

[Text of S. 1885 as reported from committee is displayed in plain roman font; text that is stricken in the Dec. 3 staff discussion draft is displayed in ~~striketrough type~~, and new text that is added in the Dec. 3 discussion draft is displayed in ***bold italic type.***]

## S. 1885

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLES.**—This Act may be cited as the “American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act” or the “AV START Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Relationship to other laws.

Sec. 4. Expedited resolution of highly automated vehicles conflicts with standards.

Sec. 5. ~~Highly automated vehicles~~ ***Motor vehicle testing or evaluation.***

Sec. 6. Highly automated vehicles exemptions.

Sec. 7. ~~Inoperative controls~~ ***Dual use vehicle safety.***

Sec. 8. Levels of driving automation ***and revisions to certain definitions.***

Sec. 9. ***Highly automated vehicle*** ~~S~~safety evaluation report.

~~Sec. 10. Highly Automated Vehicles Technical Committee.~~

Sec. ~~11~~ **10.** Highly automated vehicles rulemaking.

***Sec. 11. Highly Automated Vehicles Advisory Council.***

Sec. 12. Consumer education ***safety rulemaking for highly automated vehicles and partly automated vehicles.***

Sec. 13. Traffic safety and law enforcement.

Sec. 14. Cybersecurity.

Sec. 15. ~~HAV Data Access Advisory Committee~~ ***Data study on removal of personal data from vehicle information systems.***

Sec. 16. Cybersecurity consumer education information.

Sec. 17. Provision of cybersecurity resource information.

Sec. 18. Highly automated vehicle study.

Sec. 19. Study on encouraging manufacturing in the United States of automated driving equipment and intelligent transportation solutions.

Sec. 20. Privacy protections for users of motor vehicles.

Sec. 21. Child safety.

***Sec. 22. Partially automated vehicle safety evaluation report.***

***Sec. 23. Highly automated vehicle adoption and safety impacts.***

***Sec. 24. Cybersecurity tools study.***

***Sec. 25. Privacy protections for passenger motor vehicles.***

***Sec. 26. Headlamps.***

Sec. ~~27~~ **27.** Savings provision.

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) AUTOMATED DRIVING SYSTEM; DEDICATED HIGHLY AUTOMATED VEHICLE; ***DYNAMIC DRIVING TASK***; HIGHLY AUTOMATED VEHICLE; ***OPERATIONAL DESIGN DOMAIN***; MANUFACTURER; MOTOR VEHICLE; MOTOR VEHICLE EQUIPMENT; ***PARTIAL DRIVING AUTOMATION***; ***PARTIALLY AUTOMATED VEHICLE***.—The terms “automated driving system”, “dedicated highly automated vehicle”, “***dynamic driving task***,” “highly automated vehicle”, “***operational design domain***,” “manufacturer”, “motor vehicle”, ~~and~~ “motor vehicle equipment,” “partial driving automation,” ***and*** “partially automated vehicle” have the meanings given such terms in section 30102 of title 49, United States Code, as amended by subsection (b).

(2) NHTSA.—The term “NHTSA” means the National Highway Traffic Safety Administration.

(3) PASSENGER MOTOR VEHICLE. – ***The term “passenger motor vehicle” has the meaning given to such term in section 32101 of title 49, United States Code.***

~~(3)~~ (4) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(b) MOTOR VEHICLE SAFETY CHAPTER.—Section 30102(a) of title 49, United States Code, is amended—

~~(1) by redesignating paragraphs (5) through (13) as paragraphs (8) through (16) respectively;~~

~~(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;~~

~~(3) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;~~

***(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (18), (19), and (20), respectively;***

***(2) by redesignating paragraphs (5) through (10) as paragraphs (9) through (14) respectively;***

***(3) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively;***

***(4) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;***

~~(4)~~ (5) by inserting before paragraph (2), as redesignated, the following:

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“(1) AUTOMATED DRIVING SYSTEM.—*Subject to section 8 of the AV START Act, in* ~~It~~ describing a Level 3, 4, or 5 automated driving system (as defined by SAE International standard J3016, published on September 30, 2016, or subsequently adopted by the Secretary), the term ‘automated driving system’ means the hardware and software that is collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain.”;

~~(5)~~ (6) by inserting after paragraph (3), as redesignated, the following:

“(4) DEDICATED HIGHLY AUTOMATED VEHICLE.—The term ‘dedicated highly automated vehicle’ means a highly automated vehicle designed to be operated exclusively (as defined by the SAE International standard J3016, published on ~~September 30, 2016~~ **June 15, 2018**) by a Level 4 or 5 automated driving system (as defined by the SAE International standard J3016, published on September 30, 2016, or subsequently adopted by the Secretary) for all trips.”; and

~~(6)~~ (7) by inserting after paragraph (6), as redesignated, the following:

“(7) *DYNAMIC DRIVING TASK.*—*Subject to section 8 of the AV START Act, the term ‘dynamic driving task’—*

*“(A) except as provided in subparagraph (B), means all of the real time operational and tactical functions required to operate a vehicle in on-road traffic;*

*“(B) excludes strategic functions, such as trip scheduling and selection of destinations and waypoints; and*

*“(C) includes—*

*“(i) lateral vehicle motion control via steering;*

*“(ii) longitudinal vehicle motion control via acceleration and deceleration;*

*“(iii) monitoring the driving environment via object and event detection, recognition, classification, and response preparation;*

*“(iv) object and event response execution;*

*“(v) maneuver planning; and*

*“(vi) enhancing conspicuity through lighting, signaling, and gesturing.”*

~~(7)~~ (8) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’ means a motor vehicle with a gross vehicle weight of 10,000 pounds or less that is equipped with a Level 3, 4, or 5 automated driving system (as defined by SAE International standard J3016, published on September 30, 2016, or subsequently adopted by the Secretary).”.

(8) by inserting after paragraph (14), as redesignated, the following:

**“(15) OPERATIONAL DESIGN DOMAIN.—***Subject to section 8 of the AV START Act, the term ‘operational design domain’ means the operating conditions under which a given driving automation system, or a feature of such system, is designed to function.*

**“(16) PARTIAL DRIVING AUTOMATION.—***The term ‘partial driving automation’ describes a Level 2 driving automation system (as defined by SAE International standard J3016, published on June 15, 2018).*

**“(17) PARTIALLY AUTOMATED VEHICLE.—***The term ‘partially automated vehicle’ means a motor vehicle with a gross vehicle weight of 10,000 pounds or less that is equipped with a Level 2 driving automation system (as defined by SAE International standard J3016, published on June 15, 2018).”.*

### SEC. 3. RELATIONSHIP TO OTHER LAWS.

(a) VEHICLE PREEMPTION.—Section 30103(b) of title 49, United States Code, is amended by adding at the end the following:

**“(3) HIGHLY AUTOMATED VEHICLES.—**

**“(A)** No State or political subdivision of a State may adopt, maintain, or enforce any law, rule, or standard regulating the design, construction, or performance of a highly automated vehicle or automated driving system with respect to any of the safety evaluation report subject areas described in section 30107(b).

**“(B)** This paragraph shall cease to have effect with respect to any particular subject matter area on the effective date of a standard applicable to the same aspect of vehicle performance as identified in section 30107(f).

**“(C) Consistent with subparagraph (A), nothing in this paragraph may be construed to prohibit a State or Political subdivision of a State from adopting, maintaining, or enforcing any law, rule, or standard regarding the sale, distribution, repair, or service of highly automated vehicles, automated driving systems, or components of automated driving systems by a dealer, manufacturer, or distributor.**

**“(C) (D)** Nothing in this paragraph may be construed to ~~prohibit~~ **preempt, restrict, or limit** a State or political subdivision of a State from ~~maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding the sale, distribution, repair, or service of highly automated vehicles, automated driving systems, or components of automated driving systems by a dealer, manufacturer, or distributor~~ **acting as authorized under existing law.”.**

**“(4) PRESERVATION OF AUTHORITY.—(A) In paragraph (3)(A), the term ‘design, construction, or performance’ shall be interpreted consistent with the Secretary’s authority under section 30111 relating to motor vehicle safety**

*standards, and does not include compliance with the traffic laws or rules of a State or a political subdivision of a State, or the laws or rules of a State or a political subdivision of a State that relate to rules of the road or the operation of motor vehicles.*

*“(B) Nothing in subparagraph (A) may be construed to otherwise affect or limit the authority of the Secretary under this chapter.”.*

(b) LIABILITY.—Section 30103(e) of title 49, United States Code, is amended to read as follows:

“(e) STATE LAW LIABILITY.—

“(1) Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

“(2) ~~Subject to subsection (b)(3)(A), nothing~~ **Nothing** in subsection (b)(3) shall exempt a person from liability at common law or under a State statute authorizing a civil remedy for damages or other monetary relief **be construed to exempt a person from liability at common law.**”.

