

# Union Calendar No. 212

115TH CONGRESS  
1ST SESSION

# H. R. 3388

[Report No. 115–294]

To provide for information on highly automated driving systems to be made available to prospective buyers.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2017

Mr. LATTA (for himself and Ms. SCHAKOWSKY) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

SEPTEMBER 5, 2017

Additional sponsors: Mr. HARPER, Mr. UPTON, Mr. WALDEN, Mr. LANCE, Mr. GUTHRIE, Mr. KINZINGER, Mrs. MIMI WALTERS of California, Mr. CRAMER, Mr. BARTON, Mr. BUCSHON, Mr. COSTELLO of Pennsylvania, Mr. FLORES, Mr. MULLIN, Mr. BILIRAKIS, Mr. CARTER of Georgia, Mr. WALBERG, Mr. COLLINS of New York, Mr. BURGESS, Mr. RUSH, Mr. JOHNSON of Ohio, Mrs. BROOKS of Indiana, Mr. PALLONE, Mrs. DINGELL, Ms. MATSUI, Ms. ESHOO, Mr. MCNERNEY, Mr. WELCH, Mr. GENE GREEN of Texas, Ms. CLARKE of New York, and Mr. CÁRDENAS

SEPTEMBER 5, 2017

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 25, 2017]

# **A BILL**

To provide for information on highly automated driving systems to be made available to prospective buyers.

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

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

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

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purpose.*

*Sec. 3. NHTSA authority and 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.*

9        **SEC. 2. PURPOSE.**

10        *The purpose of this Act is to memorialize the Federal*  
 11        *role in ensuring the safety of highly automated vehicles as*  
 12        *it relates to design, construction, and performance, by en-*  
 13        *couraging the testing and deployment of such vehicles.*

14        **SEC. 3. NHTSA AUTHORITY AND STATE PREEMPTION FOR**  
 15        **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 State*  
5       *or political subdivision of a State may maintain, en-*  
6       *force, prescribe, or continue in effect any law or regu-*  
7       *lation regarding the design, construction, or perform-*  
8       *ance of highly automated vehicles, automated driving*  
9       *systems, or components of automated driving systems*  
10      *unless such law or regulation is identical to a stand-*  
11      *ard prescribed under this chapter.*

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

20          “(3) *RULES OF CONSTRUCTION.*—

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

1        *tion, licensing, driving education and training,*  
2        *insurance, law enforcement, crash investigations,*  
3        *safety and emissions inspections, congestion*  
4        *management of vehicles on the street within a*  
5        *State or political subdivision of a State, or traf-*  
6        *fic unless the law or regulation is an unreason-*  
7        *able restriction on the design, construction, or*  
8        *performance of highly automated vehicles, auto-*  
9        *mated driving systems, or components of auto-*  
10       *mated driving systems.*

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

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 driving*  
 6           *system obtained for its own use that imposes a higher*  
 7           *performance requirement than that required by the*  
 8           *otherwise applicable standard under this chapter.*

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

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

14          “(e) *COMMON LAW LIABILITY.*—

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

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

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

3 (a) *IN GENERAL.*—Chapter 301 of subtitle VI of title  
4 49, United States Code, is amended by inserting after sec-  
5 tion 30128 the following new section:

6 **“§ 30129. Updated or new motor vehicle safety stand-**  
7 **ards for highly automated vehicles**

8 “(a) *SAFETY ASSESSMENT CERTIFICATION.*—

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

17 “(A) a specification of which entities are re-  
18 quired to submit such certifications;

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

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

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

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

17                 “(A) review such rule; and

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

20          “(4) *RULES OF CONSTRUCTION.*—

21                 “(A) *NO CONDITIONS ON DEPLOYMENT.*—  
22                 Nothing in this subsection may be construed to  
23                 limit or affect the Secretary’s authority under  
24                 any other provision of law. The Secretary may  
25                 not condition deployment or testing of highly



1        *automated vehicles on review of safety assessment*  
2        *certifications.*

