

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 3388**  
**OFFERED BY M .**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Safely Ensuring Lives Future Deployment and Research 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.

1 **SEC. 3. NHTSA AUTHORITY AND STATE PREEMPTION FOR**  
2 **AUTONOMOUS MOTOR VEHICLES.**

3 Section 30103 of title 49, United States Code, is  
4 amended—

5 (1) by amending subsection (b) to read as fol-  
6 lows:

7 “(b) PREEMPTION.—

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

17 “(2) MOTOR VEHICLE STANDARD.—When a  
18 motor vehicle safety standard is in effect under this  
19 chapter, a State or political subdivision of a State  
20 may prescribe or continue in effect a standard appli-  
21 cable to the same aspect of performance of a motor  
22 vehicle or motor vehicle equipment only if the stand-  
23 ard is identical to the standard prescribed under this  
24 chapter.

25 “(3) RULES OF CONSTRUCTION.—

1           “(A) IN GENERAL.—Nothing in this sub-  
2           section may be construed to prohibit a State or  
3           a political subdivision of a State from maintain-  
4           ing, enforcing, prescribing, or continuing in ef-  
5           fect any law or regulation regarding registra-  
6           tion, licensing, driving education and training,  
7           insurance, law enforcement, crash investiga-  
8           tions, safety and emissions inspections, conges-  
9           tion management of vehicles on the street with-  
10          in a State or political subdivision of a State, or  
11          traffic unless the law or regulation is an unrea-  
12          sonable restriction on the design, construction,  
13          or performance of highly automated vehicles,  
14          automated driving systems, or components of  
15          automated driving systems.

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

1 “(C) CONFORMITY WITH FEDERAL LAW.—

2 Nothing in this subsection shall be construed to  
3 preempt, restrict, or limit a State or political  
4 subdivision of a State from acting in accordance  
5 with any other Federal law.

6 “(4) HIGHER PERFORMANCE REQUIREMENT.—

7 However, the United States Government, a State, or  
8 a political subdivision of a State may prescribe a  
9 standard for a motor vehicle, motor vehicle equip-  
10 ment, highly automated vehicle, or automated driv-  
11 ing system obtained for its own use that imposes a  
12 higher performance requirement than that required  
13 by the otherwise applicable standard under this  
14 chapter.

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

18 (2) by amending subsection (e) to read as fol-  
19 lows:

20 “(e) COMMON LAW LIABILITY.—

21 “(1) IN GENERAL.—Compliance with a motor  
22 vehicle safety standard prescribed under this chapter  
23 does not exempt a person from liability at common  
24 law.

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

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

6       (a) IN GENERAL.—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:

9   **“§ 30129. Updated or new motor vehicle safety stand-**  
10           **ards for highly automated vehicles**

11       “(a) SAFETY ASSESSMENT CERTIFICATION.—

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

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

22           “(B) a clear description of the relevant test  
23       results, data, and other contents required to be  
24       submitted by such entity, in order to dem-  
25       onstrate that such entity’s vehicles are likely to

1 maintain safety, and function as intended and  
2 contain fail safe features, to be included in such  
3 certifications; and

4 “(C) a specification of the circumstances  
5 under which such certifications are required to  
6 be updated or resubmitted.

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

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

20 “(A) review such rule; and

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

23 “(4) RULES OF CONSTRUCTION.—

24 “(A) NO CONDITIONS ON DEPLOYMENT.—

25 Nothing in this subsection may be construed to

1 limit or affect the Secretary's authority under  
2 any other provision of law. The Secretary may  
3 not condition deployment or testing of highly  
4 automated vehicles on review of safety assess-  
5 ment certifications.

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

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

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

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

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

24 “(1) IN GENERAL.—Not later than 1 year after  
25 the date of enactment of this section, the Secretary

1       shall make available to the public and submit to the  
2       Committee on Energy and Commerce of the House  
3       of Representatives and the Committee on Commerce,  
4       Science, and Transportation of the Senate a rule-  
5       making and safety priority plan, as necessary to ac-  
6       commodate the development and deployment of high-  
7       ly automated vehicles and to ensure the safety and  
8       security of highly automated vehicles and motor ve-  
9       hicles and others that will share the roads with high-  
10      ly automated vehicles, to—

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

13               “(B) issue new motor vehicle safety stand-  
14               ards; and

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

21               “(2) INCLUSION OF PRIORITIES.—

22               “(A) PRIORITIES.—The plan required by  
23               paragraph (1) shall detail the overall priorities  
24               of the National Highway Traffic Safety Admin-  
25               istration for the 5 years following the issuance



1 of the plan, including both priorities with re-  
2 spect to highly automated vehicles and priorities  
3 with respect to other safety initiatives of the  
4 Administration, in order to meet the Nation's  
5 motor vehicle safety challenges.

