

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1885

To support the development of highly automated vehicle safety technologies, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “American Vision for Safer Transportation through Ad-
6 vancement of Revolutionary Technologies Act” or the “AV
7 START Act”.

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

Sec. 1. Short titles; table of contents.

Sec. 2. Definitions.

Sec. 3. Relationship to other laws.

Sec. 4. Expedited resolution of highly automated vehicles conflicts with stand-
ards.

Sec. 5. Motor vehicle testing or evaluation.

- Sec. 6. Highly automated vehicles exemptions.
- Sec. 7. Dual use vehicle safety.
- Sec. 8. Levels of driving automation and revisions to certain definitions.
- Sec. 9. Highly automated vehicle safety evaluation report.
- Sec. 10. Highly automated vehicles rulemaking.
- Sec. 11. Highly Automated Vehicles Advisory Council.
- Sec. 12. Consumer education safety rulemaking for highly automated vehicles and partially automated vehicles.
- Sec. 13. Traffic safety and law enforcement.
- Sec. 14. Cybersecurity.
- Sec. 15. 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. Savings provisions.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—In this Act:

3 (1) AUTOMATED DRIVING SYSTEM; DEDICATED
4 HIGHLY AUTOMATED VEHICLE; DYNAMIC DRIVING
5 TASK; HIGHLY AUTOMATED VEHICLE; OPERATIONAL
6 DESIGN DOMAIN; MANUFACTURER; MOTOR VEHICLE;
7 MOTOR VEHICLE EQUIPMENT; PARTIAL DRIVING AU-
8 TOMATION; PARTIALLY AUTOMATED VEHICLE.—The
9 terms “automated driving system”, “dedicated high-
10 ly automated vehicle”, “dynamic driving task”,
11 “highly automated vehicle”, “operational design do-
12 main”, “manufacturer”, “motor vehicle”, “motor ve-
13 hicle equipment”, “partial driving automation”, and

1 “partially automated vehicle” have the meanings
2 given such terms in section 30102 of title 49, United
3 States Code, as amended by subsection (b).

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

6 (3) PASSENGER MOTOR VEHICLE.—The term
7 “passenger motor vehicle” has the meaning given
8 such term in section 32101 of title 49, United
9 States Code.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (b) MOTOR VEHICLE SAFETY CHAPTER.—Section
13 30102(a) of title 49, United States Code, is amended—

14 (1) by redesignating paragraphs (11), (12), and
15 (13) as paragraphs (18), (19), and (20), respec-
16 tively;

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

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

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

23 (5) by inserting before paragraph (2), as redес-
24 igned, the following:

1 “(1) AUTOMATED DRIVING SYSTEM.—Subject
2 to section 8 of the AV START Act, in describing a
3 Level 3, 4, or 5 automated driving system, the term
4 ‘automated driving system’ means the hardware and
5 software that are collectively capable of performing
6 the entire dynamic driving task on a sustained basis,
7 regardless of whether the system is limited to a spe-
8 cific operational design domain.”;

9 (6) by inserting after paragraph (3), as redesign-
10 nated, the following:

11 “(4) DEDICATED HIGHLY AUTOMATED VEHI-
12 CLE.—The term ‘dedicated highly automated vehicle’
13 means a highly automated vehicle designed to be op-
14 erated exclusively (as defined by the SAE Inter-
15 national standard J3016, published on June 15,
16 2018) by a Level 4 or 5 automated driving system
17 for all trips.”;

18 (7) by inserting after paragraph (6), as redesign-
19 nated, the following:

20 “(7) DYNAMIC DRIVING TASK.—Subject to sec-
21 tion 8 of the AV START Act, the term ‘dynamic
22 driving task’—

23 “(A) except as provided in subparagraph
24 (B), means all of the real time operational and

1 tactical functions required to operate a vehicle
2 in on-road traffic;

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

6 “(C) includes—

7 “(i) lateral vehicle motion control via
8 steering;

9 “(ii) longitudinal vehicle motion con-
10 trol via acceleration and deceleration;

11 “(iii) monitoring the driving environ-
12 ment via object and event detection, rec-
13 ognition, classification, and response prep-
14 aration;

15 “(iv) object and event response execu-
16 tion;

17 “(v) maneuver planning; and

18 “(vi) enhancing conspicuity through
19 lighting, signaling, and gesturing.