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

7                “(5) *REVIEW AND RESEARCH.*—To accommodate  
8        *the development and deployment of highly automated*  
9        *vehicles and to ensure the safety and security of high-*  
10       *ly automated vehicles and motor vehicles and others*  
11       *that will share the roads with highly automated vehi-*  
12       *cles, not later than 180 days after the date of the en-*  
13       *actment of this section, the Secretary shall—*

14               “(A) *initiate or continue a review of the*  
15        *Federal motor vehicle safety standards in effect*  
16        *on such date of enactment; and*

17               “(B) *initiate or continue research regarding*  
18        *new Federal motor vehicle safety standards.*

19               “(b) *RULEMAKING AND SAFETY PRIORITY PLAN.*—

20               “(1) *IN GENERAL.*—Not later than 1 year after  
21        *the date of enactment of this section, the Secretary*  
22        *shall make available to the public and submit to the*  
23        *Committee on Energy and Commerce of the House of*  
24        *Representatives and the Committee on Commerce,*  
25        *Science, and Transportation of the Senate a rule-*

1     *making and safety priority plan, as necessary to ac-*  
2     *commodate the development and deployment of highly*  
3     *automated vehicles and to ensure the safety and secu-*  
4     *rity of highly automated vehicles and motor vehicles*  
5     *and others that will share the roads with highly auto-*  
6     *mated vehicles, to—*

7             *“(A) update the motor vehicle safety stand-*  
8             *ards in effect on such date of enactment;*

9             *“(B) issue new motor vehicle safety stand-*  
10            *ards; and*

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

17            *“(2) INCLUSION OF PRIORITIES.—*

18            *“(A) PRIORITIES.—The plan required by*  
19            *paragraph (1) shall detail the overall priorities*  
20            *of the National Highway Traffic Safety Admin-*  
21            *istration for the 5 years following the issuance of*  
22            *the plan, including both priorities with respect*  
23            *to highly automated vehicles and priorities with*  
24            *respect to other safety initiatives of the Adminis-*

1        *tration, in order to meet the Nation’s motor vehi-*  
2        *cle safety challenges.*

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

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

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

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

23              *“(B) PRIORITIZATION OF SUBSEQUENT PRO-*  
24       *CEEDINGS.—The Secretary shall continue initi-*  
25       *ating rulemaking proceedings in accordance with*

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

11       *(b) CLERICAL AMENDMENT.—The analysis for chapter*  
 12       *301 of subtitle VI of title 49, United States Code, is amend-*  
 13       *ed by inserting after the item relating to section 30128 the*  
 14       *following new item:*

*“30129. Updated or new motor vehicle safety standards for highly automated vehicles.”.*

15       **SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYS-**  
 16       **TEMS.**

17       *(a) IN GENERAL.—Chapter 301 of subtitle VI of title*  
 18       *49, United States Code, is amended by inserting after sec-*  
 19       *tion 30129 (as added by section 4) the following new sec-*  
 20       *tion:*

21       **“§ 30130. Cybersecurity of automated driving systems**

22       *“(a) CYBERSECURITY PLAN.—A manufacturer may*  
 23       *not sell, offer for sale, introduce or deliver for introduction*  
 24       *into commerce, or import into the United States, any highly*

1 *automated vehicle, vehicle that performs partial driving au-*  
2 *tomation, or automated driving system unless such manu-*  
3 *facturer has developed a cybersecurity plan that includes*  
4 *the following:*

5       “(1) *A written cybersecurity policy with respect*  
6       *to the practices of the manufacturer for detecting and*  
7       *responding to cyber attacks, unauthorized intrusions,*  
8       *and false and spurious messages or vehicle control*  
9       *commands. This policy shall include—*

10           “(A) *a process for identifying, assessing,*  
11           *and mitigating reasonably foreseeable*  
12           *vulnerabilities from cyber attacks or unauthor-*  
13           *ized intrusions, including false and spurious*  
14           *messages and malicious vehicle control com-*  
15           *mands; and*