“(3) *Nothing in subsection (b)(3) may be construed to exempt a person from liability under a State law unless such law directly or specifically regulates or prescribes the design, construction, or performance of a highly automated vehicle or automated driving system.*

“(4) **LIMITATION ON PREDISPUTE ARBITRATION.—(A) Notwithstanding title 9, no predispute arbitration agreement between a covered entity and a natural person who is not acting as an employee, agent, affiliate, or business associate of such covered entity at the time of an incident described in clause (i) shall be valid or enforceable with respect to any claim not preempted by subsection (b)(3)—**

*“(i) arising out of or related to the death or bodily injury of a person, including a passenger, bystander, or road user, related to the operation of an automated driving system;*

*“(ii) seeking to recover damages, including consequential or punitive damages to the extent available under applicable law; and*

*“(iii) that arises on or before the effective date of a motor vehicle safety standard applicable to the particular aspect of the design, construction, or performance of a highly automated vehicle or an automated driving system upon which the claim is based, except that this paragraph shall not apply to any other claim based upon a particular aspect of the design, construction, or performance of a highly automated vehicle or an automated driving system for which there is not an applicable motor vehicle standard in effect.*

*“(B) The applicability of this paragraph to an agreement to arbitrate shall be determined by a court.*

*“(C) In this paragraph:*

*“(i) The term ‘bodily injury’ means a physical injury for which the injured person sought or received medical treatment.*

*“(ii)(I) The term ‘covered entity’ means any entity, that produces, develops, designs, assembles, manufactures, or controls the functions of, regardless of whether the entity also performs other activities including activities described in subclause (II)(bb), any of the hardware or software that—*

*“(aa) is original or aftermarket equipment, including software updates or revisions;*

*“(bb) is capable (alone or in combination with other equipment) of performing the dynamic driving task (as defined by SAE International standard J3016, published on June 15, 2018); and*

*“(cc) is, or is part of, a highly automated vehicle or automated driving system.*

*“(II) For purposes of subclause (I), the term ‘controls the functions’—*

*“(aa) includes controlling any of the real time operational or tactical functions necessary to operate a vehicle, such as lateral vehicle motion control, longitudinal vehicle motion control, monitoring the driving environment, object or event response execution, maneuver planning, or enhancing conspicuity through lighting, signaling, or gesturing; and*

*“(bb) consistent with the clarification in subclause (I) that engaging in the activities described in subitems (AA) through (FF) shall not exempt an entity from being a covered entity if the entity otherwise satisfies the definition in that subclause, does not include—*

*“(AA) determining whether to initiate a trip;*

*“(BB) dispatching a vehicle;*

*“(CC) scheduling a trip;*

*“(DD) selecting a route, destination, or waypoint;*



*“(EE) performing repairs or maintenance, or downloading or installing software updates or revisions, in accordance with the specification of the highly auto- mated vehicle or automated driving system manufacturer; or*

*“(FF) possessing, selling, leasing, renting, or distributing a highly automated vehicle or automated driving system.*

*“(iii) The term ‘predispute arbitration agreement’ means any agreement to arbitrate a dispute that has not arisen at the time of the making of the agreement.”.*

(c) LICENSING.—A State may not issue a motor vehicle operator’s license for the operation or use of a dedicated highly automated vehicle in a manner that discriminates on the basis of disability (as defined in section 3 of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12102](#))).

#### SEC. 4. EXPEDITED RESOLUTION OF HIGHLY AUTOMATED VEHICLES CONFLICTS WITH STANDARDS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the John A. Volpe National Transportation Systems Center of the Department of Transportation.

(2) DYNAMIC DRIVING TASK.—The term “dynamic driving task” has the meaning given the term by SAE International standard J3016, published on September 30, 2016.

(3) SAFETY STANDARD DEFINED TERM.—*In this section*, the term “safety standard” means a Federal motor vehicle safety standard prescribed under [chapter 301](#) of title 49, United States Code.

(b) REFERENCES TO HUMAN DRIVERS.—Not later than ~~180 days~~ **1 year** after the date of the enactment of this Act, ~~the Director or other designated entity~~ **an entity designated by the Secretary**, after consultation with stakeholders, shall prepare and submit to the Secretary a report that identifies each provision, requirement, specification, or procedure in a safety standard with a reference to features of the equipment that—

(1) ~~are~~ **is** necessary only for the performance of the dynamic driving task by a human driver;

(2) ~~specify~~ **specifies** a location or reference point within a vehicle by reference to the position of a human driver; or

(3) ~~serves~~ a purpose of providing information to, or receiving input from, a human driver engaged in performing the dynamic driving task.

(c) SUBSTITUTION OF CONFORMING REFERENCES TO AUTOMATED SYSTEMS.—

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(1) **IN GENERAL.**—In each provision of the report prepared under subsection (b) identifying the text of a regulation from a safety standard, a test procedure, or a method for determining compliance with a safety standard, the ~~Director or~~ designated entity shall include—

(A) an alternative reference to an automated system that is suitable for assessing, through an objective test procedure, the compliance of a dedicated highly automated vehicle, or of a highly automated vehicle operating in automated mode, with the safety standard; or

(B) a determination that—

(i) the relevant regulatory text applies to features of the motor vehicle equipment that are only necessary for the performance of a dynamic driving task by a human driver; and

(ii) no alternative reference to an automated system is practicable.

(2) **CONDITIONS.**—In carrying out paragraph (1), the ~~Director or~~ designated entity—

(A) shall ensure that all requirements remain objective and practicable;

(B) may not modify the purpose of any safety standard; and

(C) may specify different references for—

(i) dedicated highly automated vehicles that are intended for human occupancy; and

(ii) dedicated highly automated vehicles that are not designed, intended, or marketed for human occupancy.

(d) **RULEMAKING.**—

(1) **COMMENCEMENT.**—Not later than ~~90~~ **180** days after the date on which the ~~Director or~~ designated entity submits the report under subsection (b), the Secretary shall commence a rulemaking proceeding to incorporate the report by reference into the relevant safety standards, except as provided in paragraph (3).

(2) **FINAL RULE.**—Not later than ~~1 year~~ **2 years** after the ~~Director or other~~ **designated** entity submits the report under subsection (b), the Secretary shall issue a final rule to incorporate the report by reference into the relevant safety standards, except as provided in paragraph (3).

(3) **ALTERNATIVE TEXT.**—If the Secretary determines that one or more of the revisions to a regulation contained in the report submitted under subsection (b) is not objective, is not practicable, or does not meet the need for motor vehicle safety, the Secretary shall incorporate alternative regulatory text.



(4) INCORPORATION BY REFERENCE.—If the Secretary does not complete the rulemaking proceeding under this subsection within 1 year after the submission of the report under subsection (b), the revisions to regulations contained in such report shall be incorporated by reference into the relevant safety standards.

(e) SAVINGS PROVISION.—Nothing in this section may be construed to prohibit the Secretary from maintaining different test procedures for highly automated vehicles that retain the capability to be operated by a human driver when such vehicles are not operating in an automated mode.

**SEC. 5. ~~HIGHLY AUTOMATED VEHICLES~~ MOTOR VEHICLE TESTING OR EVALUATION.**

Section 30112(b)(10) of title 49, United States Code, is amended *to read as follows*:

(1) in paragraph (9), by striking “or” at the end;

(2) in paragraph (10)—

(A) in the matter preceding subparagraph (A), by inserting “(except for a highly automated vehicle)” after “the introduction of a motor vehicle”; and

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

(3) by adding at the end the following:

“(11)-(10) the introduction of a motor vehicle into interstate commerce solely for the purposes of testing, evaluation, or demonstration of a highly automated vehicle or automated driving system if—

“(A) the testing, evaluation, or demonstration of the vehicle is only conducted by employees, agents, or fleet management contractors of the manufacturer of the highly automated vehicle, the automated driving system, or any component thereof; **by a manufacturer that –**

“(B) such manufacturer (i) agrees not to sell, lease, or offer for sale or lease, the vehicle or system at the conclusion of the testing, evaluation, or demonstration; and

“(ii) **has manufactured and distributed into the United States motor vehicles that are certified, or motor vehicle equipment utilized in a motor vehicle that is certified, to comply with all applicable Federal motor vehicle safety standards;**

“(C)-(iii) such manufacturer has submitted **to the Secretary** appropriate manufacturer identification information ~~that is similar to information submitted by manufacturers subject to a Federal motor vehicle safety standard under part 566 of title 49, Code of Federal Regulations, before the commencement of such testing or evaluation.~~”  
**and**

*“(iv) if applicable, has identified an agent for service of process in accordance with part 551 of such title; or*

*“(B) of a highly automated vehicle, automated driving system, or component of an automated driving system if—*

*“(i) the testing, evaluation, or demonstration of the vehicle is only conducted by employees, agents, or fleet management contractors of the manufacturer of the highly automated vehicle, the automated driving system, or any component of such vehicle or system;*

*“(ii) such manufacturer agrees not to sell or lease, or offer for sale or lease, the highly automated vehicle, automated driving system, or component of an automated driving system at the conclusion of the testing, evaluation, or demonstration;*

*“(iii) such manufacturer has submitted appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations, if applicable, or the similar manufacturer identification information, including—*

*“(I) the name of the manufacturer, including individual, partnership, corporation, or institution of higher education, and a point of contact;*

*“(II) the physical address of the manufacturer and the State of incorporation of the manufacturer, if applicable;*

*“(III) a description of each type of motor vehicle used during development of the highly automated vehicle, automated driving system, or component of automated driving system manufactured by the manufacturer; and*

*“(IV) proof of insurance for any State in which the manufacturer intends to test or evaluate highly automated vehicles; and*

*“(iv) if applicable, the manufacturer has identified an agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.”.*

## SEC. 6. HIGHLY AUTOMATED VEHICLES EXEMPTIONS.

(a) IN GENERAL.—Section 30113 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) ~~by striking “this section,” and inserting the following: “this section—~~

~~“(1) the term”;~~

~~(B) by striking the period at the end and inserting “; and”; and by striking “(a) DEFINITION.—In this section,” and inserting the following: DEFINITIONS.—In this section— “(1) the term”;~~

*(B) by striking the period at the end and inserting “; and”; and*

(C) by adding at the end the following:

“(2) the term ‘new motor vehicle safety feature’ includes any feature that enables a highly automated vehicle or an automated driving system, regardless of whether an exemption has already been granted for a similar feature on another model or models.”;

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

“(2) **(A)** The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a renewal of an exemption shall be filed at a time and in the way, and contain such information, ~~this section and the Secretary require~~ **as required under this section and by the Secretary.**

“(B) The Secretary shall grant or deny an exemption for a highly automated vehicle not later than 180 days after receiving an application for such exemption from a manufacturer **unless the application is received not later than 2 years after the date of the enactment of the AV START Act, in which case the Secretary shall grant or deny such exemption not later than 270 days after the application is received.**

