

1 “(b) PREEMPTION.—

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

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

19 “(3) RULES OF CONSTRUCTION.—

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

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

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

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

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

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

13 (2) by amending subsection (e) to read as fol-
14 lows:

15 “(e) COMMON LAW LIABILITY.—

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

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

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

24 “(f) LICENSING.—A State may not issue a motor ve-
25 hicle operator’s license for the operation or use of a dedi-

1 cated highly automated vehicle in a manner that discrimi-
2 nates on the basis of disability (as defined in section 3
3 of the Americans with Disabilities Act of 1990 (42 U.S.C.
4 12102)).”.

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

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

12 **“§ 30133. Updated or new motor vehicle safety stand-**
13 **ards for highly automated vehicles**

14 “(a) SAFETY ASSESSMENT CERTIFICATION.—

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

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

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

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

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

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

24 “(A) review such rule; and

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

3 “(4) RULES OF CONSTRUCTION.—

4 “(A) NO CONDITIONS ON DEPLOYMENT.—
5 Nothing in this subsection may be construed to
6 limit or affect the Secretary’s authority under
7 any other provision of law. The Secretary may
8 not condition deployment or testing of highly
9 automated vehicles on review of safety assess-
10 ment certifications.

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

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

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

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

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

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

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

18 “(B) issue new motor vehicle safety stand-
19 ards; and

20 “(C) consider how objective ranges in per-
21 formance standards could be used to test motor
22 vehicle safety standards, which safety standards
23 would be appropriate for such testing, and
24 whether additional authority would facilitate
25 such testing.

1 “(2) INCLUSION OF PRIORITIES.—

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

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

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

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

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

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

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:

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

1 **SEC. 12005. CYBERSECURITY OF AUTOMATED DRIVING SYS-**
2 **TEMS.**

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

7 **“§ 30134. Cybersecurity of automated driving systems**

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

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

20 “(A) a process for identifying, assessing,
21 and mitigating reasonably foreseeable
22 vulnerabilities from cyber attacks or unauthor-
23 ized intrusions, including false and spurious
24 messages and malicious vehicle control com-
25 mands; and

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

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

14 “(3) A process for limiting access to automated
15 driving systems.

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

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

23 (b) ENFORCEMENT AUTHORITY.—Section
24 30165(a)(1) of title 49, United States Code, as amended

1 by this Act, is further amended by inserting “30134,”
2 after “30132.”

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

“30134. Cybersecurity of automated driving systems.”.

7 **SEC. 12006. GENERAL EXEMPTIONS.**

8 Section 30113 of title 49, United States Code, is
9 amended—

10 (1) in subsection (b)(3)(B)—

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

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

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

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

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

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

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

6 “(I) a safety level at least equal
7 to the safety level of the standard for
8 which the exemption is sought; or

9 “(II) an overall safety level at
10 least equal to the overall safety level
11 of nonexempt vehicles.”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(k) PROCESS AND ANALYSIS.—

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

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

1 “(1) EXEMPTION DATABASE.—

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

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

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

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

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

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

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

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

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

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

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

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

18 “(i) has submitted to the Secretary—

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

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

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

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

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

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

21 **SEC. 12008. INFORMATION ON HIGHLY AUTOMATED DRIV-**
22 **ING SYSTEMS MADE AVAILABLE TO PROSPEC-**
23 **TIVE BUYERS.**

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

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

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

18 **SEC. 12009. HIGHLY AUTOMATED VEHICLE ADVISORY**
19 **COUNCIL.**

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

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

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

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

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

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

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

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

19 (4) the development of a framework that allows
20 manufacturers of highly automated vehicles to share
21 with each other and the National Highway Traffic
22 Safety Administration relevant, situational informa-
23 tion related to any testing or deployment event on
24 public streets resulting or that reasonably could have
25 resulted in damage to the vehicle or any occupant

1 thereof and validation of such vehicles in a manner
2 that does not risk public disclosure of such informa-
3 tion or disclosure of confidential business informa-
4 tion;

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

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

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

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

22 (9) the testing and deployment of highly auto-
23 mated vehicles and automated driving systems in
24 areas that are rural, remote, mountainous, insular,
25 or unmapped to evaluate operational limitations

1 caused by natural geographical or man-made fea-
2 tures, or adverse weather conditions, and to enhance
3 the safety and reliability of highly automated vehi-
4 cles and automated driving systems used in such
5 areas with such features or conditions; and

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

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

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

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

23 (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-
24 quest of the Council, the Secretary may detail, with or
25 without reimbursement, any of the personnel of the De-

1 department of Transportation to the Council to assist the
2 Council in carrying out its duties. Any detail shall not in-
3 terrupt or otherwise affect the civil service status or privi-
4 leges of the Federal employee.

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

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

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

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

17 **“§ 30135. Rear seat occupant alert system**

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

1 “(b) PHASE-IN.—The rule issued pursuant to sub-
2 section (a) shall require full compliance with the rule be-
3 ginning on September 1st of the calendar year that begins
4 2 years after the date on which the final rule is issued.

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

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

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

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

“30135. Rear seat occupant alert system.”.

15 **SEC. 12011. HEADLAMPS.**

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

23 (b) RULEMAKING OR REPORT.—

24 (1) RULEMAKING.—After the completion of the
25 research required by subsection (a), the Secretary

1 shall initiate a rulemaking proceeding to revise the
2 motor vehicle safety standards regarding headlamps
3 if the Secretary determines that a revision of the
4 standards meets the requirements and consider-
5 ations set forth in subsections (a) and (b) of section
6 30111 of title 49, United States Code.

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

16 **SEC. 12012. PRIVACY PLAN REQUIRED FOR HIGHLY AUTO-**
17 **MATED VEHICLES.**

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

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

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

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

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

19 (D) The practices of the manufacturer
20 with respect to extending its privacy plan to the
21 entities it shares such information with.

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

24 (3) If information about vehicle owners or occu-
25 pants is altered or combined so that the information

1 can no longer reasonably be linked to the highly
2 automated vehicle, vehicle that performs partial driv-
3 ing automation, or automated driving system from
4 which the information is retrieved, the vehicle owner,
5 or occupants, the manufacturer is not required to in-
6 clude the process or practices regarding that infor-
7 mation in the privacy policy.

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

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

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

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

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

1 (4) What disclosures are made to consumers
2 about such privacy plans.

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

10 (c) FEDERAL TRADE COMMISSION ENFORCEMENT.—

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

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

1 **SEC. 12013. DEFINITIONS.**

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

5 (1) in subsection (a)—

6 (A) by redesignating paragraphs (1)
7 through (13) as paragraphs (2), (4), (5), (6),
8 (9), (10), (11), (12), (13), (14), (16), (17), and
9 (18), respectively;

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

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

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

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

1 (D) by inserting after paragraph (5) (as so
2 redesignated) the following:

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

8 “(A) lateral vehicle motion control via
9 steering;

10 “(B) longitudinal vehicle motion control
11 via acceleration and deceleration;

12 “(C) monitoring the driving environment
13 via object and event detection, recognition, clas-
14 sification, and response preparation;

15 “(D) object and event response execution;

16 “(E) maneuver planning; and

17 “(F) enhancing conspicuity via lighting,
18 signaling, and gesturing.

19 “(8) ‘highly automated vehicle’—

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

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

24 (E) by inserting after paragraph (13) (as
25 so redesignated) the following:

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

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

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

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

10 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

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

1 successor organization), the existing definition in
2 subsection (a) shall remain in effect.

3 “(2) If the Secretary does not reject a defini-
4 tion revised by SAE International (or its successor
5 organization) as described in paragraph (1), the Sec-
6 retary shall promptly make any conforming amend-
7 ments to the regulations and standards of the Sec-
8 retary that are necessary. The revised definition
9 shall apply for purposes of this chapter. The require-
10 ments of section 553 of title 5 shall not apply to the
11 making of any such conforming amendments.

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

20 (b) DEFINITIONS.—In this division:

21 (1) AUTOMATED DRIVING SYSTEM.—The term
22 “automated driving system” has the meaning given
23 such term in subsection (a) of section 30102 of title
24 49, United States Code, subject to any revisions

1 made to the definition of such term pursuant to sub-
2 section (c) of such section.

3 (2) HIGHLY AUTOMATED VEHICLE.—The term
4 “highly automated vehicle” has the meaning given
5 such term in subsection (a) of section 30102 of title
6 49, United States Code, not subject to any revision
7 under subsection (c) of such section.

8 (3) VEHICLE THAT PERFORMS PARTIAL DRIV-
9 ING AUTOMATION.—The term “vehicle that performs
10 partial driving automation” has the meaning given
11 such term in subsection (a) of section 30102 of title
12 49, United States Code, not subject to any revision
13 under subsection (c) of such section.