20 “(8) HIGHLY AUTOMATED VEHICLE.—The term
21 ‘highly automated vehicle’ means a motor vehicle
22 with a gross vehicle weight of 10,000 pounds or less
23 that is equipped with a Level 3, 4, or 5 automated
24 driving system.”; and

1 (8) by inserting after paragraph (14), as redesi-
2 gnated, the following:

3 “(15) OPERATIONAL DESIGN DOMAIN.—Subject
4 to section 8 of the AV START Act, the term ‘oper-
5 ational design domain’ means the operating condi-
6 tions under which a given driving automation sys-
7 tem, or a feature of such system, is designed to
8 function.

9 “(16) PARTIAL DRIVING AUTOMATION.—The
10 term ‘partial driving automation’ describes a Level 2
11 driving automation system (as defined by SAE
12 International standard J3016, published on June
13 15, 2018).

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

20 **SEC. 3. RELATIONSHIP TO OTHER LAWS.**

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

24 “(3) HIGHLY AUTOMATED VEHICLES.—(A) No State
25 or political subdivision of a State may adopt, maintain,

1 or enforce any law, rule, or standard regulating the design,
2 construction, or performance of a highly automated vehicle
3 or automated driving system with respect to any of the
4 safety evaluation report subject areas described in section
5 30107(b).

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

10 “(C) Consistent with subparagraph (A), nothing in
11 this paragraph may be construed to prohibit a State or
12 political subdivision of a State from adopting, maintain-
13 ing, or enforcing any law, rule, or standard regarding the
14 sale, distribution, repair, or service of highly automated
15 vehicles, automated driving systems, or components of
16 automated driving systems by a dealer, manufacturer, or
17 distributor.

18 “(D) Nothing in this paragraph may be construed to
19 preempt, restrict, or limit a State or a political subdivision
20 of a State from acting as authorized under any other Fed-
21 eral law.

22 “(4) PRESERVATION OF AUTHORITY.—(A) In para-
23 graph (3)(A), the term ‘design, construction, or perform-
24 ance’ shall be interpreted consistent with the Secretary’s
25 authority under section 30111 relating to motor vehicle

1 safety standards, and does not include compliance with the
2 traffic laws or rules of a State or a political subdivision
3 of a State, or the laws or rules of a State or a political
4 subdivision of a State that relate to rules of the road or
5 the operation of motor vehicles.

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

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

11 “(e) STATE LAW LIABILITY.—(1) Compliance with a
12 motor vehicle safety standard prescribed under this chap-
13 ter does not exempt a person from liability at common
14 law.

15 “(2) Nothing in subsection (b)(3) may be construed
16 to exempt a person from liability at common law.

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

22 “(4) LIMITATION ON PREDISPUTE ARBITRATION.—
23 (A) Notwithstanding title 9, no predispute arbitration
24 agreement between a covered entity and a natural person
25 who is not acting as an employee, agent, affiliate, or busi-

1 ness associate of such covered entity at the time of an
2 incident described in clause (i) shall be valid or enforceable
3 with respect to any claim not preempted by subsection
4 (b)(3)—

5 “(i) arising out of or related to the death or
6 bodily injury of a person, including a passenger, by-
7 stander, or road user, related to the operation of an
8 automated driving system;

9 “(ii) seeking to recover damages, including con-
10 sequential or punitive damages to the extent avail-
11 able under applicable law; and

12 “(iii) that arises on or before the effective date
13 of a motor vehicle safety standard applicable to the
14 particular aspect of the design, construction, or per-
15 formance of a highly automated vehicle or an auto-
16 mated driving system upon which the claim is based,
17 except that this paragraph shall not apply to any
18 other claim based upon a particular aspect of the de-
19 sign, construction, or performance of a highly auto-
20 mated vehicle or an automated driving system for
21 which there is not an applicable motor vehicle stand-
22 ard in effect.

23 “(B) The applicability of this paragraph to an agree-
24 ment to arbitrate shall be determined by a court.

25 “(C) In this paragraph:

1 “(i) The term ‘bodily injury’ means a physical
2 injury for which the injured person sought or re-
3 ceived medical treatment.