“(C) Before granting a renewal of an exemption or otherwise increasing the number of highly automated vehicles of a manufacturer that may be sold or introduced under a previously granted exemption, **or on at least an annual basis**, the Secretary shall evaluate the ~~previous exemption and make a safety equivalence finding consistent with paragraph (3)~~ **exemption’s impact on motor vehicle safety to ensure compliance with paragraph (3) and any conditions set by the Secretary.**”; and

(B) in paragraph (3)(B)(iv), by inserting “or introducing or delivering into interstate commerce” after “selling”; **in paragraph (3)(B), by amending clause (iv) to read as follows:**

**“(iv) compliance with the standard would prevent the manufacturer from selling, introducing, or delivering into interstate commerce a motor vehicle with an overall safety level, occupant protection level, and crash avoidance level at least equal to such levels for nonexempt vehicles.”**

(3) ~~is~~ *by amending* subsection (d) *to read as follows*—

(A) by inserting “(1)” after “Eligibility.”; and

(B) by striking the second sentence and inserting the following:

~~“(2)-(d) ELIGIBILITY.(1)–~~ *A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) (including an exemption relating to a bumper standard referred to in subsection (b)(1)) only if the Secretary determines that the manufacturer’s total motor vehicle production in the most recent year of production is not more than 10,000.*

*“(2) Except as provided in paragraph (3), a manufacturer is eligible for an exemption under clause (ii), (iii), or (iv) of subsection (b)(3)(B) only if the Secretary determines that—*

~~“(A) the exemption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period; or~~

~~“(B) the vehicle is a highly automated vehicle; and~~

~~“(i) (3) A manufacturer is eligible for an exemption for any highly automated vehicle under clause (ii), (iii), or (iv) of section (b)(3)(B) only if the Secretary determines that—~~

~~“(A) during the 12-month period beginning on the date of the enactment of the AV START Act, the exemption *total number of new exemptions granted per manufacturer* is for not more than 15,000 *highly automated* vehicles to be sold or introduced into interstate commerce in the United States;~~

~~“(ii) (B) during the 12-month period immediately following the period described in clause (i), the exemption *number of new exemptions granted per manufacturer* is for not more than 40,000 *highly automated* vehicles to be sold or introduced into interstate commerce in the United States; and~~

~~“(iii) (C) during any *the* 12-month period *immediately* following the period described in clause (ii) *subparagraph (A)*, the exemption *number of new exemptions granted per manufacturer* is for not more than 80,000 vehicles to be sold or introduced into interstate commerce in the United States.~~

~~“(C) (4) A manufacturer of a highly automated vehicle may petition the Secretary to expand the exemption under paragraph (2)(B) (3)(C) to more than 80,000 vehicles in any-12 month period after the exemption has been in place for 4 years.”; and~~

(4) in subsection (e), by inserting “~~“, unless the vehicle is a highly automated vehicle”~~ *“or for not more than 5 years if the vehicle is a highly automated vehicle”* before the period at the end.

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

*“(i) PROCESS AND ANALYSIS.—*

*“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the AV START Act, the Secretary shall publish a notice in the Federal Register that describes the process and analysis used for the consideration of exemption or renewal applications for a highly automated vehicle.*

*“(2) PERIODIC REVIEW AND UPDATING.—The notice required under paragraph (1)—*

*“(A) shall be reviewed not later than 5 years after its initial publication; and*

*“(B) shall be updated if the Secretary considers an update to be necessary.”.*

(b) SUNSET.—A manufacturer’s eligibility for an exemption from a provision, clause, sentence, or paragraph in a motor vehicle safety standard under section 30113(d)(2)(B) of title 49, United States Code, as amended by subsection (a), shall end on the earlier of the date that is 10 years after the date of the enactment of this Act or the date on which a standard (except for a standard promulgated under section 4 of this Act) that amends the provision, clause, sentence, or paragraph from which an exemption is sought takes effect, with due consideration for any lead time specified for compliance.

**SEC. 7. ~~INOPERATIVE CONTROLS~~ DUAL USE VEHICLE SAFETY.**

Section 30122(b) of title 49, United States Code, is amended—

(1) by inserting “(1)” before “A manufacturer”; and

(2) by adding at the end the following:

*“(2) The prohibition under paragraph (1) shall not apply to a manufacturer that intentionally causes a steering wheel, brake or accelerator pedals, a gear shift, or other ~~feature~~ **device** or element of design related to the performance of the dynamic driving task by a human operator ~~driver in compliance with an applicable motor vehicle safety standard~~ to be temporarily disabled during the time that an automated driving system is performing the entire dynamic driving task **if that vehicle is otherwise in compliance with applicable motor vehicle safety standards when the Level 4 or 5 automated driving system is engaged and when such system is not engaged.**”.*

*(b) RULEMAKING.—If the Secretary prescribes a regulation, in accordance with section 30122(c) of title 49, United States Code, to exempt manufacturers from the prohibition under section 30122(b)(2) of such title with regard to highly automated vehicles, the amendments under subsection (a) shall cease to have effect on the date on which such regulation becomes effective.*

**SEC. 8. LEVELS OF DRIVING AUTOMATION AND REVISIONS TO CERTAIN DEFINITIONS.**

(a) USE OF SAE INTERNATIONAL'S TAXONOMY AND DEFINITIONS.—The Secretary shall use the taxonomy and definitions for automated driving systems set forth in SAE International standard J3016, published on ~~September 30, 2016~~ **June 15, 2018**, for –

(1) the various levels of automation for motor vehicles; **and**

**(2) any term defined in paragraph (1), (7), or (15) of section 30102(a) of title 49, United States Code.**

(b) REVIEW.—

(1) IN GENERAL.—The Secretary—

(A) shall review the taxonomy and definitions for automated driving systems set forth by SAE International to ensure that such taxonomy and definitions are clear and objective; and

(B) may provide feedback to SAE International for potential updates.

(2) USE OF REVISED STANDARD.—

(A) DETERMINATION.—Not later than 120 days after SAE International revises the standard referred to in subsection (a), the Secretary, after publishing notice of the revision in the Federal Register, shall determine whether to adopt the revised standard –

(i) to identify the various levels of automation for motor vehicles; **or**

**(ii) to redefine any term defined in paragraph (1), (7), or (15) of section 30102(a) of title 49, United States Code.**

(B) EFFECT OF DECISION NOT TO ADOPT THE REVISED STANDARD.—If the Secretary decides not to adopt the revised standard—

(i) the Secretary shall notify SAE International of the Secretary's decision; and

(ii) the definitions referred to in subsection (a) shall remain in effect.

**SEC. 9. HIGHLY AUTOMATED VEHICLE SAFETY EVALUATION REPORT.**

(a) IN GENERAL.—Subchapter I of [chapter 301](#) of title 49, United States Code, is amended by adding at the end the following:

**“§ 30107. Highly automated vehicles safety evaluation report**

“(a) IN GENERAL.—



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“(1) REQUIREMENT.—Each manufacturer introducing a new highly automated vehicle or automated driving system into interstate commerce shall provide a safety evaluation report, in accordance with this section, ~~that describes how the manufacturer is addressing the safety of such vehicle or system~~ **to certify that the manufacturer is addressing the safety of such vehicle or system through a documented assessment, testing, and validation process.**

“(2) SUBMISSION.—

“(A) **INITIAL REPORT.** – Each manufacturer described in paragraph (1) shall ~~(A)~~ submit a report to the Secretary—

“(i) upon testing a highly automated vehicle or automated driving system; and

“(ii) not later than 90 days before selling, offering for sale, or otherwise commercializing a highly automated vehicle or automated driving system;~~and~~

“(B) **ANNUAL UPDATE.** – **Each manufacturer described in paragraph (1) shall** annually submit, until the vehicle or system is no longer being sold, offered for sale, or otherwise introduced into interstate commerce by the manufacturer or until the system is no longer being incorporated into new motor vehicles by the manufacturer, an updated report to the Secretary. ~~that~~—

“(C) **ADDITIONAL INFORMATION.**—**The Secretary may require manufacturers described in paragraph (1) to submit additional or clarifying information and documentation.**

“(3) **UPDATE INFORMATION.**—**For each annual update required under paragraph (2)(B), the manufacturer—**

“(i) ~~(A)~~ may disclose that no significant changes were made to the vehicle or system; and

“(ii) ~~(B)~~ shall provide aggregate results –

“(i) of any significant safety deviation from expected performance disclosed in ~~the~~ previous reports; and

“(ii) ~~aggregate results~~ comparing the safety level of the vehicle or system with a vehicle that is not highly automated and is driven by a human driver.

“(3) ~~(4)~~ **REVIEW.**—The Secretary ~~(A)~~ shall review each report submitted under paragraph (2); and ~~(B) may require that the manufacturer submit additional or clarifying information.~~

“(4) **LIMITATION.**— ~~The Secretary may not condition the manufacture, testing, sale, offer for sale, or introduction into interstate commerce of a highly automated~~

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~~vehicle or automated driving system based on a review of a safety evaluation report or additional information submitted under this section.~~

“(b) SAFETY EVALUATION REPORT SUBJECT AREAS.—Each report submitted by a manufacturer under subsection (a) shall describe how the manufacturer is addressing, through a documented assessment, testing, and validation process, each of the subject areas described in paragraphs (1) through (9).

“(1) SYSTEM SAFETY.—The avoidance of unreasonable risks to safety, including—

“(A) assurance that systems, including hardware and software, perform intended functions;

“(B) the mitigation of unreasonable risks to safety caused by a malfunction of the automated driving system, including any component therein; and

“(C) *detection, classification, and response to any circumstance or condition relevant to the dynamic driving task within the operational design domain, including* sense of objects, motorcyclists, bicyclists, pedestrians, *other road users*, and animals in or crossing the path of travel through the automated driving system.

