

Section in H.R. 3388 (as passed by the House)	Provisions in H.R. 3388, SELF DRIVE Act (as passed by the House)	Comparable Provisions in S. 1885, AV START (as amended by Senate Commerce 10/4/17)
	<p>exemptions must be created. This database must include the vehicle identification number for each exempted vehicle, but cannot include information about the owner.</p> <p>N/A</p>	<p>applications for FMVSS exemptions and provide an opportunity for comment. (Note: this is already the case for exemptions, as outlined in 49 USC 30113(b)(2)) [Sec. 6(a)]</p> <p>A manufacturers' eligibility for exemption sunsets when either (a) when a standard related to that exemption is enacted or (b) "the earlier of the date that is 10 years after the date of enactment of this Act." [Blumenthal #6]</p>
<p>Section 7. Motor vehicle testing or evaluation</p>	<p>Modifies 49 USC 30112(b)(10) to explicitly allow entities that are not traditional auto manufacturers (e.g., tech firms, universities) to introduce HAVs into interstate commerce solely for testing and evaluation purposes. Entities must agree not to sell, lease, or offer for sale or lease those HAVs after they conclude testing/evaluation</p> <p>Entities that are testing and evaluating HAVs under this section must disclose identifying information to NHTSA, including: entity name, address,</p>	<p>Modifies 49 USC 30112(b)(10) to allow manufacturers to introduce HAVs into interstate commerce "solely for the purposes of testing, evaluation, or demonstration." Entities must agree not to sell, lease, or offer for sale or lease those HAVs after they conclude testing/evaluation. This does not explicitly mention tech firms or universities, but Section 2 of AV START uses the term "manufacturer" as defined in 49 USC 30102(a)(6) to mean a person "manufacturing or assembling motor vehicles or motor vehicle equipment" or "importing motor vehicles or motor vehicle equipment for resale." Tech firms and universities should fall under this umbrella. [Sec. 5]</p> <p>Entities that are testing and evaluating HAVs under this section must disclose identifying information to NHTSA, including: entity name, address, description</p>

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	<p>description of each type of HAV, and proof of insurance for the state where they are testing.</p> <p>N/A</p>	<p>of each type of HAV, and proof of insurance for the state where they are testing. [Sec. 5]</p> <p>Manufacturers are permitted to make certain driving controls (e.g., steering wheel, brake pedals) inoperable while the automated driving system is performing the dynamic driving task. [Sec. 7] [Blumenthal #19]</p>
<p>Section 8. Information on highly automated driving systems made available to prospective buyers</p>	<p>Within three years, the Secretary must complete research on the most effective methods and terminology for educating consumers about the capabilities and limitations of partially automated and highly automated vehicles.</p> <p>N/A</p>	<p>The Secretary shall establish a working group on responsible education for HAVs within 180 days of passage. The working group will identify responsible marketing strategies and recommend educational outreach procedures and responsible marketing strategies and programs for educating consumers about the capabilities and limitations of HAVs. [Sec. 12(a)] [Duckworth #5 (modified)]</p> <p>Members of the working group will include: traditional auto manufacturers; developers of automated driving systems; motor vehicle dealers; motor vehicle owners and operators, including fleet managers, vehicle rental companies, and transportation network companies; consumers or consumer advocacy groups, USDOT AV proving grounds; public health organizations; marketing professionals; experts in consumer education; safety organizations and organizations with experience in drivers' education; tech companies; and other</p>

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	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>After completing the study, the Secretary is instructed to initiate a rulemaking to require manufacturers to inform consumers about their vehicles' capabilities and limitations.</p> <p>N/A</p>	<p>members the Secretary deems appropriate. [Sec. 12(d)(1)] [Duckworth #6 (modified)]</p> <p>Consumer education working group would be required to develop voluntary marketing strategies for manufacturers to inform consumers about the comparative safety of HAVs versus non-HAVs in terms of crashes, fatalities, and other injuries (if known). The group must also consider topics pertaining to consumer data collection, privacy, and data ownership. [Blumenthal #9] [Schatz #3]</p> <p>Members of the working group will serve without compensation. [Sec. 12(d)(2)]</p> <p>The working group will terminate 2 years after enactment. [Sec. 12(e)]</p> <p>The working group will submit a report of its findings and recommendations to Congress. This report will also be made available to the public. The Secretary shall consult with the Federal Trade Commission about the recommendations of the working group, as appropriate. [Sec. 12(b)(2); Sec. 12(d)(3)]</p> <p>The Secretary is not instructed to issue a rulemaking after the report is completed.</p> <p>Instructs the Secretary to must promulgate a rule within 3 years requiring clear and concise</p>

