

118TH CONGRESS
2D SESSION

S. 4299

To require the Secretary of Transportation to issue a rule relating to the collection of crashworthiness information under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Mrs. FISCHER (for herself, Mrs. MURRAY, Mrs. BLACKBURN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to issue a rule relating to the collection of crashworthiness information under the New Car Assessment Program of the National Highway Traffic Safety Administration, 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. SHORT TITLE.**

4 This Act may be cited as the “She Develops Regula-
5 tions In Vehicle Equality and Safety Act” or the “She
6 DRIVES Act”.

1 **SEC. 2. CRASHWORTHINESS STANDARDS UNDER NCAP.**

2 (a) DEFINITIONS.—In this section:

3 (1) ANTHROPOMORPHIC TEST DEVICE.—The
4 term “anthropomorphic test device” means a testing
5 device used for compliance testing of motor vehicles
6 and motor vehicle equipment with respect to Federal
7 motor vehicle safety standards that is—

8 (A)(i) described in section 572.5 of title
9 49, Code of Federal Regulations (as in effect on
10 the date of enactment of this Act); and

11 (ii) used to determine occupant crash pro-
12 tection, in the determination of the Secretary,
13 in each seating position; and

14 (B) instrumented with sensors and injury
15 measurement capability at the parts of the body
16 most at risk for injury, including injury meas-
17 urement for, at a minimum, the acetabulum
18 load, upper and lower thorax displacement, ab-
19 dominal displacement, ankle angle, and Achilles
20 load.

21 (2) CRASHWORTHINESS.—The term “crash-
22 worthiness” has the meaning given the term in sec-
23 tion 32301 of title 49, United States Code.

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of Transportation.

26 (b) NCAP TESTING RULE.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary shall issue a final rule updating the testing
4 procedures used to test the crashworthiness of pas-
5 senger motor vehicles under the New Car Assess-
6 ment Program of the National Highway Traffic
7 Safety Administration, in accordance with paragraph
8 (2).

9 (2) REQUIREMENTS.—The final rule issued
10 under paragraph (1) shall include the following:

11 (A) The inclusion of the new generation—

12 (i) 50th percentile adult male testing
13 device, as referenced by Regulation Identifi-
14 fier Number 2127–AM20; and

15 (ii) 5th percentile adult female testing
16 device, as referenced by Regulation Identifi-
17 fier Number 2127–AM56.

18 (B) The updating of test procedures and
19 devices, including anthropomorphic test devices,
20 to procedures that mandate the use of the most
21 technologically advanced devices available in the
22 global and domestic markets used in crash-
23 worthiness testing and validation.

24 (C) The establishment of new, or refine-
25 ment of existing, injury criteria, including head,

1 neck, chest, abdomen, pelvis, upper leg, and
2 lower leg injury criteria, with anthropomorphic
3 test devices based on—

4 (i) real-world injuries; and

5 (ii) the greatest potential to increase
6 safety.

7 (D) The establishment of front seat crash-
8 worthiness frontal and side impact tests with
9 anthropomorphic test devices for adult female
10 occupants in all designated front seating posi-
11 tions, including the driving position.

12 (E) The establishment of rear seat crash-
13 worthiness frontal and side impact tests with
14 anthropomorphic test devices for adult female
15 occupants in all designated rear seating posi-
16 tions.

17 (F) The establishment of a requirement
18 that the use of digital simulation tests shall be
19 validated by matching physical tests with
20 anthropomorphic test devices.

21 (c) CONTINUOUS UPDATES.—Not later than 2 years
22 after the date on which the Secretary carries out the re-
23 quirements of this section, and not less frequently than
24 once every year thereafter, the Secretary shall—

1 (1) evaluate new anthropomorphic test devices;
2 and

3 (2) if applicable, issue a new rule that requires
4 the use of new anthropomorphic test devices evalu-
5 ated under paragraph (1) in the tests described in
6 subsection (b)(2).

7 (d) MISSED DEADLINE; REPORT REQUIRED.—If the
8 Secretary does not issue the final rule required under sub-
9 section (b)(1) by the deadline described in that subsection,
10 the Secretary shall, not later than 30 days after the date
11 on which the deadline elapses, and every 30 days there-
12 after until the date on which the Secretary issue that rule,
13 submit to Congress a report detailing—

14 (1) the reasons for why the deadline was
15 missed; and

16 (2) the approximate date on which the Sec-
17 retary will issue that rule.

18 **SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UP-**

19 **DATE.**

20 (a) IN GENERAL.—Section 30111 of title 49, United
21 States Code, is amended—

22 (1) in subsection (a), in the first sentence, by
23 inserting “(referred to in this section as the ‘Sec-
24 retary’)” after “of Transportation”; and

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

1 “(g) CRASHWORTHINESS REQUIREMENTS.—In pre-
2 scribing motor vehicle safety standards under this section
3 that relate to crashworthiness (as defined in section
4 32301), the Secretary shall use the tests contained in the
5 rule issued by the Secretary pursuant to section 2(b)(1)
6 of the She DRIVES Act.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a)(2) shall take effect on the date on which
9 the Secretary of Transportation issues the rule required
10 under section 2(b)(1).

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