“(2) DATA RECORDING.—The collection by the vehicle of automated driving system performance information and incident and crash data—

“(A) to record the occurrence of malfunctions, disengagements, degradations, or failures;

“(B) to aid in the analysis of the cause of any issues described in subparagraph (A), *including by Federal agencies*;

“(C) to enable efforts to work with other entities ~~to address data recording and sharing~~; and

“(D) with respect to event data recorder information, that complies with the collection and sharing requirements under the FAST Act ([Public Law 114–94](#)).

“(3) CYBERSECURITY.—The minimization of cybersecurity risks to safety, including evaluation of elements of the supply chain to identify and address cybersecurity vulnerabilities, and the exchange of information about any vulnerabilities discovered from field incidents, internal testing, or external security research, and mechanisms for alerting the human driver or operator about cyber vulnerabilities.

“(4) HUMAN-MACHINE INTERFACE.—

“(A) The methods of informing the human driver or operator about whether the automated driving system is functioning properly.

“(B) For a Level 3 vehicle, the methods to address driver reengagement, *which may include driver engagement monitoring to assess driver awareness and readiness to perform the full driving task.*

“(C) The use of a human-machine interface by people with disabilities through visual, auditory, or haptic displays, or other methods.

“(5) CRASHWORTHINESS.—Practicable protection for all occupants given any planned seating positions or interior configurations *and, for an unoccupied highly automated vehicle, consideration of crash compatibility with other motor vehicles and road users.*

“(6) CAPABILITIES.—The capabilities and limitations of the highly automated vehicle or automated driving system, including *a description of the automated driving system and technologies and their associated functions*, its expected SAE level, *and any exemptions under section 30112(b)(11), 30113(b)(3), or 30122(c).*

“(7) POST-CRASH BEHAVIOR.—The post-crash behavior of the highly automated vehicle or automated driving system if sensors or critical systems are damaged in a crash.

“(8) ACCOUNT FOR APPLICABLE LAWS.—~~The account of applicable traffic laws and rules of the road, based on operational design domain, in the development of a highly automated vehicle or automated driving system~~ *Within the operational design domain, the manner in which the highly automated vehicle or automated driving system is designed to comply with applicable traffic laws and rules of the road.*

“(9) AUTOMATION FUNCTION.—

“(A) The expected operational design domain in which the highly automated vehicle or automated driving system is designed to operate, including –

“(i) *the type of roadway, geographic area, speed range, and environmental and temporal conditions in which the automated driving system is intended to operate;*

“(ii) any roadway and infrastructure assets required for the operation of the highly automated vehicle or automated driving system, such as roadside equipment, pavement markings, signage, and traffic signals, and

“(iii) how ~~it~~ *the highly automated vehicle or automated driving system* will respond if that operational design domain unexpectedly changes.

“(B) The ~~automated driving system’s~~ expected object and event detection and response capabilities *of the automated driving system,*

including behavioral competencies and crash avoidance capability, *as described in paragraph (1)(C)*.

“(C) The ability of the highly automated vehicle or automated driving system to transition to a minimal risk condition when a malfunction is encountered, *it is operating in a degraded state, or it is operating outside of the operational design domain, with consideration of the potential safety risks with the particular fallback strategy, such as whether it requires a human driver or an automated system with or without driver controls or manual override capabilities*.

“(D) The performance of the vehicle through the manufacturer’s development and implementation of tests, including simulation, test track, and on-road testing.

“(c) CERTIFICATION OF INAPPLICABLE CATEGORIES.—A manufacturer that is solely testing a vehicle or system may certify that one or more of the categories set forth in subsection (b) do not apply.

“(d) PUBLICLY AVAILABLE.—The Secretary shall make any report submitted by a manufacturer under this section publicly available not later than 60 days after receipt, except the Secretary may not make publicly available any information relating to a trade secret or confidential business information, or which is privileged. The manufacturer may submit information related to a trade secret or confidential business information separately from the report.

“(e) OFFICIAL SIGNATURE.—Each report submitted by an entity under this section shall be reviewed by a senior official of the entity who—

“(1) is knowledgeable about the information contained in the report; and

“(2) shall certify that, based on the official’s knowledge, the report does not contain any untrue statement of a material fact.

“(f) TERMINATION OF OBLIGATION TO DISCLOSE INFORMATION.—

“(1) IN GENERAL.—A manufacturer’s obligation to provide information on a specific category under subsection (b) shall end on the effective date of a motor vehicle safety standard applicable to the same aspect of vehicle or system performance as is covered by the category, with due consideration for any lead time specified for compliance.

“(2) EFFECT OF NEW STANDARD.—In adopting any standard applicable to highly automated vehicle performance, the Secretary shall—

“(A) identify the category under subsection (b) to which the standard relates, if any; and

“(B) specify what information is no longer required to be included in the report as a result of the new standard.

“(g) RULES OF CONSTRUCTION.—

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“(1) SUBMISSIONS.—A manufacturer may submit a safety evaluation report for vehicles introduced into interstate commerce before the date of the enactment of the AV START Act.

“(2) SAVINGS PROVISIONS.—(A) Nothing in this section may be construed –

“(i) to amend, limit the authority, or prohibit the use of the information included in the report under this chapter; *or*

“(ii) ~~(3) Nothing in this section may be construed to affect discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.~~”.

“(B) *The Secretary may not condition the manufacture, testing, sale, offer for sale, or introduction into interstate commerce of a highly automated vehicle or automated driving system based on a review of a safety evaluation report or additional information submitted under this section.*”

(b) CLERICAL AMENDMENT.—The analysis for [chapter 301](#) of title 49, United States Code, is amended by inserting after the item relating to [section 30106](#) the following:

**“30107. Highly automated vehicles safety evaluation report.”.**

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

(d) **CIVIL PENALTIES; FALSE OR MISLEADING REPORTS.**—Section 30165(a)(4) of title 49, United States Code, is amended

*(1) in paragraph (1), by inserting “30107(a)(2)” after “section”; and*

*(2) in paragraph (4), by inserting “or under the certification process established pursuant to section 30107(e)” after “30166(o)”.*

[Section 10 of the reported bill, “HIGHLY AUTOMATED VEHICLES TECHNICAL COMMITTEE”, very roughly corresponds with section 11 of the new staff draft, “HIGHLY AUTOMATED VEHICLES ADVISORY COUNCIL,” but the new section is so lengthy that we are not including it (or the old section) here, because, it is only an advisory council. See the [text of the reported bill](#) and of the new [staff discussion draft](#) if you want more information.]

**SEC. ~~11~~ 10. HIGHLY AUTOMATED VEHICLES RULEMAKING.**

(a) IN GENERAL.—~~The Secretary shall review and seek public comment on the recommendations for standards made by the Highly Automated Vehicles Technical Committee under section 10(d)(3).~~ *Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:*

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

*“(a) RULEMAKING AND SAFETY PRIORITY PLAN.—*

*“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the AV START Act, the Secretary shall make available to the public and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a rulemaking and safety priority plan, as necessary—*

*“(A) to accommodate the safe development and deployment of highly automated vehicles and automated driving systems; and*

*“(B) to issue motor vehicle safety standards or other regulations to address each of the safety evaluation report subject areas described in section 30107(b).*

*“(2) INCLUSION OF PRIORITIES.—The plan required under paragraph (1) shall describe the overall priorities of the National Highway Traffic Safety Administration, including—*

*“(A) priorities with respect to highly automated vehicles; and*

*“(B) priorities with respect to other safety initiatives of the Administration, in order to meet the Nation’s motor vehicle safety challenges.*

*“(3) UPDATES TO SAFETY PRIORITY PLAN.—“(A) IN GENERAL.—The Secretary may change the priorities set forth in the safety priority plan referred to in paragraph (1) at any time to address matters the Secretary considers of greater priority.*

*“(B) PREPARATION; SUBMISSION; AND PUBLICATION.—If the Secretary determines that the safety priority plan needs to be updated, the Secretary shall—*

*“(i) prepare an interim update of the safety priority plan;*

*“(ii) submit such updated plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives; and*

*“(iii) make such updated plan available to the Highly Automated Vehicles Technical Subcommittee established under section 11(f)(1)(A) of the AV START Act.*

*“(b) RULEMAKING.—*



*“(1) IN GENERAL.—Subject to paragraph 2, (b) DETERMINATION.—Not later than 1 year after the receipt of the recommendations from the Technical Subcommittee under section 11(f)(1)(E) of the AV START Act referred to in subsection (a), the Secretary shall—(1) make a determination whether to approve one or more of the recommendations, based on an identified need for motor vehicle safety; and (2) begin initiate a rulemaking proceeding on the recommendations approved pursuant to paragraph (1) on the safety of highly automated vehicles in accordance with the rulemaking and safety priority plan required in section (a).*

*“(2) REVIEW OF RECOMMENDATIONS.—The Secretary shall review the recommendations submitted by the Technical Subcommittee under section 11(f)(1)(E) of the AV START Act to determine which recommendations should be included in the rulemaking proceeding under paragraph (1), based on an identified need for motor vehicle safety and feasibility.*

*“(c) REPORT TO CONGRESS.—Upon initiating the rulemaking proceeding under subsection (b), and 4 years later—*

*“(1) the Secretary shall review each safety evaluation report subject area described in section 30107(b) to determine if—*

*“(A) certain areas should not be addressed through rulemaking because they are addressed by another applicable Federal standard; or*

*“(B) if adopting a standard applicable to the subject area would not improve motor vehicle safety; and*

*“(2) if the Secretary makes a determination under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that includes—*

*“(A) an explanation for why such rulemaking cannot be completed;*

*“(B) any alternative action that will be taken by the Secretary; and*

*“(C) any recommendations for potential legislative changes.*

*“(d) SENSE OF CONGRESS.—It is the Sense of Congress that—*

*“(1) safety of highly automated vehicles is a priority; and*

*“(2) new Federal safety standards governing such vehicles should be promulgated without unreasonable delay.*

*“(e) JUDICIAL REVIEW.—Section 706 of title 5 shall apply to actions taken under this section.*

~~“(f) (e) RULE OF CONSTRUCTION.—~~Nothing in this section may be construed to restrict the authority of the Secretary under section 30111 of title 49, United States Code. Any Federal motor vehicle safety standard adopted pursuant to this section shall meet the requirements under such section 30111.

