

115TH CONGRESS  
1ST SESSION

# H. R. 3401

To amend chapter 301 of subtitle VI of title 49, United States Code, to update or provide new motor vehicle safety standards for highly automated vehicles, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

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

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## A BILL

To amend chapter 301 of subtitle VI of title 49, United States Code, to update or provide new motor vehicle safety standards for highly automated vehicles, and for other purposes.

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

3 **SECTION 1. UPDATED OR NEW MOTOR VEHICLE SAFETY**  
4 **STANDARDS FOR HIGHLY AUTOMATED VEHI-**  
5 **CLES.**

6 (a) AMENDMENT.—Chapter 301 of subtitle VI of title  
7 49, United States Code, is amended by inserting after sec-  
8 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 sider 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       “(b) REVIEW AND RESEARCH.—To accommodate the  
2 development and deployment of highly automated vehicles  
3 and to ensure the safety and security of highly automated  
4 vehicles and motor vehicles and others that will share the  
5 roads with highly automated vehicles, not later than 180  
6 days after the date of the enactment of this section, the  
7 Secretary shall—

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

11              “(2) initiate or continue research regarding new  
12 Federal motor vehicle safety standards.

13       “(c) RULEMAKING AND SAFETY PRIORITY PLAN.—

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

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

3           “(B) issue new motor vehicle safety stand-  
4 ards; and

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

11           “(2) INCLUSION OF PRIORITIES.—

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

21           “(B) IDENTIFICATION OF ELEMENTS THAT  
22 MAY REQUIRE STANDARDS.—For highly auto-  
23 mated vehicles, the National Highway Traffic  
24 Safety Administration should identify elements  
25 that may require performance standards includ-

1           ing human machine interface and sensors and  
2           actuators, and consider process and procedure  
3           standards for software and cybersecurity as  
4           necessary.

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

9           “(d) RULEMAKING PROCEEDINGS ON UPDATED OR  
10          NEW MOTOR VEHICLE SAFETY STANDARDS.—

11           “(1) IN GENERAL.—Not later than 18 months  
12           after the date of enactment of this section, the Sec-  
13           retary shall initiate the first rulemaking proceeding  
14           in accordance with the rulemaking and safety pri-  
15           ority plan required by subsection (c).

16           “(2) PRIORITIZATION OF SUBSEQUENT PRO-  
17           CEEDINGS.—The Secretary shall continue initiating  
18           rulemaking proceedings in accordance with such  
19           plan. The Secretary may change at any time those  
20           priorities to address matters the Secretary considers  
21           of greater priority. If the Secretary makes such a  
22           change, the Secretary shall complete an interim up-  
23           date of the priority plan, make such update available  
24           to the public, and submit such update to the Com-  
25           mittee on Energy and Commerce of the House of

1       Representatives and the Committee on Commerce,  
2       Science, and Transportation of the Senate.”.

3       (b) CLERICAL AMENDMENT.—The analysis for chap-  
4       ter 301 of subtitle VI of title 49, United States Code, is  
5       amended by inserting after the item relating to section  
6       30128 the following new item:

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

7       (c) DEFINITIONS.—Section 30102 of title 49, United  
8       States Code, is amended—

9               (1) in subsection (a)—

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

14                       (B) by inserting before paragraph (2) (as  
15                       so redesignated) the following:

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

21                       (C) by inserting after paragraph (5) (as so  
22                       redesignated) the following:

23                       “(6) ‘dynamic driving task’ means all of the  
24                       real time operational and tactical functions required

1 to operate a vehicle in on-road traffic, excluding the  
2 strategic functions such as trip scheduling and selec-  
3 tion of destinations and waypoints, and including—

4 “(A) lateral vehicle motion control via  
5 steering;

6 “(B) longitudinal vehicle motion control  
7 via acceleration and deceleration;

8 “(C) monitoring the driving environment  
9 via object and event detection, recognition, clas-  
10 sification, and response preparation;

11 “(D) object and event response execution;

12 “(E) maneuver planning; and

13 “(F) enhancing conspicuity via lighting,  
14 signaling, and gesturing.

15 “(7) ‘highly automated vehicle’—

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

18 “(B) does not include a commercial motor  
19 vehicle (as defined in section 31101).”; and

20 (D) by inserting after paragraph (13) (as  
21 so redesignated) the following:

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



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

2 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

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

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

1 shall apply for purposes of this chapter. The require-  
2 ments of section 553 of title 5 shall not apply to the  
3 making of any such conforming amendments.

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

12 **SEC. 2. HEADLAMPS.**

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

20 (b) RULEMAKING OR REPORT.—

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

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

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

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