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

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

5           “(3) *A process for limiting access to automated*  
 6           *driving systems.*

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

12          “(b) *EFFECTIVE DATE.—This section shall take effect*  
 13          *180 days after the date of enactment of this section.”.*

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

17          (c) *CLERICAL AMENDMENT.—The analysis for chapter*  
 18          *301 of subtitle VI of title 49, United States Code, is amend-*  
 19          *ed by inserting after the item relating to section 30129 (as*  
 20          *added by section 4) the following new item:*

*“30130. Cybersecurity of automated driving systems.”.*

21          **SEC. 6. GENERAL EXEMPTIONS.**

22          *Section 30113 of title 49, United States Code, is*  
 23          *amended—*

24                 *(1) in subsection (b)(3)(B)—*

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

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

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

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

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

12          “(II) a highly automated vehicle providing  
13          an overall safety level at least equal to the over-  
14          all safety level 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) of this section—

19               “(A) such development, testing, and other  
20               data necessary to demonstrate that the motor ve-  
21               hicle 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 safe-  
 6                   ty 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 (b)(3)(B)(i)  
 14                  relating to a bumper standard referred to in sub-  
 15                  section (b)(1)) only if the Secretary determines that  
 16                  the manufacturer’s total motor vehicle production in  
 17                  the most recent year of production is not more than  
 18                  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 section  
 22                  only if the Secretary determines the exemption is for  
 23                  not more than 2,500 vehicles to be sold in the United  
 24                  States in any 12-month period.



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

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

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

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 for*  
 2        *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 sec-*  
 10        *tion may be granted for not more than 4 years.”; and*  
 11                *(5) by adding at the end the following:*

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

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

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

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

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

15          “(k) *PROCESS AND ANALYSIS.—*

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

22               “(2) *PERIODIC REVIEW AND UPDATING.—The no-*  
23               *tice required by paragraph (1) shall be reviewed every*  
24               *5 years and updated if the Secretary considers it nec-*  
25               *essary.*

1 “(l) *EXEMPTION DATABASE.*—

2 “(1) *IN GENERAL.*—*The Secretary shall establish*  
 3 *a publicly available and searchable electronic data-*  
 4 *base of each motor vehicle for which an exemption*  
 5 *from motor vehicle safety standards prescribed under*  
 6 *this chapter or a bumper standard prescribed under*  
 7 *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 shall*  
 11 *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 mov-  
3           ing 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 inserting  
6           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 institution  
21                             of higher education and a point of con-  
22                             tact;

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 date  
25 of enactment of this Act, the Secretary of Transportation

1 *shall complete research to determine the most effective meth-*  
 2 *od and terminology for informing consumers for each highly*  
 3 *automated vehicle or a vehicle that performs partial driving*  
 4 *automation about the capabilities and limitations of that*  
 5 *vehicle. The Secretary shall determine whether such infor-*  
 6 *mation is based upon or includes the terminology as defined*  
 7 *by SAE International in Recommended Practice Report*  
 8 *J3016 (published September 2016) or whether such descrip-*  
 9 *tion should include alternative terminology.*

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

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

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

24 *(b) MEMBERSHIP.—Members of the Council shall in-*  
 25 *clude a diverse group representative of business, academia*

1 *and independent researchers, State and local authorities,*  
2 *safety and consumer advocates, engineers, labor organiza-*  
3 *tions, environmental experts, a representative of the Na-*  
4 *tional Highway Traffic Safety Administration, and other*  
5 *members determined to be appropriate by the Secretary.*  
6 *Any subcommittee of the Council shall be composed of not*  
7 *less than 15 and not more than 30 members appointed by*  
8 *the Secretary.*

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

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

17       (e) *DUTIES AND SUBCOMMITTEES.—The Council may*  
18 *form subcommittees as needed to undertake information*  
19 *gathering activities, develop technical advice, and present*  
20 *best practices or recommendations to the Secretary regard-*  
21 *ing—*