*(b) CLERICAL AMENDMENT.— The analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30128 the following:*

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

**SEC. 12. CONSUMER EDUCATION SAFETY RULEMAKING FOR HIGHLY AUTOMATED VEHICLES AND PARTIALLY AUTOMATED VEHICLES.**

~~(a) ESTABLISHMENT.—~~Not later than ~~180 days~~ **3 years** after the date of the enactment of this Act, *on review of the recommendations of the Consumer Education Subcommittee under section 11(f)(3)*, the Secretary shall ~~establish a working group on responsible education efforts for advanced driver assist systems and automated driving systems~~ *initiate a rulemaking proceeding to require manufacturers to inform consumers of the capabilities and limitations of a vehicle’s driving automation system or feature for any highly automated vehicle or any vehicle that performs partial driving automation.*

~~(b) DUTIES.—~~The working group established under subsection (a) shall—

~~(1) identify recommended education and responsible marketing strategies and programs that may be voluntarily employed by industry to inform consumers, vehicle owners and operators, and other stakeholders about advanced driver assistance systems and automated driving systems as they become available or are soon to be introduced into interstate commerce;~~

~~(2) identify recommended education and responsible marketing strategies that may be voluntarily employed by industry to inform consumers on the comparative safety of highly automated vehicle and non-highly automated vehicles driven by human with respect to crashes, fatalities, and other injuries (if known); and~~

~~(3) submit a report containing the findings and recommendations of the working group to Congress and making such report available to the public.~~

~~(c) CONSIDERATIONS.—~~The working group shall consider topics pertaining to—

~~(1) intent, capabilities, and limitations of advanced driver assistance systems and automated driving systems;~~

~~(2) engagement and disengagement methods, including methods to address driver engagement in lower levels of automation;~~

~~(3) human machine interfaces;~~

~~(4) emergency fallback scenarios;~~

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- ~~(5) operational boundary responsibilities;~~
- ~~(6) response in the event of a crash or system failure;~~
- ~~(7) potential mechanisms that could change function behavior in service;~~
- ~~(8) consistent nomenclature and taxonomy for safety features and systems;~~

and

~~(9) disclosure of automated driving system practices pertaining to consumer data collection, privacy, and data ownership.~~

~~(d) MEMBERSHIP.—~~

~~(1) IN GENERAL.—The Secretary shall appoint, as members of the working group, individuals with expertise in automated driving systems and driver assistance systems, including—~~

~~(A) representatives of—~~

- ~~(i) motor vehicle manufacturers;~~
- ~~(ii) manufacturers of automated driving systems and driver assistance systems (including components);~~
- ~~(iii) motor vehicle dealers;~~
- ~~(iv) motor vehicle owners and operators, including fleet managers, vehicle rental companies, and transportation network companies;~~
- ~~(v) consumers or consumer advocacy groups;~~
- ~~(vi) automated vehicle proving grounds designated by the Department of Transportation;~~
- ~~(vii) public health organizations;~~
- ~~(viii) marketing professionals;~~
- ~~(ix) entities with national experience in consumer education, including drivers' education;~~
- ~~(x) safety organizations;~~
- ~~(xi) enabling technology companies; and~~
- ~~(xii) national cross disability organizations and national organizations representing older adults; and~~

~~(B) any other members the Secretary considers appropriate.~~

~~(2) COMPENSATION.—Members of the working group shall serve without compensation.~~

~~(3) CONSULTATION.—The Secretary shall consult with the Federal Trade Commission about the recommendations of the working group, as appropriate.~~

~~(c) TERMINATION.—The working group established under this section shall terminate on the date that is 2 years after the date of the enactment of this Act.~~

~~(f) RULEMAKING ON POINT OF SALE INFORMATION.—Not later than 3 years after the date of enactment of this Act, the Secretary shall promulgate a rule to require clear and concise information about the capabilities and limitations of a highly automated vehicle or an automated driving system to be provided to a consumer at the point of sale and in the vehicle owner's manual.~~

### SEC. 13. TRAFFIC SAFETY AND LAW ENFORCEMENT.

(a) RESEARCH.—The Secretary, in coordination with State and local transportation and highway safety entities, State and local law enforcement entities, and other relevant parties, ***including civil liberties and cybersecurity experts with respect to paragraph (2)***, shall research the traffic safety implications of highly automated vehicles, including—

- (1) the intersection of conventional and highly automated vehicles; and
- (2) law enforcement impacts, including—
  - (A) enforcing applicable laws;
  - (B) identifying whether a vehicle was in automated mode at the time of a crash;
  - (C) lawfully accessing event data information; and
  - (D) determining how a highly automated vehicle should respond to law enforcement, ***including the role and rights of any highly automated vehicle passengers***.

(b) COORDINATION OF SAFETY.—The Secretary, in coordination with State, local, and law enforcement agencies, may develop a process for State and local entities to provide information, on a voluntary basis, to the Secretary to assist the Department of Transportation in identifying defects related to motor vehicle safety of highly automated vehicles.

(c) CRASH DATA.—

***(1) IN GENERAL.***—Not later than 3 years after the date of the enactment of this Act, the Secretary shall revise the crash investigation data collection system to include the collection of crash report data elements that distinguish whether the vehicle involved in a crash is a highly automated vehicle, including the level of automation and whether the vehicle was in automated mode ***automated driving features were engaged*** at the time of a crash.

*(2) COORDINATION.— In carrying out paragraph (1), the Secretary may coordinate with States to update the Model Minimum Uniform Crash Criteria to provide guidance to the States on the collection of information.*

#### SEC. 14. CYBERSECURITY.

(a) IN GENERAL.—Subchapter I of [chapter 301](#) of title 49, United States Code, as amended by section 9(a), is further amended by adding at the end the following:

##### “§ 30108. Cybersecurity risks to the safety of highly automated vehicles

“(a) ~~DEFINITIONS~~ **DEFINED TERM.**—In this section: ~~(1) CYBERSECURITY INCIDENT.~~—The term ‘cybersecurity incident’ has the meaning given the term ~~‘incident’~~ **‘significant cybersecurity incident’** in section 227(a) of the Homeland Security Act of 2002 (~~6 U.S.C. 148(a)~~) **Presidential Policy Directive 41 (PPD-41), dated July 26, 2016.**

~~“(2) CYBERSECURITY RISK.~~—The term ‘cybersecurity risk’ has the meaning given the term in section 227(a) of the Homeland Security Act of 2002 (~~6 U.S.C. 148(a)~~).

~~“(3) CYBERSECURITY VULNERABILITY.~~—The term ‘cybersecurity vulnerability’ has the meaning given the term ‘security vulnerability’ in section 102 of the Cybersecurity Information Sharing Act of 2015 (~~6 U.S.C. 1501~~).

“(b) CYBERSECURITY PLAN.—

“(1) IN GENERAL.—Each manufacturer of a highly automated vehicle or automated driving system shall develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks to the motor vehicle safety of such vehicles and systems.

“(2) REQUIREMENTS.—The plan required under paragraph (1) shall include a process for—

“(A) the risk-based prioritized identification and protection of safety-critical vehicle control systems and the broader transportation ecosystem, as applicable;

“(B) the efficient detection and response to potential vehicle cybersecurity incidents in the field;

“(C) facilitating expeditious recovery from incidents as they occur;

“(D) the institutionalization of methods for the accelerated adoption of lessons learned across industry through voluntary exchange of information pertaining to cybersecurity incidents, threats, and vulnerabilities, including the consideration of a coordinated cybersecurity vulnerability disclosure policy or other related practices for collaboration with third-party cybersecurity researchers;

“(E) the identification of the point of contact of the manufacturer with responsibility for the management of cybersecurity;

“(F) the evaluation of elements of the supply chain to identify and address cybersecurity vulnerabilities;

“(G) the use of segmentation and isolation techniques in vehicle architecture design, as appropriate;

“(H) employee training on the implementation of and compliance with the requirements under this paragraph; and

~~“(I) supporting voluntary efforts by industry and standards setting organizations to develop and identify consistent standards and guidelines relating to vehicle cybersecurity, consistent, and to the extent appropriate, with the cybersecurity risk management activities~~ **considering consistency and alignment with the cybersecurity risk management approach** described in section 2(e) of the National Institute of Standards and Technology Act ([15 U.S.C. 272\(e\)](#)) **or international consensus cybersecurity standards.**

“(3) INSPECTION.—The Secretary may inspect any cybersecurity plan developed by a manufacturer under this subsection to enable the Secretary to decide whether the manufacturer has complied, or is complying, with this chapter or a regulation prescribed or order issued pursuant to this chapter.

“(4) PROTECTIONS FOR DISCLOSURE.—Each manufacturer required to develop, maintain, and execute a plan under paragraph (1) shall develop a summary of the plan that is suitable for public disclosure and disclose such summary to the public.

“(c) COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE.—The Secretary may work cooperatively with manufacturers of highly automated vehicles and automated driving systems to incentivize manufacturers to voluntarily adopt a coordinated vulnerability disclosure policy and practice in which a security researcher privately discloses information related to a discovered vulnerability to a manufacturer and allows the manufacturer time to confirm and remediate the vulnerability—

“(1) so that manufacturers build relationships with security researchers to mitigate cybersecurity risks; and

“(2) to discover and mitigate cybersecurity vulnerabilities in highly automated vehicles or automated driving systems that present a risk to motor vehicle safety (as defined in section 30102 ~~of title 49, United States Code~~).

“(d) COORDINATION.—All Federal agencies undertaking research on cybersecurity risks associated with highly automated vehicles shall coordinate with the Secretary on their findings.”.