4 “(ii)(I) The term ‘covered entity’ means any en-
5 tity, that produces, develops, designs, assembles,
6 manufactures, or controls the functions of, regard-
7 less of whether the entity also performs other activi-
8 ties including activities described in subclause
9 (II)(bb), any of the hardware or software that—

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

12 “(bb) is capable (alone or in combination
13 with other equipment) of performing the dy-
14 namic driving task (as defined by SAE Inter-
15 national standard J3016, published on June
16 15, 2018); and

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

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

21 “(aa) includes controlling any of the real
22 time operational or tactical functions necessary
23 to operate a vehicle, such as lateral vehicle mo-
24 tion control, longitudinal vehicle motion control,
25 monitoring the driving environment, object or

1 event response execution, maneuver planning,
2 or enhancing conspicuity through lighting, sig-
3 naling, or gesturing; and

4 “(bb) consistent with the clarification in
5 subclause (I) that engaging in the activities de-
6 scribed in subitems (AA) through (FF) shall
7 not exempt an entity from being a covered enti-
8 ty if the entity otherwise satisfies the definition
9 in that subclause, does not include—

10 “(AA) determining whether to initiate
11 a trip;

12 “(BB) dispatching a vehicle;

13 “(CC) scheduling a trip;

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

16 “(EE) performing repairs or mainte-
17 nance, or downloading or installing soft-
18 ware updates or revisions, in accordance
19 with the specification of the highly auto-
20 mated vehicle or automated driving system
21 manufacturer; or

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

1 “(iii) The term ‘predispute arbitration agree-
2 ment’ means any agreement to arbitrate a dispute
3 that has not arisen at the time of the making of the
4 agreement.”.

5 (c) LICENSING.—A State may not issue a motor vehi-
6 cle operator’s license for the operation or use of a dedi-
7 cated highly automated vehicle in a manner that discrimi-
8 nates on the basis of disability (as defined in section 3
9 of the Americans with Disabilities Act of 1990 (42 U.S.C.
10 12102)).

11 **SEC. 4. EXPEDITED RESOLUTION OF HIGHLY AUTOMATED**
12 **VEHICLES CONFLICTS WITH STANDARDS.**

13 (a) DEFINED TERM.—In this section, the term “safe-
14 ty standard” means a Federal motor vehicle safety stand-
15 ard prescribed under chapter 301 of title 49, United
16 States Code.

17 (b) REFERENCES TO HUMAN DRIVERS.—Not later
18 than 1 year after the date of the enactment of this Act,
19 an entity designated by the Secretary, after consultation
20 with stakeholders, shall prepare and submit a report to
21 the Secretary that identifies each provision, requirement,
22 specification, or procedure in a safety standard with a ref-
23 erence to features of the equipment that—

24 (1) is necessary only for the performance of the
25 dynamic driving task by a human driver;

1 (2) specifies a location or reference point within
2 a vehicle by reference to the position of a human
3 driver; or

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

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

9 (1) IN GENERAL.—In each provision of the re-
10 port prepared under subsection (b) identifying the
11 text of a regulation from a safety standard, a test
12 procedure, or a method for determining compliance
13 with a safety standard, the designated entity shall
14 include—

15 (A) an alternative reference to an auto-
16 mated system that is suitable for assessing,
17 through an objective test procedure, the compli-
18 ance of a dedicated highly automated vehicle, or
19 of a highly automated vehicle operating in auto-
20 mated mode, with the safety standard; or

21 (B) a determination that—

22 (i) the relevant regulatory text applies
23 to features of the motor vehicle equipment
24 that are only necessary for the perform-

1 ance of a dynamic driving task by a human
2 driver; and

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

5 (2) CONDITIONS.—In carrying out paragraph
6 (1), the designated entity—

7 (A) shall ensure that all requirements re-
8 main objective and practicable;

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

11 (C) may specify different references for—

12 (i) dedicated highly automated vehi-
13 cles that are intended for human occu-
14 pancy; and

15 (ii) dedicated highly automated vehi-
16 cles that are not designed, intended, or
17 marketed for human occupancy.

18 (d) RULEMAKING.—

19 (1) COMMENCEMENT.—Not later than 180 days
20 after the date on which the designated entity sub-
21 mits the report under subsection (b), the Secretary
22 shall commence a rulemaking proceeding to incor-
23 porate the report by reference into the relevant safe-
24 ty standards, except as provided in paragraph (3).

1 (2) FINAL RULE.—Not later than 2 years after
2 the designated entity submits the report under sub-
3 section (b), the Secretary shall issue a final rule to
4 incorporate the report by reference into the relevant
5 safety standards, except as provided in paragraph
6 (3).

7 (3) ALTERNATIVE TEXT.—If the Secretary de-
8 termines that 1 or more of the revisions to a regula-
9 tion contained in the report submitted under sub-
10 section (b) is not objective, is not practicable, or
11 does not meet the need for motor vehicle safety, the
12 Secretary shall incorporate alternative regulatory
13 text.

14 (4) INCORPORATION BY REFERENCE.—If the
15 Secretary does not complete the rulemaking pro-
16 ceeding under this subsection within 2 years after
17 the commencement of the rulemaking under para-
18 graph (1), the revisions to regulations contained in
19 the report submitted under subsection (b) shall be
20 incorporated by reference into the relevant safety
21 standards.