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

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

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

21 “(A) IN GENERAL.—Not later than 18  
22 months after the date of enactment of this sec-  
23 tion, the Secretary shall initiate the first rule-  
24 making proceeding in accordance with the rule-

1 making and safety priority plan required by  
2 paragraph (1).

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

16 (b) CLERICAL AMENDMENT.—The analysis for chap-  
17 ter 301 of subtitle VI of title 49, United States Code, is  
18 amended by inserting after the item relating to section  
19 30128 the following new item:

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

20 **SEC. 5. CYBERSECURITY OF AUTOMATED DRIVING SYS-**  
21 **TEMS.**

22 (a) IN GENERAL.—Chapter 301 of subtitle VI of title  
23 49, United States Code, is amended by inserting after sec-

tion 30129 (as added by section 4) the following new section:

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

“(a) CYBERSECURITY PLAN.—A manufacturer may not sell, offer for sale, introduce or deliver for introduction into commerce, or import into the United States, any highly automated vehicle, vehicle that performs partial driving automation, or automated driving system unless such manufacturer has developed a cybersecurity plan that includes the following:

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

“(A) a process for identifying, assessing, and mitigating reasonably foreseeable vulnerabilities from cyber attacks or unauthorized intrusions, including false and spurious messages and malicious vehicle control commands; and

“(B) a process for taking preventive and corrective action to mitigate against vulnerabilities in a highly automated vehicle or a vehicle that performs partial driving automa-

1           tion, including incident response plans, intru-  
2           sion detection and prevention systems that safe-  
3           guard key controls, systems, and procedures  
4           through testing or monitoring, and updates to  
5           such process based on changed circumstances.

6           “(2) The identification of an officer or other in-  
7           dividual of the manufacturer as the point of contact  
8           with responsibility for the management of cybersecu-  
9           rity.

10          “(3) A process for limiting access to automated  
11          driving systems.

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

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

19          (b)           ENFORCEMENT           AUTHORITY.—Section  
20          30165(a)(1) of title 49, United States Code, is amended  
21          by inserting “30130,” after “30127,”.

22          (c) CLERICAL AMENDMENT.—The analysis for chap-  
23          ter 301 of subtitle VI of title 49, United States Code, is  
24          amended by inserting after the item relating to section  
25          30129 (as added by section 4) the following new item:

“30130. Cybersecurity of automated driving systems.”.

1 **SEC. 6. GENERAL EXEMPTIONS.**

2 Section 30113 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (b)(3)(B)—

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

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

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

10 “(v) the exemption would make easier  
11 the development or field evaluation of—

12 “(I) a feature of a highly auto-  
13 mated vehicle providing a safety level  
14 at least equal to the safety level of the  
15 standard for which exemption is  
16 sought; or

17 “(II) a highly automated vehicle  
18 providing an overall safety level at  
19 least equal to the overall safety level  
20 of nonexempt vehicles.”;

21 (2) in subsection (c), by adding at the end the  
22 following:

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

1 “(A) such development, testing, and other  
2 data necessary to demonstrate that the motor  
3 vehicle is a highly automated vehicle; and

4 “(B) a detailed analysis that includes sup-  
5 porting test data, including both on-road and  
6 validation and testing data showing (as applica-  
7 ble) that—

8 “(i) the safety level of the feature at  
9 least equals the safety level of the standard  
10 for which exemption is sought; or

11 “(ii) the vehicle provides an overall  
12 safety level at least equal to the overall  
13 safety level of nonexempt vehicles.”;

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

17 “(1) ELIGIBILITY UNDER SUBSECTION  
18 (b)(3)(B)(i).—A manufacturer is eligible for an ex-  
19 emption under subsection (b)(3)(B)(i) of this section  
20 (including an exemption under subsection  
21 (b)(3)(B)(i) relating to a bumper standard referred  
22 to in subsection (b)(1)) only if the Secretary deter-  
23 mines that the manufacturer’s total motor vehicle  
24 production in the most recent year of production is  
25 not more than 10,000.