(b) CLERICAL AMENDMENT.—The analysis for [chapter 301](#) of title 49, United States Code, is amended by inserting after the item relating to section 30107, as added by section 9, the following:

“30108. Cybersecurity risks to the safety of highly automated vehicles.”.



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(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 18 months after the date of the enactment of this Act.

**SEC. 15. HAV DATA ACCESS ADVISORY COMMITTEE DATA STUDY ON REMOVAL OF PERSONAL DATA FROM VEHICLE INFORMATION SYSTEMS.**

(a) SHORT TITLE.—This section may be cited as the “HAV Data Access Advisory Committee Act”.

(b) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the HAV Data Access Advisory Committee established pursuant to subsection (d)(1).

(2) HAV.—The term “HAV” means highly automated vehicle.

(c) FEDERAL REGULATION OF HAV DATA ACCESS.—

(1) TEMPORARY RULEMAKING RESTRICTION.—No department or administrative agency of the Federal Government may promulgate any regulation with respect to the ownership of, control of, or access to, information or data stored by, or generated by, a highly automated vehicle or automated driving system before the report required under section (d)(4) is submitted to Congress.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed to prevent the Federal Government from carrying out its responsibilities under the Driver Privacy Act of 2015 ([49 U.S.C. 30101](#) note).

(d) HAV DATA ACCESS ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish the HAV Data Access Advisory Committee to provide a forum for stakeholders to discuss and make policy recommendations to Congress with respect to the ownership of, control of, or access to, information or data that vehicles collect, generate, record, or store in an electronic form that is retrieved from a highly automated vehicle or automated driving system.

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Committee shall be composed of the following voting members:

(i) The Secretary or the Secretary’s designee.

(ii) The Chairman of the Federal Trade Commission or the Chairman’s designee.

(iii) A representative of State governments.

(iv) A representative of local governments.

(v) A representative of metropolitan planning organizations.

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~~(vi) A representative of transit agencies.~~

~~(vii) A representative of law enforcement.~~

~~(viii) A representative of HAV manufacturers.~~

~~(ix) A representative of HAV equipment manufacturers.~~

~~(x) A representative of HAV dealers.~~

~~(xi) A representative of aftermarket parts manufacturers,  
distributors, and retailers.~~

~~(xii) A representative of independent vehicle repairers.~~

~~(xiii) A representative of consumer safety advocates with  
privacy expertise.~~

~~(xiv) A representative of consumer safety advocates with safety  
expertise.~~

~~(xv) A representative of property and casualty insurers.~~

~~(xvi) A representative of long term motor vehicle fleet leasing  
and management companies or professionals.~~

~~(xvii) A representative of short term motor vehicle fleet  
management or rental companies.~~

~~(xviii) A representative of mobility on demand companies.~~

~~(xix) A representative of motor coach and tour bus owners.~~

~~(B) NON VOTING MEMBERS.— The Secretary may allow additional  
interested stakeholders to attend and participate in the activities of the  
Committee as non voting members.~~

~~(3) MEETINGS.— The Committee shall meet not less frequently than 4 times  
per year.~~

~~(4) REPORT.—~~

~~(A) IN GENERAL.— Not later than 2 years after the Committee is  
established pursuant to paragraph (1), the Committee shall submit a report  
to the Committee on Commerce, Science, and Transportation of the Senate  
and the Committee on Energy and Commerce of the House of  
Representatives that contains recommendations, supported by at least 2/3 of  
all voting members. Such report shall include recommendations regarding  
the ownership of, control of, or access to, information or data that vehicles  
collect, generate, record, or store in an electronic form that is retrieved from a  
highly automated vehicle or automated driving system, and may include  
minority views, if applicable.~~

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~~(B) CONSIDERATIONS.—When making any policy recommendations, the Committee shall give appropriate consideration to motor vehicle safety, intellectual property protections, compliance with requirements under the Motor Vehicle Safety Act, customer privacy, cybersecurity, confidential business information related to the mechanical or computer systems of such vehicles, public safety, and transportation planning. Recommendations should address—~~

~~(i) an owner's or registered user's personally identifiable information;~~

~~(ii) vehicle-generated data; and~~

~~(iii) vehicle interface capability.~~

~~(5) COMPENSATION.—Members of the Committee shall serve without compensation.~~

~~(6) SUPPORT.—The Office of Rulemaking of the National Highway Traffic Safety Administration and the Bureau of Consumer Protection of the Federal Trade Commission shall provide support services to the Committee.~~

~~(7) TERMINATION.—The Committee shall terminate upon the submission of the report required under paragraph (4).~~

~~(c) GAO STUDY ON REMOVAL OF PERSONAL DATA FROM VEHICLE INFORMATION SYSTEMS.—~~

~~(1) STUDY.—~~

~~(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the technologies currently available to remove data that may be personally identifiable or attributable to an individual from used motor vehicles upon their sale to a new owner or from leased or rented vehicles at the completion of the lease or rental contract.~~

~~(B) UNIFORM DATA REMOVAL APPROACH.—The study conducted under subparagraph (A) shall assess the feasibility of adopting a uniform and simple approach across vehicle brands for the removal of data described in subparagraph (A) when a vehicle is sold or a lease or rental ends.~~

~~(C) CONSULTATION.—In conducting the study under subparagraph (A), the Comptroller General shall consult with—~~

~~(i) vehicle manufacturers;~~

~~(ii) consumer groups;~~

~~(iii) vehicle dealers, including representatives of the vehicle leasing and vehicle rental industry; and~~

~~(iv) other stakeholders.~~

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~~(2) REPORT.— Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the result of the study conducted under subsection (a), including recommendations regarding—~~

~~(A) the feasibility of adopting a uniform data removal approach; and~~

~~(B) legislative action that the Comptroller General may consider prudent and practicable for facilitating the consistent removal of data described in subparagraph (A).~~

*(a) STUDY.—*

*(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the technologies currently available to remove data that may be personally identifiable or attributable to an individual from used motor vehicles upon their sale to a new owner or from leased or rented vehicles at the completion of the lease or rental contract.*

*(2) UNIFORM DATA REMOVAL APPROACH.—The study conducted under paragraph (1) shall assess the feasibility of adopting a uniform and simple approach across vehicle brands for the removal of data described in paragraph (1) when a vehicle is sold or a lease or rental ends.*

*(3) CONSULTATION.—In conducting the study under paragraph (1), the Comptroller General shall consult with—*

*(A) vehicle manufacturers;*

*(B) consumer groups;*

*(C) vehicle dealers, including representatives of the vehicle leasing and vehicle rental industry; and*

*(D) other stakeholders.*

*(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the result of the study conducted under subsection (a), including recommendations regarding—*

*(1) the feasibility of adopting a uniform data removal approach; and*

*(2) legislative action that the Comptroller General may consider prudent and practicable for facilitating the consistent removal of data described in paragraph (1).*

**SEC. 16. CYBERSECURITY CONSUMER EDUCATION INFORMATION.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(1) develop educational cybersecurity resources to assist consumers in maintaining awareness of and minimizing potential motor vehicle cybersecurity risks *to passenger motor vehicles*; and

(2) ensure that the resources developed under paragraph (1) are available to and readily accessible by the public on the website of the National Highway Traffic Safety Administration.

(b) **PERIODIC UPDATES.**—The Secretary shall periodically update the resources developed under subsection (a).

(c) **CONSULTATION.**—In developing the resources under subsection (a), the Secretary shall consult with motor vehicle industry representatives, safety organizations, security researchers, the National Institute of Standards and Technology, and State and local government agencies that are directly or indirectly affected by this Act.

**SEC. 17. PROVISION OF CYBERSECURITY RESOURCE INFORMATION.**

Manufacturers of *passenger* motor vehicles shall include information directing consumers to the cybersecurity resources developed by the Secretary under section 16 in motor vehicle owners' manuals or on the manufacturer's website that is publicly available and accessible to consumers.

**SEC. 18. HIGHLY AUTOMATED VEHICLE STUDY.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a study on the existing and future impacts of highly automated vehicles to transportation infrastructure, mobility, the environment, and fuel consumption, including impacts on—

(1) the Interstate System (as defined in section 101(a) of title 23, United States Code);

(2) urban areas;

(3) rural areas;

(4) transit systems;

(5) corridors with heavy traffic congestion;

(6) energy consumption and dependence;

(7) the connection between automated driving systems and fuel consumption and emissions;

(8) transportation systems optimization;

(9) the role of vehicle-to-vehicle and vehicle-to-infrastructure communications in transportation energy use;

(10) vehicle drivetrain selection and performance;

(11) congestion, crash avoidance, and emissions implications for States and localities; and

(12) any other areas or issues that the Secretary determines to be appropriate.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall include specific recommendations regarding the impacts of highly automated vehicles on—

(1) existing transportation system capacity;

(2) vehicle miles traveled;

(3) vehicle emissions;

(4) public transit and multimodal use;

(5) energy consumption and dependence; and

(6) land use.

(c) CONSIDERATIONS.—In carrying out the study, the Secretary shall—

(1) determine the need for any policy changes required by Federal agencies and legislative changes to be considered by Congress; and

(2) include a discussion of—

(A) the impacts that highly automated vehicles will place on existing transportation infrastructure, including signage and markings, traffic lights, and highway capacity and design;

(B) the implications of shared fleet and alternative vehicle ownership models;

(C) the impact on commercial and private traffic flows;

(D) infrastructure improvement needs that may be necessary to accommodate highly automated vehicles, including potential energy needs;

(E) the impact of highly automated vehicles on the environment, energy needs, congestion, and vehicle miles traveled; and

(F) the impact of highly automated vehicles on mobility and public transit use in urban, suburban, and rural areas, including pedestrian and bicycle transportation modes.

(d) COORDINATION.—In carrying out the study, the Secretary shall consider and incorporate relevant current and ongoing research of the Department of Transportation.