22 (e) SAVINGS PROVISION.—Nothing in this section
23 may be construed to prohibit the Secretary from maintain-
24 ing different test procedures for highly automated vehicles
25 that retain the capability to be operated by a human driver

1 when such vehicles are not operating in an automated
2 mode.

3 **SEC. 5. MOTOR VEHICLE TESTING OR EVALUATION.**

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

6 “(10) the introduction of a motor vehicle in
7 interstate commerce solely for purposes of testing,
8 evaluation, or demonstration—

9 “(A) by a manufacturer that—

10 “(i) agrees not to sell or lease, or
11 offer for sale or lease, the motor vehicle at
12 the conclusion of the testing, evaluation, or
13 demonstration;

14 “(ii) has manufactured and distrib-
15 uted into the United States motor vehicles
16 that are certified, or motor vehicle equip-
17 ment utilized in a motor vehicle that is cer-
18 tified, to comply with all applicable Federal
19 motor vehicle safety standards;

20 “(iii) has submitted to the Secretary
21 appropriate manufacturer identification in-
22 formation under part 566 of title 49, Code
23 of Federal Regulations; and

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

4 “(B) of a highly automated vehicle, auto-
5 mated driving system, or component of an auto-
6 mated driving system if—

7 “(i) the testing, evaluation, or dem-
8 onstration of the vehicle is only conducted
9 by employees, agents, or fleet management
10 contractors of the manufacturer of the
11 highly automated vehicle, the automated
12 driving system, or any component of such
13 vehicle or system;

14 “(ii) such manufacturer agrees not to
15 sell or lease, or offer for sale or lease, the
16 highly automated vehicle, automated driv-
17 ing system, or component of an automated
18 driving system at the conclusion of the
19 testing, evaluation, or demonstration;

20 “(iii) such manufacturer has sub-
21 mitted appropriate manufacturer identi-
22 fication information under part 566 of title
23 49, Code of Federal Regulations, if appli-
24 cable, or the similar manufacturer identi-
25 fication information, including—

1 “(I) the name of the manufac-
2 turer, including individual, partner-
3 ship, corporation, or institution of
4 higher education, and a point of con-
5 tact;

6 “(II) the physical address of the
7 manufacturer and the State of incor-
8 poration of the manufacturer, if appli-
9 cable;

10 “(III) a description of each type
11 of motor vehicle used during develop-
12 ment of the highly automated vehicle,
13 automated driving system, or compo-
14 nent of automated driving system
15 manufactured by the manufacturer;
16 and

17 “(IV) proof of insurance for any
18 State in which the manufacturer in-
19 tends to test or evaluate highly auto-
20 mated vehicles; and

21 “(iv) if applicable, the manufacturer
22 has identified an agent for service of proc-
23 ess in accordance with part 551 of title 49,
24 Code of Federal Regulations.”.

1 **SEC. 6. HIGHLY AUTOMATED VEHICLES EXEMPTIONS.**

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

4 (1) in subsection (a)—

5 (A) by striking “(a) DEFINITION.—In this
6 section,” and inserting the following:

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term”;

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

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

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

17 (2) in subsection (b)—

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

20 “(2)(A) The Secretary may begin a proceeding under
21 this subsection when a manufacturer applies for an exemp-
22 tion or a renewal of an exemption. The Secretary shall
23 publish notice of the application and provide an oppor-
24 tunity to comment. An application for an exemption or
25 for a renewal of an exemption shall be filed at such time

1 and in such manner, and contain such information, as re-
2 quired under this section and by the Secretary.

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

11 “(C) Before granting a renewal of an exemption or
12 otherwise increasing the number of highly automated vehi-
13 cles of a manufacturer that may be sold or introduced
14 under a previously granted exemption, or on at least an
15 annual basis, the Secretary shall evaluate the exemption’s
16 impact on motor vehicle safety to ensure compliance with
17 paragraph (3) and any conditions set by the Secretary.”;
18 and

19 (B) in paragraph (3)(B), by amending
20 clause (iv) to read as follows:

21 “(iv) compliance with the standard would pre-
22 vent the manufacturer from selling, introducing, or
23 delivering into interstate commerce a motor vehicle
24 with an overall safety level, occupant protection

1 level, and crash avoidance level at least equal to such
2 levels for nonexempt vehicles.”;

3 (3) by amending subsection (d) to read as fol-
4 lows:

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

11 “(2) Except as provided in paragraph (3), a manufac-
12 turer is eligible for an exemption under clause (ii), (iii),
13 or (iv) of subsection (b)(3)(B) only if the Secretary deter-
14 mines that the exemption is for not more than 2,500 vehi-
15 cles to be sold in the United States in any 12-month pe-
16 riod.