22               (1) *advancing mobility access for the disabled*  
23 *community with respect to the deployment of auto-*  
24 *mated driving systems to identify impediments to*  
25 *their use and ensure an awareness of the needs of the*



1        *disabled community as these vehicles are being de-*  
2        *signed for distribution in commerce;*

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

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

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

1           (5) labor and employment issues that may be af-  
2       fected by the deployment of highly automated vehicles;

3           (6) the environmental impacts of the deployment  
4       of highly automated vehicles, and the development  
5       and deployment of alternative fuel infrastructure  
6       alongside the development and deployment of highly  
7       automated vehicles;

8           (7) protection of consumer privacy and security  
9       of information collected by highly automated vehicles;

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

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

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

4           (f) *REPORT TO CONGRESS.*—*The recommendations of*  
5           *the Council shall also be reported to the Committee on En-*  
6           *ergy and Commerce of the House of Representatives and*  
7           *the Committee on Commerce, Science, and Transportation*  
8           *of the Senate.*

9           (g) *FEDERAL ADVISORY COMMITTEE ACT.*—*The estab-*  
10          *lishment and operation of the Council and any subcommit-*  
11          *tees of the Council shall conform to the requirements of the*  
12          *Federal Advisory Committee Act (5 U.S.C. App.).*

13          (h) *TECHNICAL ASSISTANCE.*—*On request of the Coun-*  
14          *cil, the Secretary shall provide such technical assistance to*  
15          *the Council as the Secretary determines to be necessary to*  
16          *carry out the Council's duties.*

17          (i) *DETAIL OF FEDERAL EMPLOYEES.*—*On the request*  
18          *of the Council, the Secretary may detail, with or without*  
19          *reimbursement, any of the personnel of the Department of*  
20          *Transportation to the Council to assist the Council in car-*  
21          *rying out its duties. Any detail shall not interrupt or other-*  
22          *wise affect the civil service status or privileges of the Federal*  
23          *employee.*

1       (j) *PAYMENT AND EXPENSES.*—*Members of the Council*  
 2 *shall serve without pay, except travel and per diem will*  
 3 *be paid each member for meetings called by the Secretary.*

4       (k) *TERMINATION.*—*The Council and any subcommit-*  
 5 *tees of the Council shall terminate 6 years after the date*  
 6 *of enactment of this Act.*

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

8       (a) *IN GENERAL.*—*Chapter 301 of subtitle VI of title*  
 9 *49, United States Code, is amended by inserting after sec-*  
 10 *tion 30130 (as added by section 5) the following new sec-*  
 11 *tion:*

12       **“§ 30131. Rear seat occupant alert system**

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

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

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

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

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

6           (b) *CLERICAL AMENDMENT.*—The analysis for chapter  
7 301 of subtitle VI of title 49, United States Code, is amend-  
8 ed by inserting after the item relating to section 30130 (as  
9 added by section 5) the following new item:

“30131. Rear seat occupant alert system.”.

10 **SEC. 11. HEADLAMPS.**

11           (a) *SAFETY RESEARCH INITIATIVE.*—Not later than 2  
12 years after the date of enactment of this Act, the Secretary  
13 of Transportation shall complete research into the develop-  
14 ment of updated motor vehicle safety standards or perform-  
15 ance requirements for motor vehicle headlamps that would  
16 improve the performance of headlamps and improve overall  
17 safety.