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

7           “(3)     ELIGIBILITY     UNDER     SUBSECTION  
8     (b)(3)(B)(ii), (iv), or (v).—A manufacturer is eligi-  
9     ble for an exemption under subsection (b)(3)(B)(ii),  
10    (iv), or (v) of this section only if the Secretary deter-  
11    mines the exemption is for not more than 100,000  
12    vehicles per manufacturer to be sold, leased, or oth-  
13    erwise introduced into commerce in the United  
14    States in any 12-month period.

15          “(4)     LIMITATION ON NUMBER OF VEHICLES  
16     EXEMPTED.—All exemptions granted to a manufac-  
17     turer under subsections (b)(3)(B)(i) through (v)  
18     shall not exceed a total of (i) 25,000 vehicles manu-  
19     factured within the first 12-month period, (ii)  
20     50,000 vehicles manufactured within the second 12-  
21     month period, (iii) 100,000 vehicles manufactured  
22     within the third 12-month period, and, (iv) 100,000  
23     vehicles manufactured within the fourth 12-month  
24     period. Any renewals under subsections (b)(3)(B)(i)

1 through (v) shall not exceed a total of 100,000 vehi-  
2 cles manufactured within a 12-month period.”;

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

6 “(1) EXEMPTION UNDER SUBSECTION  
7 (b)(3)(B)(i).—An exemption or renewal under sub-  
8 section (b)(3)(B)(i) of this section may be granted  
9 for not more than 3 years.

10 “(2) EXEMPTION UNDER SUBSECTION  
11 (b)(3)(B)(iii).—An exemption or renewal under sub-  
12 section (b)(3)(B)(iii) this section may be granted for  
13 not more than 2 years.

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

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

20 “(i) LIMITATION ON CERTAIN EXEMPTIONS.—No ex-  
21 emption from crashworthiness standards of motor vehicle  
22 safety standards shall be granted under subsection  
23 (b)(3)(B)(v) until the Secretary issues the safety assess-  
24 ment certification rule pursuant to section 30129(a) and  
25 the rulemaking and safety priority plan pursuant to sec-



tion 30129(b) and one year has passed from the date by which the Secretary has issued both such rule and such plan. This subsection shall not apply to exemptions from occupant protection standards if the exemption is for a vehicle that will not carry its operator or passengers. This subsection shall not apply to exemptions from crashworthiness standards if the exemption sought is for a standard addressing the steering control system and it is for a vehicle that—

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

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

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

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

“(k) PROCESS AND ANALYSIS.—

1           “(1) IN GENERAL.—Not later than 180 days  
2       after the date of enactment of this subsection, the  
3       Secretary of Transportation shall publish in the  
4       Federal Register a notice that details the process  
5       and analysis used for the consideration of exemption  
6       or renewal applications under subsection  
7       (b)(3)(B)(v).

8           “(2) PERIODIC REVIEW AND UPDATING.—The  
9       notice required by paragraph (1) shall be reviewed  
10      every 5 years and updated if the Secretary considers  
11      it necessary.

12      “(1) EXEMPTION DATABASE.—

13           “(1) IN GENERAL.—The Secretary shall estab-  
14      lish a publicly available and searchable electronic  
15      database of each motor vehicle for which an exemp-  
16      tion from motor vehicle safety standards prescribed  
17      under this chapter or a bumper standard prescribed  
18      under chapter 325 has been granted.

19           “(2) VEHICLE IDENTIFICATION NUMBER.—The  
20      database established under paragraph (1) shall be  
21      searchable by Vehicle Identification Number and  
22      shall include no information identifying the vehicle  
23      owner.”.

1 **SEC. 7. MOTOR VEHICLE TESTING OR EVALUATION.**

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

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

6 (2) in subparagraph (A), by striking “motor ve-  
7 hicles into the United States that are certified” and  
8 inserting “into the United States motor vehicles that  
9 are certified, or motor vehicle equipment utilized in  
10 a motor vehicle that is certified,”;

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

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

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

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

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

22 “(B) a manufacturer of highly automated  
23 vehicles, automated driving systems, or compo-  
24 nents of automated driving systems that agrees  
25 not to sell or lease or offer for sale or lease the  
26 highly automated vehicles, automated driving

1 systems, or components of automated driving  
2 systems at the conclusion of the testing or eval-  
3 uation and—

4 “(i) has submitted to the Secretary—

5 “(I) the name of the individual,  
6 partnership, corporation, or institu-  
7 tion of higher education and a point  
8 of contact;

9 “(II) the residence address of the  
10 individual, partnership, corporation,  
11 or institution of higher education and  
12 State of incorporation if applicable;

13 “(III) a description of each type  
14 of motor vehicle used during develop-  
15 ment of highly automated vehicles,  
16 automated driving systems, or compo-  
17 nents of automated driving systems  
18 manufactured by the individual, part-  
19 nership, corporation, or institution of  
20 higher education; and

21 “(IV) proof of insurance for any  
22 State in which the individual, partner-  
23 ship, corporation, or institution of  
24 higher education intends to test or

1 evaluate highly automated vehicles;  
2 and  
3 “(ii) if applicable, has identified an  
4 agent for service of process in accordance  
5 with part 551 of title 49, Code of Federal  
6 Regulations.”.

7 **SEC. 8. INFORMATION ON HIGHLY AUTOMATED DRIVING**  
8 **SYSTEMS MADE AVAILABLE TO PROSPECTIVE**  
9 **BUYERS.**

10 (a) RESEARCH.—Not later than 3 years after the  
11 date of enactment of this Act, the Secretary of Transpor-  
12 tation shall complete research to determine the most effec-  
13 tive method and terminology for informing consumers for  
14 each highly automated vehicle or a vehicle that performs  
15 partial driving automation about the capabilities and limi-  
16 tations of that vehicle. The Secretary shall determine  
17 whether such information is based upon or includes the  
18 terminology as defined by SAE International in Rec-  
19 ommended Practice Report J3016 (published September  
20 2016) or whether such description should include alter-  
21 native terminology.

22 (b) RULEMAKING.—After the completion of the study  
23 required under subsection (a), the Secretary shall initiate  
24 a rulemaking proceeding to require manufacturers to in-  
25 form consumers of the capabilities and limitations of a ve-

1 hicle's driving automation system or feature for any highly  
2 automated vehicle or any vehicle that performs partial  
3 driving automation.

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

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

11 (b) MEMBERSHIP.—Members of the Council shall in-  
12 clude a diverse group representative of business, academia  
13 and independent researchers, State and local authorities,  
14 safety and consumer advocates, engineers, labor organiza-  
15 tions, environmental experts, a representative of the Na-  
16 tional Highway Traffic Safety Administration, and other  
17 members determined to be appropriate by the Secretary.  
18 Any subcommittee of the Council shall be composed of not  
19 less than 15 and not more than 30 members appointed  
20 by the Secretary.

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

24 (d) VACANCIES.—Any vacancy occurring in the mem-  
25 bership of the Council shall be filled in the same manner

1 as the original appointment for the position being vacated.  
2 The vacancy shall not affect the power of the remaining  
3 members to execute the duties of the Council.

4 (e) DUTIES AND SUBCOMMITTEES.—The Council  
5 may form subcommittees as needed to undertake informa-  
6 tion gathering activities, develop technical advice, and  
7 present best practices or recommendations to the Sec-  
8 retary regarding—

9 (1) advancing mobility access for the disabled  
10 community with respect to the deployment of auto-  
11 mated driving systems to identify impediments to  
12 their use and ensure an awareness of the needs of  
13 the disabled community as these vehicles are being  
14 designed for distribution in commerce;

15 (2) mobility access for senior citizens and popu-  
16 lations underserved by traditional public transpor-  
17 tation services and educational outreach efforts with  
18 respect to the testing and distribution of highly  
19 automated vehicles in commerce;

20 (3) cybersecurity for the testing, deployment,  
21 and updating of automated driving systems with re-  
22 spect to supply chain risk management, interactions  
23 with Information Sharing and Analysis Centers and  
24 Information Sharing and Analysis Organizations,

1 and a framework for identifying and implementing  
2 recalls of motor vehicles or motor vehicle equipment;

3 (4) the development of a framework that allows  
4 manufacturers of highly automated vehicles to share  
5 with each other and the National Highway Traffic  
6 Safety Administration relevant, situational informa-  
7 tion related to any testing or deployment event on  
8 public streets resulting or that reasonably could have  
9 resulted in damage to the vehicle or any occupant  
10 thereof and validation of such vehicles in a manner  
11 that does not risk public disclosure of such informa-  
12 tion or disclosure of confidential business informa-  
13 tion;

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

17 (6) the environmental impacts of the deploy-  
18 ment of highly automated vehicles, and the develop-  
19 ment and deployment of alternative fuel infrastruc-  
20 ture alongside the development and deployment of  
21 highly automated vehicles;

22 (7) protection of consumer privacy and security  
23 of information collected by highly automated vehi-  
24 cles;