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

21 “(A) during the 12-month period beginning on
22 the date of enactment of the AV START Act, the
23 total number of new exemptions granted per manu-
24 facturer is for not more than 15,000 highly auto-

1 mated vehicles to be sold or introduced into inter-
2 state commerce in the United States;

3 “(B) during the 12-month period immediately
4 following the period described in subparagraph (A),
5 the number of new exemptions granted per manufac-
6 turer is for not more than 40,000 highly automated
7 vehicles to be sold or introduced into interstate com-
8 merce in the United States; and

9 “(C) during any 12-month period following the
10 period described in subparagraph (B), the number of
11 new exemptions granted per manufacturer is for not
12 more than 80,000 highly automated vehicles to be
13 sold or introduced into interstate commerce in the
14 United States.

15 “(4) A manufacturer of a highly automated vehicle
16 may petition the Secretary to expand the limit under para-
17 graph (3)(C) to more than 80,000 highly automated vehi-
18 cles in any 12-month period after the exemption has been
19 in place for 4 years.”;

20 (4) in subsection (e), by inserting “or for not
21 more than 5 years if the vehicle is a highly auto-
22 mated vehicle” before the period at the end; and

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

24 “(i) PROCESS AND ANALYSIS.—

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

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

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

11 “(B) shall be updated if the Secretary con-
12 sideres an update to be necessary.”.

13 (b) SUNSET.—A manufacturer’s eligibility for an ex-
14 emption from a provision, clause, sentence, or paragraph
15 in a motor vehicle safety standard under section
16 30113(d)(2)(B) of title 49, United States Code, as amend-
17 ed by subsection (a), shall end on the earlier of the date
18 that is 10 years after the date of the enactment of this
19 Act or the date on which a standard (except for a standard
20 promulgated under section 4 of this Act) that amends the
21 provision, clause, sentence, or paragraph from which an
22 exemption is sought takes effect, with due consideration
23 for any lead time specified for compliance.

1 **SEC. 7. DUAL USE VEHICLE SAFETY.**

2 (a) IN GENERAL.—Section 30122(b) of title 49,
3 United States Code, is amended—

4 (1) by inserting “(1)” before “A manufac-
5 turer”; and

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

7 “(2) The prohibition under paragraph (1) shall not
8 apply to a manufacturer that intentionally causes a steer-
9 ing wheel, brake or accelerator pedals, a gear shift, or
10 other device or element of design related to the perform-
11 ance of the dynamic driving task by a human driver to
12 be temporarily disabled during the time that an automated
13 driving system is performing the entire dynamic driving
14 task if that vehicle is otherwise in compliance with applica-
15 ble motor vehicle safety standards when the Level 4 or
16 5 automated driving system is engaged and when such sys-
17 tem is not engaged.”.

18 (b) RULEMAKING.—If the Secretary prescribes a reg-
19 ulation, in accordance with section 30122(e) of title 49,
20 United States Code, to exempt manufacturers from the
21 prohibition under section 30122(b)(2) of such title with
22 regard to highly automated vehicles, the amendments
23 under subsection (a) shall cease to have effect on the date
24 on which such regulation becomes effective.

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

3 (a) USE OF SAE INTERNATIONAL'S TAXONOMY AND
4 DEFINITIONS.—The Secretary shall use the taxonomy and
5 definitions for automated driving systems set forth in SAE
6 International standard J3016, published on June 15,
7 2018, for—

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

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

13 (b) REVIEW.—

14 (1) IN GENERAL.—The Secretary—

15 (A) shall review the taxonomy and defini-
16 tions for automated driving systems set forth by
17 SAE International to ensure that such tax-
18 onomy and definitions are clear and objective;
19 and

20 (B) may provide feedback to SAE Inter-
21 national for potential updates.

22 (2) USE OF REVISED STANDARD.—

23 (A) DETERMINATION.—Not later than 120
24 days after SAE International revises the stand-
25 ard referred to in subsection (a), the Secretary,
26 after publishing notice of the revision in the

1 Federal Register, shall determine whether to
2 adopt the revised standard—

3 (i) to identify the various levels of au-
4 tomation for motor vehicles; or

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

8 (B) EFFECT OF DECISION NOT TO ADOPT
9 THE REVISED STANDARD.—If the Secretary de-
10 cides not to adopt the revised standard—

11 (i) the Secretary shall notify SAE
12 International of the Secretary’s decision;
13 and

14 (ii) the definitions referred to in sub-
15 section (a) shall remain in effect.