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		information on an AVs' capabilities and limitations must be given to consumers at the point of sale and in the owner's manual. [Markey #2 (modified)]
<p>Section 9. Highly Automated Vehicle Advisory Council</p>	<p>The Secretary is instructed to establish a Highly Automated Vehicle Advisory Council ("Council") within 6 months after enactment.</p> <p>The Council will serve as an advisory body that the Secretary may consult.</p> <p>The Council must be comprised of a diverse group of representatives from industry, academia, state and local authorities, safety and consumer advocates, engineers, labor organizations, academia and independent researchers, a representative from NHTSA, and other members deemed appropriate by the Secretary.</p>	<p>The Secretary is instructed to establish a Highly Automated Vehicles Technical Committee (the "Committee") within 180 days of enactment. [Sec. 10 (a)]</p> <p>The committee will provide recommendations on rulemaking, policy, and guidance regarding HAV safety. This includes recommendations for performance standards and the harmonization of national HAV standards with international standards. It will essentially guide the Secretary in rulemaking procedures for HAVs and provide a blueprint for them to follow. [Sec. 10(a)]</p> <p>The Committee must be comprised of individuals who are specially qualified to serve because of their technical knowledge of automated driving systems, vehicle-to-vehicle infrastructure systems, or the impact of such systems on FMVSS. This shall include 1 representative from a number of organizations including: SAE International, AV proving grounds designated by USDOT, HAV manufacturers, safety organizations, State and local government agencies, and other members deemed necessary by the Secretary. [Sec. 10 (b)(1)] [Schatz 4 (modified)]</p>

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	<p>Council terms are for 3 years.</p> <p>There is not a designated chair for the Council.</p> <p>The Secretary can fill vacancies in the Council whenever they arise – vacancies will not impact the Council’s ability to vote or take other actions.</p> <p>There is not a cap on Council members.</p> <p>Each subcommittee must include 15-30 members.</p> <p>Council recommendations will be reported to House Energy & Commerce Committee and Senate Commerce, Science, and Transportation Committee. The Secretary is not required to act on Council recommendations.</p> <p>The Council must comply with the requirements of the Federal Advisory Committee Act (FACA).</p>	<p>Committee terms are not defined.</p> <p>The designated chair of the Committee will be the Secretary or their designee. The chair cannot vote, unless to break a tie. [Sec. 10(b)(3)]</p> <p>The Secretary may appoint new members to the Committee at any time. [Sec. 10(b)(1)(B)]</p> <p>The Council will be composed of 15 voting members. [Sec. 10(b)(1)(A)]</p> <p>Each working group (or subcommittee) of the Committee must include at least one manufacturer of HAVs and other individuals who are subject matter experts on the issue the working group will address. [Sec. 10(c)(5)(A)]</p> <p>The Committee will periodically release recommendations on voluntary HAV standards. It will release a work plan within 180 days of enactment that will guide its development of a report containing recommendations for “consensus-based, feasible, and objective standards for potential rulemaking” for HAVs. This report must be published within 5 years. [Sec. 10(d)]</p> <p>The Committee will not be subject to the requirements under the Federal Advisory Committee</p>