(e) CONSULTATION.—In carrying out the study, the Secretary shall convene and consult with a panel of national experts, including—

(1) operators and users of the Interstate System (as defined in section 101(a) of title 23, United States Code), including private sector stakeholders;

(2) States;

(3) metropolitan planning organizations;

(4) the motor carrier industry;

(5) representatives of public transportation agencies or organizations;

(6) highway safety and academic groups;

(7) nonprofit entities with experience in energy security and transportation policy;

(8) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 ([42 U.S.C. 15801](#)));

(9) environmental stakeholders; and

(10) highly automated vehicle producers, manufacturers, and technology developers.

(f) REPORT.—Not later than 18 months after the date on which the study under subsection (a) is initiated, the Secretary shall submit to Congress a report on the results of the study.

(g) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel convened in accordance with subsection (e).

## **SEC. 19. STUDY ON ENCOURAGING MANUFACTURING IN THE UNITED STATES OF AUTOMATED DRIVING EQUIPMENT AND INTELLIGENT TRANSPORTATION SOLUTIONS.**

(a) IN GENERAL.—The Secretary shall conduct a study on ways to encourage manufacturing in the United States of automated driving equipment, intelligent transportation solutions, and other equipment, including hardware and processors.

(b) RECOMMENDATIONS.—In conducting the study required by subsection (a), the Secretary shall develop recommendations for methods to incentivize manufacturing in the United States of automated driving equipment, intelligent transportation solutions, and other equipment, including hardware and processors, including through the use of grant programs and other funding sources.

## **SEC. 20. PRIVACY PROTECTIONS FOR USERS OF MOTOR VEHICLES.**

(a) MOTOR VEHICLE PRIVACY DATABASE.—~~Beginning~~ not later than 1 year after the date of enactment of this Act, the Administrator of NHTSA shall—

COMPARATIVE PRINT OF TEXT OF S. 1885, AV START ACT, AS REPORTED FROM  
COMMITTEE, WITH STAFF DISCUSSION DRAFT DATED DECEMBER 3, 2018

(1) create a publicly accessible and easily searchable online database that contains the information described in subsection ~~(e)~~ **(b)**; and

(2) place a link to the database described in paragraph (1) on the home page of NHTSA's website.

**(b) DATABASE CONTENTS.**—~~The database described in subsection (b)(1) shall contain—~~

~~(1) a description of the information, including personally identifiable information, that will be collected about individuals during the operation of motor vehicles;~~

~~(2) an explanation of how the information referred to in paragraph (1), and the conclusions drawn from such information, will be used, disclosed, and otherwise handled, including—~~

~~(A) how the collection or retention of such information that is unrelated to the operation of the motor vehicle use will be minimized;~~

~~(B) the period during which such information will be retained; and~~

~~(C) when and how such information, including information no longer relevant to the specified use, will be destroyed;~~

~~(3) steps that will be used to protect against the unauthorized disclosure of any personally identifiable information, such as the use of encryption methods and other security features; and~~

~~(4) the privacy policies of manufacturers of motor vehicles, including whether consumers will have the right to stop the collection, use, distribution, or sale of their personally identifiable information.~~

(1) **PRIVACY.**—Not later than the later of 180 days after the date of the enactment of this Act or 180 days after the date on which a privacy practices notice is made available in accordance with section 25, each person required to make available such notice under that section shall submit to the Administrator of the National Highway Traffic Safety Administration—

(A) a clear and concise summary of the privacy policy of the person, including a description of each of the notice requirements described in section 25(c), which shall be broken out into separable elements by the notice requirements under each paragraph of such sub section to facilitate comparison between privacy policies; and

(B) a link to the privacy policy.

(2) **CYBERSECURITY.**—The Secretary shall link to the cybersecurity plans that are suitable for public disclosure required under section 30108 of title 49, United States Code, and published under section 30110 of such title.

**SEC. 21. CHILD SAFETY.**

(a) AMENDMENT.—

(1) IN GENERAL.—[Chapter 323](#) of title 49, United States Code, is amended by adding after section 32304A the following:

**“§ 32304B. Child safety**

“(a) DEFINITIONS.—In this section:

“(1) PASSENGER MOTOR VEHICLE.—The term ‘passenger motor vehicle’ has the meaning given that term in section 32101.

“(2) REAR DESIGNATED SEATING POSITION.—The term ‘rear designated seating position’ means designated seating positions that are rearward of the front seat.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(b) RULEMAKING.—Not later than 2 years after the date of the enactment of the American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act, 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 a system to alert the operator to check rear designated seating positions after the vehicle engine or motor is deactivated by the operator.

“(c) MEANS.—The alert required under subsection (b)—

“(1) shall include a distinct auditory and visual alert, which may be combined with a haptic alert; and

“(2) shall be activated when the vehicle motor is deactivated by the operator.

“(d) ADD-ON CHILD RESTRAINT SYSTEMS.—In issuing the final rule required by subsection (b), the Secretary shall consider additional technologies that work with add-on child restraint systems that achieve the same purpose of alerting the driver in addition to the vehicle-based system.

“(e) PHASE-IN.—The rule issued pursuant to subsection (b) shall require full compliance with the rule beginning on September 1st of the first calendar year that begins more than 30 months after the date on which the final rule is issued.”.

(2) CLERICAL AMENDMENT.—The analysis for [chapter 323](#) of title 49, United States Code, is amended by striking the item relating to section 32304A and inserting the following:

“32304A. Consumer tire information and standards.  
“32304B. Child safety.”.

(b) AWARENESS OF CHILDREN IN MOTOR VEHICLES.—Section 402 of title 23, United States Code, is amended by inserting after subsection (k) the following:

“(1) UNATTENDED PASSENGERS.—

“(1) IN GENERAL.—Each State may use a portion of the amounts it receives under this section to carry out a program to educate the public on the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

“(2) PROGRAM PLACEMENT.—A State does not need to carry out the program described in paragraph (1) through the State transportation or highway safety office.”.

(c) STUDY AND REPORT.—

(1) INDEPENDENT STUDY.—

(A) AGREEMENT.—

(i) IN GENERAL.—The Secretary shall enter into an agreement or a contract with an independent third-party that does not have any financial or contractual ties with passenger motor vehicle manufacturers or technology companies producing child reminder alert systems to perform the services under this paragraph.

(ii) TIMING.—The Secretary shall enter into the agreement or contract described in clause (i) not later than the date that the Secretary determines is the latest date by which completion of the services under this paragraph will allow the Secretary enough time to prepare and submit the study required under paragraph (2) in accordance with such paragraph.

(B) INDEPENDENT STUDY.—

(i) IN GENERAL.—Under an agreement between the Secretary and an independent third-party under this paragraph, the independent third-party shall carry out a study on retrofitting existing passenger motor vehicles, and add-on child restraint systems, with technology to address the problem of children left in rear designated seating positions of motor vehicles after the motor vehicles have been deactivated by the operator of the vehicle.

(ii) ELEMENTS.—In carrying out the study required under clause (i), the independent third-party shall—

(I) survey and evaluate a variety of methods used by current and emerging aftermarket technology or products, including add-on child restraint systems, to solve the problem of children being left in a rear designated seating position after the vehicle motor is deactivated by the operator;

(II) make recommendations for manufacturers of such technology or products to undergo a functional safety performance to ensure that the products, including add-on

child restraint systems, perform as designed by the manufacturer under a variety of real world conditions; and

(III) provide recommendations for consumers on how to select such technology or products in order to retrofit existing vehicles and for add-on child restraint systems.

(2) REPORT.—During the 180-day period beginning on the date on which the Secretary issues the final rule required under section 32304B(b) of title 49, United States Code, as added by subsection (a)(1), the Secretary shall submit the results of the study carried out under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**SEC. 22. PARTIALLY AUTOMATED VEHICLE SAFETY EVALUATION REPORT.**

*(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, as amended by sections 9(a) and 14(a), is further amended by adding at the end the following:*

*“§ 30109. Partially automated vehicle report*

*“(a) REQUIREMENT.—A manufacturer of a new partially automated vehicle that is introduced into interstate commerce after the effective date of this section shall submit a report to the Secretary immediately after selling, offering for sale, or otherwise commercializing such vehicle that describes the capabilities and limitations of the vehicle.*

*“(b) CONTENTS.—The report required under subsection (a) shall describe—*

*“(1) the capabilities and limitations of the vehicle, including a description of the active safety systems and driving automation features;*

*“(2) the human-machine interface, including measures intended to ensure driver engagement at all times and prevent misuse;*

*“(3) efforts to educate consumers on the capabilities and limitations of the vehicle; and*

*“(4) the manufacturer’s efforts to educate and train the manufacturer’s marketing and sales forces, dealers, and distributors to understand the vehicle’s technology.*

*“(c) PUBLIC AVAILABILITY.—*

*“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 60 days after receiving a report from a manufacturer under subsection (a), the Secretary shall make such report available to the public.*

*“(2) IN GENERAL.—The Secretary may not make publicly available any information that—*

*“(A) relates to a trade secret;*

*“(B) is confidential business information; or*

*“(C) is privileged.*

*“(d) SAVINGS PROVISIONS.—*

*“(1) IN GENERAL.—Nothing in this section be construed—*

*“(A) to amend, limit the authority of the Secretary, or prohibit the use of the information included in the report required under this chapter; or*

*“(B) to affect discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.*

*“(2) LIMITATION.—The Secretary may not condition the manufacture, testing, sale, offer for sale, or introduction into interstate commerce of a partially automated vehicle based on a review of the report submitted under subsection (a).”.*

*(b) CLERICAL AMENDMENT.—The analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30108, as added by section 14(b), the following: “30109. Partially automated vehicle report.”.*

*(c) EFFECTIVE DATE; SUNSET.—The amendments made by this section—*

*(1) shall take effect on the date that is 90 days after the date of the enactment of this Act; and*

*(2) shall be repealed on the effective date of the rule issued pursuant to section 12(f).*

### **SEC. 23. HIGHLY AUTOMATED VEHICLE ADOPTION AND SAFETY IMPACTS.**

*(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, as amended by sections 9(a), 14(a), and 22(a), is further amended by adding at the end the following:*