16 **SEC. 9. HIGHLY AUTOMATED VEHICLE SAFETY EVALUA-**
17 **TION REPORT.**

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

21 **“§ 30107. Highly automated vehicle safety evaluation**
22 **report**

23 “(a) IN GENERAL.—

24 “(1) REQUIREMENT.—Each manufacturer in-
25 troducing a new highly automated vehicle or auto-

1 mated driving system into interstate commerce shall
2 provide a safety evaluation report, in accordance
3 with this section, to certify that the manufacturer is
4 addressing the safety of such vehicle or system
5 through a documented assessment, testing, and vali-
6 dation process.

7 “(2) SUBMISSION.—

8 “(A) INITIAL REPORT.—Each manufac-
9 turer described in paragraph (1) shall submit a
10 report to the Secretary—

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

13 “(ii) not later than 90 days before
14 selling, offering for sale, or otherwise com-
15 mercializing a highly automated vehicle or
16 automated driving system.

17 “(B) ANNUAL UPDATE.—Each manufac-
18 turer described in paragraph (1) shall annually
19 submit, until the highly automated vehicle or
20 automated driving system is no longer being
21 sold, offered for sale, or otherwise introduced
22 into interstate commerce by the manufacturer
23 or until the system is no longer being incor-
24 porated into new motor vehicles by the manu-
25 facturer, an updated report to the Secretary.

1 “(C) ADDITIONAL INFORMATION.—The
2 Secretary may require manufacturers described
3 in paragraph (1) to submit additional or clari-
4 fying information and documentation.

5 “(3) UPDATE INFORMATION.—For each annual
6 update required under paragraph (2)(B), the manu-
7 facturer—

8 “(A) may disclose that no significant
9 changes were made to the vehicle or system;
10 and

11 “(B) shall provide aggregate results—

12 “(i) of any significant safety deviation
13 from expected performance disclosed in
14 previous reports; and

15 “(ii) comparing the safety level of the
16 vehicle or system with a vehicle that is not
17 highly automated and is driven by a
18 human driver.

19 “(4) REVIEW.—The Secretary shall review each
20 report submitted under paragraph (2).

21 “(b) SAFETY EVALUATION REPORT SUBJECT
22 AREAS.—Each report submitted by a manufacturer under
23 subsection (a) shall describe how the manufacturer is ad-
24 dressing, through a documented assessment, testing, and

1 validation process, each of the subject areas described in
2 paragraphs (1) through (9).

3 “(1) SYSTEM SAFETY.—The avoidance of un-
4 reasonable risks to the safety of the automated driv-
5 ing system, including—

6 “(A) assurance that systems, including
7 hardware and software, perform intended func-
8 tions;

9 “(B) the mitigation of unreasonable risks
10 to safety caused by a malfunction of the auto-
11 mated driving system, including any component
12 therein; and

13 “(C) detection, classification, and response
14 to any circumstance or condition relevant to the
15 dynamic driving task within the operational de-
16 sign domain, including sense of objects, motor-
17 cyclists, bicyclists, pedestrians, other road
18 users, and animals in or crossing the path of
19 travel through the automated driving system.

20 “(2) DATA RECORDING.—The collection by the
21 vehicle of automated driving system performance in-
22 formation and incident and crash data—

23 “(A) to record the occurrence of malfunc-
24 tions, disengagements, degradations, or failures;

1 “(B) to aid in the analysis of the cause of
2 any issues described in subparagraph (A), in-
3 cluding by Federal agencies;

4 “(C) to enable efforts to work with other
5 entities; and

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

10 “(3) CYBERSECURITY.—The minimization of
11 cybersecurity risks to safety, including evaluation of
12 elements of the supply chain to identify and address
13 cybersecurity vulnerabilities, and the exchange of in-
14 formation about any vulnerabilities discovered from
15 field incidents, internal testing, or external security
16 research, and mechanisms for alerting the human
17 driver or operator about cyber vulnerabilities.

18 “(4) HUMAN-MACHINE INTERFACE.—

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

22 “(B) For a Level 3 vehicle, the methods to
23 address driver reengagement, which may in-
24 clude driver engagement monitoring to assess

1 driver awareness and readiness to perform the
2 full driving task.