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	<p>The Secretary can detail any USDOT personnel to the Council to assist in carrying out its duties, with or without reimbursement.</p> <p>Council members will serve without pay, except for travel and per diem will be paid each member for meetings called by the Secretary.</p> <p>The Council will end 6 years after enactment.</p> <p>There are no requirements for how often the Council meets.</p> <p>The Council is not required to form specific subcommittees (working groups).</p> <p>The Council may form subcommittees as needed to address ten issue areas within its scope:</p>	<p>Act (FACA). [Sec. 10(f)]</p> <p>The NHTSA Office of Rulemaking and NHTSA Office of Vehicle Safety Research shall provide support to the Committee. [Sec. 10(c)(3)]</p> <p>Committee members will serve without compensation. Travel and per diem are not mentioned. [Sec. 10(b)(2)]</p> <p>The Committee will be dissolved 5 years after enactment, upon submitting their final report. [Sec. 10(f)]</p> <p>The Committee will meet at least 4 times per year. These meetings will be open to the public unless the meeting will discuss internal rules and practices of NHTSA, sensitive information and trade secrets that cannot be disclosed, matters involving criminal accusations, or investigatory measures that could interfere with enforcement proceedings. [Sec. 10(c)(4)]</p> <p>The Committee is required to form a working group to develop voluntary best practices regarding HAV accessibility for people with disabilities. [Sec. 10(c)(5)]</p> <p>The Committee will study issues relating to HAVs. It may form temporary working groups, as necessary,</p>

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	<ul style="list-style-type: none"> • Advancing mobility access for the disabled community. • Mobility access for seniors and populations underserved by traditional public transportation services • Cybersecurity • Developing a framework for manufacturers and NHTSA to share information during testing and deployment that could help to reduce public safety risks • Labor and employment issues • Environmental impacts of AVs and alternative fuel sources that may be developed/deployed alongside AVs. • Protection of consumer privacy and data security • Occupant protection for AVs and potential changes to vehicle design that may impact crashworthiness and placement of components (e.g., airbags, seatbelts) • Testing and deployment of AVs in rural, remote, mountainous, insular, or unmapped areas • Independent verification and validation procedures for HAVs that can enhance safety <p>N/A</p>	<p>to address specific issues in its scope:</p> <ul style="list-style-type: none"> • System safety • Automated steering and braking • Crashworthiness for vehicles with unconventional seating positions or vehicles not intended for human occupancy • Event data recording and data access and sharing • Accessibility for people with disabilities • Potential conflicts with existing FMVSS • HAV interaction with roadway and infrastructure assets • Other issues the Secretary considers appropriate, including safeguards against misuse. [Sec. 10(c)(1) and Sec. 10(c)(2)] [Duckworth #8 (modified)] [Klobuchar #1 (modified)] <p>The Secretary must begin a study within 60 days of enactment that will research the potential implications of AVs for the nation’s mobility ecosystem, infrastructure, environment, fuel</p>

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	N/A	<p>economy, public transit use, V2V/V2I, etc. The Secretary must submit this report to Congress within 18 months of enactment. [Duckworth #4 (modified)]</p> <p>Requires the Secretary to conduct a study on ways to encourage manufacturing of HAVs and related components in the United States. Secretary is then instructed to develop recommendations for methods to incentivize manufacturing HAVs in the U.S. [Udall #1 (modified)]</p>
<p>Section 10. Rear seat occupant alert system</p>	<p>The Secretary must issue a final rule within 2 years that requires all new passenger vehicles to have rear seat occupant alert system.</p> <p>The rule must take effect on September 1 of the calendar year that begins 2 years after the date on which the rule is issued.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>The Secretary must issue a final rule within 2 years that requires all new passenger vehicles to have rear seat occupant alert system. [Blumenthal #1]</p> <p>The rule must take effect on September 1 of the calendar year that begins more than 30 months after the date on which the rule is issued. [Blumenthal #1]</p> <p>In issuing the final rule, the Secretary shall consider additional technologies that work with add-on child restraint systems to alert the driver in addition to the vehicle based system. [Blumenthal #1]</p> <p>Adds a provision to 23 USC 402 to allow states to use highway safety funding to educate the public on the risks of leaving children unattended in a vehicle. [Blumenthal #1]</p> <p>Instructs the Secretary to enter into an agreement with an independent third party to conduct research</p>