18           (b) *RULEMAKING OR REPORT.*—

19           (1) *RULEMAKING.*—After the completion of the  
20 research required by subsection (a), the Secretary  
21 shall initiate a rulemaking proceeding to revise the  
22 motor vehicle safety standards regarding headlamps if  
23 the Secretary determines that a revision of the stand-  
24 ards meets the requirements and considerations set

1     *forth in subsections (a) and (b) of section 30111 of*  
2     *title 49, United States Code.*

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

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

13             (a) *PRIVACY PLAN.—A manufacturer may not sell,*  
14     *offer for sale, introduce or deliver for introduction in inter-*  
15     *state commerce, or import into the United States, any high-*  
16     *ly automated vehicle, vehicle that performs partial driving*  
17     *automation, or automated driving system unless the manu-*  
18     *facturer has developed a privacy plan that includes the fol-*  
19     *lowing:*

20             (1) *A written privacy plan with respect to the*  
21     *collection, use, sharing, and storage of information*  
22     *about vehicle owners or occupants collected by a high-*  
23     *ly automated vehicle, vehicle that performs partial*  
24     *driving automation, or automated driving system.*  
25     *Such policy shall include the following:*

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

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

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

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

16          (2) *A method for providing notice to vehicle own-*  
17          *ers or occupants about the privacy policy.*

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

1        *the process or practices regarding that information in*  
2        *the privacy policy.*

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

7        (b) *STUDY.—The Federal Trade Commission shall con-*  
8        *duct a study and submit a report to the Committee on En-*  
9        *ergy and Commerce of the House of Representatives and*  
10       *the Committee on Commerce, Science, and Transportation*  
11       *of the Senate on the highly automated vehicle marketplace,*  
12       *including an examination of the following issues:*

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

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

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

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

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



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

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

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

21       **SEC. 13. DEFINITIONS.**

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

25               *(1) in subsection (a)—*

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

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

7           “(1) ‘automated driving system’ means the hard-  
8           ware and software that are collectively capable of per-  
9           forming the entire dynamic driving task on a sus-  
10          tained basis, regardless of whether such system is lim-  
11          ited to a specific operational design domain.”;

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

14          “(6) ‘dynamic driving task’ means all of the real  
15          time operational and tactical functions required to  
16          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 steer-  
20                ing;

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

23                “(C) monitoring the driving environment  
24                via object and event detection, recognition, classi-  
25                fication, 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                   “(7) ‘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                  (D) by inserting after paragraph (13) (as so  
11                  redesignated) the following:

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

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

17                  “(18) ‘vehicle that performs partial driving auto-  
18                  mation’ does not include a commercial motor vehicle  
19                  (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 orga-  
23                  nization) revises the definition of any of the terms de-  
24                  fined in paragraph (1), (6), or (14) of subsection (a)  
25                  in Recommended Practice Report J3016, it shall no-

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

14           *“(2) If the Secretary does not reject a definition*  
15    *revised by SAE International (or its successor organi-*  
16    *zation) as described in paragraph (1), the Secretary*  
17    *shall promptly make any conforming amendments to*  
18    *the regulations and standards of the Secretary that*  
19    *are necessary. The revised definition shall apply for*  
20    *purposes of this chapter. The requirements of section*  
21    *553 of title 5 shall not apply to the making of any*  
22    *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 have*  
 3     *impacted motor vehicle safety such that the defini-*  
 4     *tions need to be updated to reflect such cir-*  
 5     *cumstances.”.*

6     **(b) DEFINITIONS IN THIS ACT.—***As used in this Act—*

7             *(1) the term “automated driving system” has the*  
 8             *meaning given such term in subsection (a) of section*  
 9             *30102 of title 49, United States Code, subject to any*  
 10            *revisions made to the definition of such term pursu-*  
 11            *ant to subsection (c) of such section;*

12            *(2) the term “highly automated vehicle” has the*  
 13            *meaning given such term in subsection (a) of section*  
 14            *30102 of title 49, United States Code, not subject to*  
 15            *any revision under subsection (c) of such section; and*

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

Amend the title so as to read: “A bill to amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over highly automated vehicles, to provide safety measures for such vehicles, and for other purposes.”.

Union Calendar No. 212

115TH CONGRESS  
1ST Session

**H. R. 3388**

[Report No. 115-294]

**A BILL**

To provide for information on highly automated driving systems to be made available to prospective buyers.

SEPTEMBER 5, 2017

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed