

115TH CONGRESS
1ST SESSION

H. R. 3388

AN ACT

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

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

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

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

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

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

7 **SEC. 2. PURPOSE.**

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

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

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

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

18 “(b) PREEMPTION.—

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

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

18 “(3) RULES OF CONSTRUCTION.—

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

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

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

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

24 “(4) HIGHER PERFORMANCE REQUIREMENT.—

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

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

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

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

13 “(e) COMMON LAW LIABILITY.—

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

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

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

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

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

3 “(a) SAFETY ASSESSMENT CERTIFICATION.—

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

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

14 “(B) a clear description of the relevant test
15 results, data, and other contents required to be
16 submitted by such entity, in order to dem-
17 onstrate that such entity’s vehicles are likely to
18 maintain safety, and function as intended and
19 contain fail safe features, to be included in such
20 certifications; and

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

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

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

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

11 “(A) review such rule; and

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

14 “(4) RULES OF CONSTRUCTION.—

15 “(A) NO CONDITIONS ON DEPLOYMENT.—

16 Nothing in this subsection may be construed to
17 limit or affect the Secretary’s authority under
18 any other provision of law. The Secretary may
19 not condition deployment or testing of highly
20 automated vehicles on review of safety assess-
21 ment certifications.

22 “(B) NO NEW AUTHORITIES.—No new au-

23 thorities are granted to the Secretary under
24 this section other than the promulgation of the
25 rule pursuant to paragraph (1).

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

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

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

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

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

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

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

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

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

13 “(2) INCLUSION OF PRIORITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“30130. Cybersecurity of automated driving systems.”.

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

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

20 (1) in subsection (b)(3)(B)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(j) REPORTING REQUIREMENT.—A manufacturer
8 granted an exemption under subsection (b)(3)(B)(ii), (iv),
9 or (v), shall provide information about all crashes of which
10 it has actual knowledge involving 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. 7. MOTOR VEHICLE TESTING OR EVALUATION.**

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

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

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

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

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

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

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

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

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

18 “(i) has submitted to the Secretary—

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

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

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

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

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

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

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

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

1 tation shall complete research to determine the most 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. 9. HIGHLY AUTOMATED VEHICLE ADVISORY COUNCIL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“30131. Rear seat occupant alert system.”.

13 **SEC. 11. HEADLAMPS.**

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

21 (b) RULEMAKING OR REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 13. DEFINITIONS.**

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

5 (1) in subsection (a)—

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

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

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

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

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

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

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

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

6 “(D) object and event response execution;

7 “(E) maneuver planning; and

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

10 “(7) ‘highly automated vehicle’—

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

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

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

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

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

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

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

1 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

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

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

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

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

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

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

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

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

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

Passed the House of Representatives September 6,
2017.

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H. R. 3388

AN ACT

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