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		on rear seat occupant alert systems in the vehicle and in child restraint systems. The Secretary is instructed to submit the report from this study to Congress during the 180 day period after the final rule is issued. [Blumenthal #1]
Section 11. Headlamps	<p>The Secretary must complete research into developing updated FMVSS or performance requirements for motor vehicle headlamps within 2 years.</p> <p>After completing the research, the Secretary must initiate a rulemaking to revise FMVSS for headlamps if they determine that it would enhance headlamp performance or improve overall safety.</p> <p>If the Secretary determines that a revision to the headlamp standard is not necessary, they must submit a report to House Energy & Commerce and Senate Commerce that describes the reasons why.</p>	Updates to FMVSS for headlamps are not required.
Section 12. Privacy plan required for highly automated vehicles	<p>Manufacturers cannot sell, lease, import, or otherwise introduce into interstate commerce a partially or highly automated vehicle until they have developed a written privacy plan for consumer data.</p> <p>The privacy plan must describe the manufacturers' practices for collecting, using, sharing, and storing consumer data.</p>	<p>Privacy plans are not explicitly required.</p> <p>N/A</p> <p>N/A</p>

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	<p>This process does not apply to manufacturers who alter or combine consumer information in a way that ensures the data cannot compromise their anonymity or privacy.</p> <p>The Federal Trade Commission (FTC) is instructed to conduct a study beginning 180 days after enactment that examines: which entities have access to vehicle owner or occupant data; which entities in the HAV marketplace have privacy plans and the details thereof; and what disclosures are made to consumers.</p> <p>If FTC finds manufacturers to be in violation of the requirement to develop written privacy plans during its study, the violation will be treated as an unfair or deceptive act or practice.</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>Instructs the Secretary to establish an HAV Data Access Advisory Committee within 180 days of passage. The Committee will provide Congress with recommendations on cybersecurity issues relating to highly automated vehicles. The committee will be comprised of the USDOT Secretary (or designee) and the FTC Chairman (or designee), as well as one representative each for 17 different types of public and private entities. The committee will meet at least 4 times a year. [Inhofe #2 (modified)]</p> <p>Prohibits federal agencies from enacting regulations pertaining to ownership of, control of, or access to, information or data stored by an HAV until the</p>

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	<p>The bill includes “partially automated vehicles” with SAE Levels 2-5 automated systems.</p> <p>Does not define dedicated highly automated vehicles (dedicated HAVs).</p> <p>The Secretary is not instructed to immediately review SAE International standard J3016.</p> <p>If SAE International issues an update to J3016, the Secretary must publish a notice in the Federal Register within 90 days.</p> <p>If the Secretary decides not to accept the revised standard, the current definitions will remain in effect and the Secretary shall notify SAE of the decision.</p> <p>If the Secretary approves of the SAE revision, they are authorized to modify any necessary regulations and standards to align them with the new taxonomy and definitions.</p>	<p>This bill does not include partially automated vehicles, but focuses entirely on highly automated vehicles with SAE Levels 3-5 automated systems.</p> <p>Defines dedicated highly automated vehicles (dedicated HAVs), which are vehicles meant to be operated exclusively by a Level 4 or 5 automated driving system for <i>all</i> trips. [Sec. 2(b)(4)]</p> <p>The Secretary shall review SAE International standard J3016 to ensure that the taxonomy and definitions are “clear and objective” and may provide feedback to SAE for potential updates. [Sec. 8(b)(1)]</p> <p>If SAE International issues an update to J3016, the Secretary must publish notice of the revision in the Federal Register within 120 days. [Sec. 8(b)(2)(A)]</p> <p>If the Secretary decides not to accept the revised standard, the current definitions will remain in effect and the Secretary shall notify SAE of the decision. [Sec. 8(b)(2)(B)]</p> <p>The Secretary is instructed to use SAE J3016 definitions and is not explicitly authorized to make their own changes to the definitions. Instead, they may offer feedback to SAE. [Sec. 8(b)(1)]</p> <p>N/A</p>

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	<p>The Secretary may update SAE definitions related to automated vehicles on their own volition, <i>if</i> they determine that “materially changed circumstances regarding HAVs” have impacted motor vehicle safety and require changing the definitions.</p>	