#### **“SEC. 30110. HIGHLY AUTOMATED VEHICLE ADOPTION AND SAFETY IMPACTS.**

*“(a) PUBLIC AVAILABILITY.—The Secretary shall maintain, on a publicly available website of the Department, Federal databases and information relevant to highly automated vehicles, including—*

*“(1) safety evaluation reports required under section 30107;*

*“(2) cybersecurity reports required under section 30108;*

*“(3) exemption applications, approvals, and denials under section 30113;*



*“(4) reports of defects and noncompliances under section 30166(f);*

*“(5) reports of foreign safety recalls under section 30166(l);*

*“(6) early warning information required under section 30166(m)(3);*

*“(7) information from the programs of the National Center for Statistics and Analysis, including the Fatality Analysis Reporting System, Special Crash Investigations, and the State Data System;*

*“(8) the rulemaking and safety priority plan required under section 10 of the AV START Act;*

*“(9) the cybersecurity resources required under section 16 of the AV START Act;*

*“(10) the privacy database required under section 20 of the AV START Act;*

*“(11) any reports issued or research findings published; and*

*“(12) any other source available to the Secretary.*

*“(b) DATA TRANSPARENCY.—*

*“(1) IN GENERAL.—The Secretary shall periodically report on the status of the deployment of highly automated vehicles in the United States.*

*“(2) CONTENTS.—Each report under paragraph (1) shall include, to the greatest extent possible based on the information available to the Secretary—*

*“(A) a list of the manufacturers introducing highly automated vehicles into interstate commerce, including whether the vehicles are in testing or in commercially available;*

*“(B) an estimate of the number of highly automated vehicles produced;*

*“(C) an estimate of the number of fatalities resulting from crashes involving a highly automated vehicle;*

*“(D) recalls for a highly automated vehicle or an automated driving system;*

*“(E) a discussion of how manufacturers are addressing the subject areas of the safety evaluation report required under section 30107;*

*“(F) a discussion of the Federal motor vehicle safety standards manufacturers are seeking exemptions for highly automated vehicles under section 30113 and the purposes for which such exemptions are sought;*

*“(G) a comparison of the safety of a highly automated vehicle with a conventional vehicle that is driven by a human driver; and*

*“(H) any other information the Secretary considers relevant.*

*“(3) DISCLOSURE.—The Secretary may provide the information described in paragraph (2)—*

*“(A) in the form of a separate report; or*

*“(B) by including it in another motor vehicle report that the Department is required to submit to Congress, as appropriate.*

*“(4) BIENNIAL REPORTING.—If the Secretary does not report on any of the topics described in paragraph (2) during any 2-year period, the Secretary shall issue a separate report on such topic*

*“(c) IMPLEMENTATION.—This section shall be implemented in accordance with existing law and regulations governing personal information and confidential business information.”.*

*(b) CLERICAL AMENDMENT.—The analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30109, as added by section 22(b), the following:*

*“30110. Highly automated vehicle adoption and safety impacts.”.*

#### **SEC. 24. CYBERSECURITY TOOLS STUDY.**

*(a) DEFINED TERM.—In this section, the term “cybersecurity incident” has the meaning given the term “significant cyber incident” in Presidential Policy Directive 41 (PPD-41), dated July 26, 2016.*

*(b) STUDY; RECOMMENDATIONS.—*

*(1) STUDY.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Director of the National Institute of Standards and Technology, shall submit to Congress a comprehensive study of the methods for, and feasibility of, determining—*

*(A) the current measures, guidelines, or practices used to identify, protect, detect, respond to, or recover from cybersecurity incidents affecting the safety of a passenger motor vehicle; and*

*(B) the following characteristics of a passenger motor vehicle:*

*(i) The extent to which the measures, guidelines, or practices under subparagraph (A) are used.*

*(ii) The susceptibility to a cybersecurity incident that affects the safety of a passenger motor vehicle.*

*(iii) The degree of cybersecurity risk to the safety of a passenger motor vehicle.*

*(2) RECOMMENDATIONS.—After reviewing the methods and feasibility for determining the characteristics identified under the study under paragraph (1), the Secretary shall make specific recommendations to Congress with respect to the need for—*

*(A) further development of existing methods for determining the characteristics; or*

*(B) the development of new methods for determining the characteristics.*

*(c) REQUIRED CONSULTATION.—In carrying out the study under subsection (b)(1), the Secretary and the Director of the National Institute of Standards and Technology shall consult with passenger motor vehicle industry representatives, safety organizations, security researchers, and State and local government agencies that are directly or indirectly affected by the matters being studied under subsection (b)(1).*

*(d) INFORMATION FOR CONSUMERS.—To the extent feasible and in the public interest, based on the results of the study conducted under subsection (b)(1) and the activities under sections 16 and 17, as determined by the Secretary, the Secretary shall—*

*(1) identify or develop specific methods to assist consumers in maintaining awareness of potential passenger motor vehicle cybersecurity risks and provide information relating to the characteristics of passenger motor vehicles in a manner that would assist consumers in decisions relating to passenger motor vehicle selection; and*

*(2) compile and furnish to the public, in a simple, easily accessible, and readily understandable form, the information to be provided under paragraph (1) to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics of the passenger motor vehicles studied.*

*(e) SUBSETS OF MOTOR VEHICLES.—The Secretary may carry out the activities under this section with respect to the subsets of passenger motor vehicles, including highly automated vehicles or partially automated vehicles.*

*(f) PUBLIC REVIEW.—The Secretary shall—*

*(1) publish in the Federal Register the results of the study under subsection (b)(1); and*

*(2) not later than 180 days before the date on which the recommendations are submitted to Congress under subsection (b)(2), provide for a period of public comment on such recommendations.*

**SEC. 25. PRIVACY PROTECTIONS FOR PASSENGER MOTOR VEHICLES.**

**(a) DEFINITIONS.—In this section:**

**(1) COVERED ENTITY.—The term “covered entity” means—**

**(A) a manufacturer (as defined in section 32101 of title 49, United States Code); or**

**(B) a transportation network company.**

**(2) COVERED INFORMATION.—The term “covered information” means information that—**

**(A) a passenger motor vehicle collects, generates, records, or stores in electronic form;**

**(B) may be retrieved by or on behalf of the covered entity that manufactures for sale or lease, imports into the United States, or otherwise deploys for commercial use that passenger motor vehicle; and**

**(C) links or is reasonably linkable to—**

**(i) a passenger motor vehicle owned by an individual;**

**(ii) an individual who owns the passenger motor vehicle from which the information was collected; or**

**(iii) a registered user.**

**(3) REGISTERED USER.—The term “registered user” means an individual who subscribes to or registers for the use of technologies or services provided for or made available through a passenger motor vehicle.**

**(4) TRANSPORTATION NETWORK COMPANY.— The term “transportation network company”—**

**(A) means a corporation, partnership, sole proprietorship, or other entity, that uses a digital network to connect riders to drivers affiliated with the entity in order for the driver to transport the rider using a vehicle owned, leased, or otherwise authorized for use by the driver to a location chosen by the rider; and**

**(B) does not include a shared-expense carpool or vanpool arrangement that is not intended to generate profit for the driver.**

**(b) NOTICE.—**

**(1) IN GENERAL.—A covered entity that collects covered information from a passenger motor vehicle that is first introduced into interstate commerce on or after the date that is 120 days after the date of the enactment of this Act may not manufacture for sale or lease, import into the**

*United States, or otherwise deploy for commercial use any passenger motor vehicle unless the covered entity has made available a clear and conspicuous notice about the privacy practices of that covered entity associated with covered information collected from that passenger motor vehicle.*

*(2) PUBLIC AVAILABILITY.—A copy of the notice described in paragraph (1) shall be made available on a publicly available Internet website.*

*(c) NOTICE REQUIREMENTS.—A notice made available by a covered entity under subsection (b)(1) shall include—*

*(1) the types of covered information collected by the covered entity;*

*(2) the purposes for which covered information is collected, used, retained, shared, or sold;*

*(3) the types of entities with which the covered entity may share covered information;*

*(4) the choices that a vehicle owner or registered user may have regarding covered information, including—*

*(A) whether the vehicle owner and registered user can opt out of the collection, use, retention, sharing, or selling of covered information; and*

*(B) the mechanism for opting out, if available;*

*(5) whether and how a vehicle owner or registered user may access covered information;*

*(6) the deletion, data minimization, retention, or de-identification of covered information; and*

*(7) how a vehicle owner or registered user may contact the covered entity to inquire about the information practices of the covered entity with respect to covered information.*

*(d) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section shall be treated as an unfair or deceptive act or practice in or affecting commerce for purposes of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).*

*(e) POWERS OF FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.*

*(f) SAVINGS PROVISION.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.*

**SEC. 26. HEADLAMPS.**

*(a) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall issue a final rule, with due consideration for any lead time necessary for compliance, that revises the motor vehicle safety standard regarding headlamps if the Secretary determines that a revision of such standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.*

*(b) REPORT.—If the Secretary determines that a revision to the standard described in subsection (a) does not meet the requirements and considerations set forth in the subsections referred to in such subsection, the Secretary shall submit a report describing the reasons for not revising the standard to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.*

*(c) SAVINGS CLAUSE.—The Secretary may satisfy the requirement under section (a) by finalizing the National Highway Traffic Safety Administration’s existing rulemaking proceeding regarding headlamps.*

**SEC. ~~22~~ 27. SAVINGS PROVISION.**

Nothing in this Act may be construed

*(1) to alter any existing authority under subtitle VI of title 49, United States Code, relating to motor vehicles with a gross vehicle weight of 10,001 pounds or more; or*

*(2) as Federal policy to prevent or prohibit any individual from owning or operating a highly automated vehicle, regardless of the area in which the individual owns, operates, or intends to own or operate the highly automated vehicle.*