the following new item:

“30135. Rear seat occupant alert system.”.

1 **SEC. 12011. HEADLAMPS.**

2 (a) SAFETY RESEARCH INITIATIVE.—Not later than  
3 2 years after the date of enactment of this Act, the Sec-  
4 retary of Transportation shall complete research into the  
5 development of updated motor vehicle safety standards or  
6 performance requirements for motor vehicle headlamps  
7 that would improve the performance of headlamps and im-  
8 prove overall safety.

9 (b) RULEMAKING OR REPORT.—

10 (1) RULEMAKING.—After the completion of the  
11 research required by subsection (a), the Secretary  
12 shall initiate a rulemaking proceeding to revise the  
13 motor vehicle safety standards regarding headlamps  
14 if the Secretary determines that a revision of the  
15 standards meets the requirements and consider-  
16 ations set forth in subsections (a) and (b) of section  
17 30111 of title 49, United States Code.

18 (2) REPORT.—If the Secretary determines that  
19 a revision to the standard described in paragraph  
20 (1) does not meet the requirements and consider-  
21 ations set forth in such subsections, the Secretary  
22 shall submit a report describing the reasons for not  
23 revising the standard to the Committee on Energy  
24 and Commerce of the House of Representatives and  
25 the Committee on Commerce, Science, and Trans-  
26 portation of the Senate.

1 **SEC. 12012. PRIVACY PLAN REQUIRED FOR HIGHLY AUTO-**  
2 **MATED VEHICLES.**

3 (a) PRIVACY PLAN.—A manufacturer may not sell,  
4 offer for sale, introduce or deliver for introduction in inter-  
5 state commerce, or import into the United States, any  
6 highly automated vehicle, vehicle that performs partial  
7 driving automation, or automated driving system unless  
8 the manufacturer has developed a privacy plan that in-  
9 cludes the following:

10 (1) A written privacy plan with respect to the  
11 collection, use, sharing, and storage of information  
12 about vehicle owners or occupants collected by a  
13 highly automated vehicle, vehicle that performs par-  
14 tial driving automation, or automated driving sys-  
15 tem. Such policy shall include the following:

16 (A) The practices of the manufacturer with  
17 respect to the way that information about vehi-  
18 cle owners or occupants is collected, used,  
19 shared, or stored.

20 (B) The practices of the manufacturer  
21 with respect to the choices offered to vehicle  
22 owners or occupants regarding the collection,  
23 use, sharing, and storage of such information.

24 (C) The practices of the manufacturer with  
25 respect to the data minimization, de-identifica-

1           tion, and retention of information about vehicle  
2           owners or occupants.

3           (D) The practices of the manufacturer  
4           with respect to extending its privacy plan to the  
5           entities it shares such information with.

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

8           (3) If information about vehicle owners or occu-  
9           pants is altered or combined so that the information  
10          can no longer reasonably be linked to the highly  
11          automated vehicle, vehicle that performs partial driv-  
12          ing automation, or automated driving system from  
13          which the information is retrieved, the vehicle owner,  
14          or occupants, the manufacturer is not required to in-  
15          clude the process or practices regarding that infor-  
16          mation in the privacy policy.

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

21          (b) STUDY.—The Federal Trade Commission shall  
22          conduct a study and submit a report to the Committee  
23          on Energy and Commerce of the House of Representatives  
24          and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate on the highly automated vehicle mar-  
2 ketplace, including an examination of the following issues:

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

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

7 (3) What are the terms and disclosures made in  
8 such privacy plans, including regarding the collec-  
9 tion, use, sharing, and storage of vehicle owner or  
10 occupant data.

11 (4) What disclosures are made to consumers  
12 about such privacy plans.

13 (5) What methods are available to enable dele-  
14 tion of information about vehicle owners or occu-  
15 pants from any data storage system within the vehi-  
16 cle (other than a system that is critical to the safety  
17 or operation of the vehicle) before the vehicle is sold,  
18 leased, or rented, or otherwise occupied by a new  
19 owner or occupant.

20 (c) FEDERAL TRADE COMMISSION ENFORCEMENT.—

21 A violation of subsection (a) shall be treated as a an unfair  
22 or deceptive act or practice within the meaning of section  
23 5(a)(1) of the Federal Trade Commission Act (15 U.S.C.  
24 45(a)(1)). The Federal Trade Commission shall enforce  
25 this section in the same manner, by the same means, and



1 with the same jurisdiction, powers, and duties as though  
2 all applicable terms and provisions of the Federal Trade  
3 Commission Act were incorporated into and made a part  
4 of this division.

5 (d) EFFECTIVE DATE.—This section shall take effect  
6 180 days after the date of enactment of this section and  
7 shall only apply to highly automated vehicles, vehicles that  
8 perform partial driving automation, or automated driving  
9 systems first introduced after the effective date of this sec-  
10 tion.

11 **SEC. 12013. DEFINITIONS.**

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

15 (1) in subsection (a)—

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

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

22 “(1) ‘automated driving system’ means the  
23 hardware and software that are collectively capable  
24 of performing the entire dynamic driving task on a

1       sustained basis, regardless of whether such system is  
2       limited to a specific operational design domain.”;

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

5               “(3) “dedicated highly automated vehicle”  
6       means a highly automated vehicle designed to be op-  
7       erated exclusively by a Level 4 or 5 automated driv-  
8       ing system (as defined by the SAE International  
9       standard J3016, published on September 30, 2016,  
10      or subsequently adopted by the Secretary) for all  
11      trips.”.

12              (D) by inserting after paragraph (5) (as so  
13      redesignated) the following:

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

19              “(A) lateral vehicle motion control via  
20      steering;

21              “(B) longitudinal vehicle motion control  
22      via acceleration and deceleration;

23              “(C) monitoring the driving environment  
24      via object and event detection, recognition, clas-  
25      sification, and response preparation;

1 “(D) object and event response execution;

2 “(E) maneuver planning; and

3 “(F) enhancing conspicuity via lighting,  
4 signaling, and gesturing.

5 “(8) ‘highly automated vehicle’—

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

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

10 (E) by inserting after paragraph (13) (as  
11 so redesignated) the following:

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

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

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

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

21 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

22 “(1) If SAE International (or its successor or-  
23 ganization) revises the definition of any of the terms  
24 defined in paragraph (1), (6), or (14) of subsection  
25 (a) in Recommended Practice Report J3016, it shall

1        notify the Secretary of the revision. The Secretary  
2        shall publish a notice in the Federal Register to in-  
3        form the public of the new definition unless, within  
4        90 days after receiving notice of the new definition  
5        and after opening a period for public comment on  
6        the new definition, the Secretary notifies SAE Inter-  
7        national (or its successor organization) that the Sec-  
8        retary has determined that the new definition does  
9        not meet the need for motor vehicle safety, or is oth-  
10       otherwise inconsistent with the purposes of this chapter.  
11       If the Secretary so notifies SAE International (or its  
12       successor organization), the existing definition in  
13       subsection (a) shall remain in effect.

14            “(2) If the Secretary does not reject a defini-  
15       tion revised by SAE International (or its successor  
16       organization) as described in paragraph (1), the Sec-  
17       retary shall promptly make any conforming amend-  
18       ments to the regulations and standards of the Sec-  
19       retary that are necessary. The revised definition  
20       shall apply for purposes of this chapter. The require-  
21       ments of section 553 of title 5 shall not apply to the  
22       making of any such conforming amendments.

23            “(3) Pursuant to section 553 of title 5, the Sec-  
24       retary may update any of the definitions in para-  
25       graph (1), (6), or (14) of subsection (a) if the Sec-

1       retary determines that materially changed cir-  
2       cumstances regarding highly automated vehicles  
3       have impacted motor vehicle safety such that the  
4       definitions need to be updated to reflect such cir-  
5       cumstances.”.

6       (b) DEFINITIONS.—In this division:

7           (1) AUTOMATED DRIVING SYSTEM.—The term  
8       “automated driving system” has the meaning given  
9       such term in subsection (a) of section 30102 of title  
10      49, United States Code, subject to any revisions  
11      made to the definition of such term pursuant to sub-  
12      section (c) of such section.

13          (2) HIGHLY AUTOMATED VEHICLE.—The term  
14      “highly automated vehicle” has the meaning given  
15      such term in subsection (a) of section 30102 of title  
16      49, United States Code, not subject to any revision  
17      under subsection (c) of such section.

18          (3) VEHICLE THAT PERFORMS PARTIAL DRIV-  
19      ING AUTOMATION.—The term “vehicle that performs  
20      partial driving automation” 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.