1           (8) cabin safety for highly automated vehicle  
2           passengers, and how automated driving systems may  
3           impact collision vectors, overall crashworthiness, and  
4           the use and placement of airbags, seatbelts, anchor  
5           belts, head restraints, and other protective features  
6           in the cabin;

7           (9) the testing and deployment of highly auto-  
8           mated vehicles and automated driving systems in  
9           areas that are rural, remote, mountainous, insular,  
10          or unmapped to evaluate operational limitations  
11          caused by natural geographical or man-made fea-  
12          tures, or adverse weather conditions, and to enhance  
13          the safety and reliability of highly automated vehi-  
14          cles and automated driving systems used in such  
15          areas with such features or conditions; and

16          (10) independent verification and validation  
17          procedures for highly automated vehicles that may  
18          be useful to safeguard motor vehicle safety.

19          (f) REPORT TO CONGRESS.—The recommendations  
20          of the Council shall also be reported to the Committee on  
21          Energy and Commerce of the House of Representatives  
22          and the Committee on Commerce, Science, and Transpor-  
23          tation of the Senate.

24          (g) FEDERAL ADVISORY COMMITTEE ACT.—The es-  
25          tablishment and operation of the Council and any sub-

1 committees of the Council shall conform to the require-  
2 ments of the Federal Advisory Committee Act (5 U.S.C.  
3 App.).

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

8 (i) DETAIL OF FEDERAL EMPLOYEES.—On the re-  
9 quest of the Council, the Secretary may detail, with or  
10 without reimbursement, any of the personnel of the De-  
11 partment of Transportation to the Council to assist the  
12 Council in carrying out its duties. Any detail shall not in-  
13 terrupt or otherwise affect the civil service status or privi-  
14 leges of the Federal employee.

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

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

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

23 (a) IN GENERAL.—Chapter 301 of subtitle VI of title  
24 49, United States Code, is amended by inserting after sec-

tion 30130 (as added by section 5) the following new section:

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

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

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

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

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

“(2) the term ‘rear designated seating position’ means any designated seating position that is rearward of the front seat.”.

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

“30131. Rear seat occupant alert system.”.

1 **SEC. 11. HEADLAMPS.**

2 (a) SAFETY RESEARCH INITIATIVE.—Not later than  
3 2 years after the date of enactment of this Act, the Sec-  
4 retary of Transportation shall complete research into the  
5 development of updated motor vehicle safety standards or  
6 performance requirements for motor vehicle headlamps  
7 that would improve the performance of headlamps and im-  
8 prove overall safety.

9 (b) RULEMAKING OR REPORT.—

10 (1) RULEMAKING.—After the completion of the  
11 research required by subsection (a), the Secretary  
12 shall initiate a rulemaking proceeding to revise the  
13 motor vehicle safety standards regarding headlamps  
14 if the Secretary determines that a revision of the  
15 standards meets the requirements and consider-  
16 ations set forth in subsections (a) and (b) of section  
17 30111 of title 49, United States Code.

18 (2) REPORT.—If the Secretary determines that  
19 a revision to the standard described in paragraph  
20 (1) does not meet the requirements and consider-  
21 ations set forth in such subsections, the Secretary  
22 shall submit a report describing the reasons for not  
23 revising the standard to the Committee on Energy  
24 and Commerce of the House of Representatives and  
25 the Committee on Commerce, Science, and Trans-  
26 portation of the Senate.

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

3 (a) PRIVACY PLAN.—A manufacturer may not sell,  
4 offer for sale, introduce or deliver for introduction in inter-  
5 state commerce, or import into the United States, any  
6 highly automated vehicle, vehicle that performs partial  
7 driving automation, or automated driving system unless  
8 the manufacturer has developed a privacy plan that in-  
9 cludes the following:

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

16 (A) The practices of the manufacturer with  
17 respect to the way that information about vehi-  
18 cle owners or occupants is collected, used,  
19 shared, or stored.

20 (B) The practices of the manufacturer  
21 with respect to the choices offered to vehicle  
22 owners or occupants regarding the collection,  
23 use, sharing, and storage of such information.

24 (C) The practices of the manufacturer with  
25 respect to the data minimization, de-identifica-

1           tion, and retention of information about vehicle  
2           owners or occupants.

3           (D) The practices of the manufacturer  
4           with respect to extending its privacy plan to the  
5           entities it shares such information with.

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

8           (3) If information about vehicle owners or occu-  
9           pants is altered or combined so that the information  
10          can no longer reasonably be linked to the highly  
11          automated vehicle, vehicle that performs partial driv-  
12          ing automation, or automated driving system from  
13          which the information is retrieved, the vehicle owner,  
14          or occupants, the manufacturer is not required to in-  
15          clude the process or practices regarding that infor-  
16          mation in the privacy policy.

17          (4) If information about an occupant is  
18          anonymized or encrypted the manufacturer is not re-  
19          quired to include the process or practices regarding  
20          that information in the privacy policy.

21          (b) STUDY.—The Federal Trade Commission shall  
22          conduct a study and submit a report to the Committee  
23          on Energy and Commerce of the House of Representatives  
24          and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate on the highly automated vehicle mar-  
2 ketplace, including an examination of the following issues:

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

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

7 (3) What are the terms and disclosures made in  
8 such privacy plans, including regarding the collec-  
9 tion, use, sharing, and storage of vehicle owner or  
10 occupant data.

11 (4) What disclosures are made to consumers  
12 about such privacy plans.

13 (5) What methods are available to enable dele-  
14 tion of information about vehicle owners or occu-  
15 pants from any data storage system within the vehi-  
16 cle (other than a system that is critical to the safety  
17 or operation of the vehicle) before the vehicle is sold,  
18 leased, or rented, or otherwise occupied by a new  
19 owner or occupant.

20 (c) FEDERAL TRADE COMMISSION ENFORCEMENT.—

21 A violation of subsection (a) shall be treated as a an unfair  
22 or deceptive act or practice within the meaning of section  
23 5(a)(1) of the Federal Trade Commission Act (15 U.S.C.  
24 45(a)(1)). The Federal Trade Commission shall enforce  
25 this section in the same manner, by the same means, and

1 with the same jurisdiction, powers, and duties as though  
2 all applicable terms and provisions of the Federal Trade  
3 Commission Act were incorporated into and made a part  
4 of this Act.

5 (d) EFFECTIVE DATE.—This section shall take effect  
6 180 days after the date of enactment of this section and  
7 shall only apply to highly automated vehicles, vehicles that  
8 perform partial driving automation, or automated driving  
9 systems first introduced after the effective date of this sec-  
10 tion.

11 **SEC. 13. DEFINITIONS.**

12 (a) AMENDMENTS TO TITLE 49, UNITED STATES  
13 CODE.—Section 30102 of title 49, United States Code,  
14 is amended—

15 (1) in subsection (a)—

16 (A) by redesignating paragraphs (1)  
17 through (13) as paragraphs (2), (3), (4), (5),  
18 (8), (9), (10), (11), (12), (13), (15), (16), and  
19 (17), respectively;

20 (B) by inserting before paragraph (2) (as  
21 so redesignated) the following:

22 “(1) ‘automated driving system’ means the  
23 hardware and software that are collectively capable  
24 of performing the entire dynamic driving task on a



1       sustained basis, regardless of whether such system is  
2       limited to a specific operational design domain.”;

3               (C) by inserting after paragraph (5) (as so  
4       redesignated) the following:

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

10              “(A) lateral vehicle motion control via  
11       steering;

12              “(B) longitudinal vehicle motion control  
13       via acceleration and deceleration;

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

17              “(D) object and event response execution;

18              “(E) maneuver planning; and

19              “(F) enhancing conspicuity via lighting,  
20       signaling, and gesturing.

21       “(7) ‘highly automated vehicle’—

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

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

1 (D) by inserting after paragraph (13) (as  
2 so redesignated) the following:

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

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

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

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

12 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

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

1       erwise inconsistent with the purposes of this chapter.  
2       If the Secretary so notifies SAE International (or its  
3       successor organization), the existing definition in  
4       subsection (a) shall remain in effect.

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

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

22      (b) DEFINITIONS IN THIS ACT.—As used in this  
23      Act—

24           (1) the term “automated driving system” has  
25      the meaning given such term in subsection (a) of

1       section 30102 of title 49, United States Code, sub-  
2       ject to any revisions made to the definition of such  
3       term pursuant to subsection (c) of such section;

4           (2) the term “highly automated vehicle” has the  
5       meaning given such term in subsection (a) of section  
6       30102 of title 49, United States Code, not subject  
7       to any revision under subsection (c) of such section;  
8       and

9           (3) the term “vehicle that performs partial driv-  
10      ing automation” has the meaning given such term in  
11      subsection (a) of section 30102 of title 49, United  
12      States Code, not subject to any revision under sub-  
13      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.”.