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

6 “(5) CRASHWORTHINESS.—Practicable protec-
7 tion for all occupants given any planned seating po-
8 sitions or interior configurations and, for an unoccu-
9 pied highly automated vehicle, consideration of crash
10 compatibility with other motor vehicles and road
11 users.

12 “(6) CAPABILITIES.—The capabilities and limi-
13 tations of the automated driving system, including a
14 description of the automated driving system and
15 technologies and their associated functions, its ex-
16 pected SAE level, and any exemptions under section
17 30112(b)(11), 30113(b)(3), or 30122(c).

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

22 “(8) APPLICABLE LAWS.—Within the oper-
23 ational design domain, the manner in which the
24 highly automated vehicle or automated driving sys-

1 tem is designed to comply with applicable traffic
2 laws and rules of the road.

3 “(9) AUTOMATION FUNCTION.—

4 “(A) The expected operational design do-
5 main in which the highly automated vehicle or
6 automated driving system is designed to oper-
7 ate, including—

8 “(i) the type of roadway, geographic
9 area, speed range, and environmental and
10 temporal conditions in which the auto-
11 mated driving system is intended to oper-
12 ate;

13 “(ii) any roadway and infrastructure
14 assets required for the operation of the
15 highly automated vehicle or automated
16 driving system, such as roadside equip-
17 ment, pavement markings, signage, and
18 traffic signals; and

19 “(iii) how the highly automated vehi-
20 cle or automated driving system will re-
21 spond if the defined operational design do-
22 main unexpectedly changes.

23 “(B) The expected object and event detec-
24 tion and response capabilities of the automated
25 driving system, including behavioral com-

1 petencies and crash avoidance capability, as de-
2 scribed in paragraph (1)(C).

3 “(C) The ability of the highly automated
4 vehicle or automated driving system to transi-
5 tion to a minimal risk condition when a mal-
6 function is encountered, it is operating in a de-
7 graded state, or it is operating outside of the
8 operational design domain, with consideration
9 of the potential safety risks with the particular
10 fallback strategy, such as whether it requires a
11 human driver or an automated system with or
12 without driver controls or manual override ca-
13 pabilities.

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

18 “(e) CERTIFICATION OF INAPPLICABLE CAT-
19 EGORIES.—A manufacturer that is solely testing a vehicle
20 or system may certify that 1 or more of the categories
21 set forth in subsection (b) do not apply.

22 “(d) PUBLICLY AVAILABLE.—The Secretary shall
23 make any report submitted by a manufacturer under this
24 section publicly available not later than 60 days after re-
25 ceipt, except the Secretary may not make publicly avail-

1 able any information relating to a trade secret or confiden-
2 tial business information, or which is privileged. The man-
3 ufacturer may submit information related to a trade secret
4 or confidential business information separately from the
5 report.

6 “(e) OFFICIAL SIGNATURE.—Each report submitted
7 by an entity under this section shall be reviewed by a sen-
8 ior official of the entity who—

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

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

14 “(f) TERMINATION OF OBLIGATION TO DISCLOSE IN-
15 FORMATION.—

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

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

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

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

6 “(g) RULES OF CONSTRUCTION.—

7 “(1) SUBMISSIONS.—A manufacturer may sub-
8 mit a safety evaluation report for vehicles introduced
9 into interstate commerce before the date of the en-
10 actment of the AV START Act.

11 “(2) SAVINGS PROVISIONS.—

12 “(A) Nothing in this section may be con-
13 strued—

14 “(i) to amend or limit the authority of
15 the Secretary, or prohibit the use of the in-
16 formation included in the report under this
17 chapter; or

18 “(ii) to affect discovery, subpoena,
19 other court order, or any other judicial
20 process otherwise allowed under applicable
21 Federal or State law.

22 “(B) The Secretary may not condition the
23 manufacture, testing, sale, offer for sale, or in-
24 troduction into interstate commerce of a highly
25 automated vehicle or automated driving system

1 based on a review of a safety evaluation report
2 or additional information submitted under this
3 section.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 301 of title 49, United States Code, is amended by
6 inserting after the item relating to section 30106 the fol-
7 lowing:

“30107. Highly automated vehicle safety evaluation report.”.

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

11 (d) CIVIL PENALTIES; FALSE OR MISLEADING RE-
12 PORTS.—Section 30165(a) of title 49, United States Code,
13 is amended—

14 (1) in paragraph (1), by inserting
15 “30107(a)(2),” after “section”; and

16 (2) in paragraph (4), by inserting “or under the
17 certification process established pursuant to section
18 30107(e)” after “30166(o)”.

19 **SEC. 10. HIGHLY AUTOMATED VEHICLES RULEMAKING.**

20 (a) IN GENERAL.—Subchapter II of chapter 301 of
21 title 49, United States Code, is amended by adding at the
22 end the following:

23 **“§ 30129. Updated or new motor vehicle safety stand-**
24 **ards for highly automated vehicles**

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

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

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

12 “(B) to issue motor vehicle safety stand-
13 ards or other regulations to address each of the
14 safety evaluation report subject areas described
15 in section 30107(b).

16 “(2) INCLUSION OF PRIORITIES.—The plan re-
17 quired under paragraph (1) shall describe the overall
18 priorities of the National Highway Traffic Safety
19 Administration, including—

20 “(A) priorities with respect to highly auto-
21 mated vehicles; and

22 “(B) priorities with respect to other safety
23 initiatives of the Administration, in order to
24 meet the Nation’s motor vehicle safety chal-
25 lenges.

1 “(3) UPDATES TO SAFETY PRIORITY PLAN.—

2 “(A) IN GENERAL.—The Secretary may
3 change the priorities set forth in the safety pri-
4 ority plan referred to in paragraph (1) at any
5 time to address matters the Secretary considers
6 of greater priority.

7 “(B) PREPARATION; SUBMISSION; AND
8 PUBLICATION.—If the Secretary determines
9 that the safety priority plan needs to be up-
10 dated, the Secretary shall—

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

13 “(ii) submit such updated plan to the
14 Committee on Commerce, Science, and
15 Transportation of the Senate and the
16 Committee on Energy and Commerce of
17 the House of Representatives; and

18 “(iii) make such updated plan avail-
19 able to the Highly Automated Vehicles
20 Technical Subcommittee established under
21 section 11(f)(1)(A) of the AV START Act.

22 “(b) RULEMAKING.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 not later than 1 year after the receipt of the rec-
25 ommendations from the Technical Subcommittee

1 under section 11(f)(1)(E) of the AV START Act,
2 the Secretary shall initiate a rulemaking proceeding
3 in accordance with the rulemaking and safety pri-
4 ority plan required in subsection (a).

5 “(2) REVIEW OF RECOMMENDATIONS.—The
6 Secretary shall review the recommendations sub-
7 mitted by the Technical Subcommittee under section
8 11(f)(1)(E) of the AV START Act to determine
9 which recommendations should be included in the
10 rulemaking proceeding under paragraph (1), based
11 on an identified need for motor vehicle safety and
12 feasibility.

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

16 “(1) the Secretary shall review each safety eval-
17 uation report subject area described in section
18 30107(b) to determine if—

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

22 “(B) if adopting a standard applicable to
23 the subject area would not improve motor vehi-
24 cle safety; and

1 “(2) if the Secretary makes a determination
2 under paragraph (1), the Secretary shall submit a
3 report to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Energy and Commerce of the House of Representa-
6 tives that includes—

7 “(A) an explanation for why such rule-
8 making cannot be completed;

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

11 “(C) any recommendations for potential
12 legislative changes.

13 “(d) SENSE OF CONGRESS.—It is the Sense of Con-
14 gress that—

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

17 “(2) new Federal safety standards governing
18 such vehicles should be promulgated without unrea-
19 sonable delay.

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

22 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to restrict the authority of the Sec-
24 retary under section 30111. Any Federal motor vehicle

1 safety standard adopted pursuant to this section shall
2 meet the requirements under section 30111.”.

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

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

7 **SEC. 11. HIGHLY AUTOMATED VEHICLES ADVISORY COUN-**
8 **CIL.**

9 (a) ESTABLISHMENT.—Subject to the availability of
10 appropriations, not later than 6 months after the date of
11 the enactment of this Act, the Secretary of Transportation
12 shall establish, in the National Highway Traffic Safety
13 Administration, a Highly Automated Vehicle Advisory
14 Council (referred to in this section as the “Advisory Coun-
15 cil”). The Advisory Council shall replace the Advisory
16 Committee on Automation in Transportation, which was
17 established in 2016 pursuant to section 9(a)(2) of the
18 Federal Advisory Committee Act (5 U.S.C. App.).

19 (b) MEMBERSHIP.—The Advisory Council shall be
20 composed of a diverse group representative of business,
21 academia and independent researchers, State and local au-
22 thorities, safety and consumer advocates, engineers, labor
23 organizations, environmental experts, a representative of

1 the National Highway Traffic Safety Administration, and
2 other members the Secretary determines are appropriate.

3 (c) TERMS.—Members of the Advisory Council shall
4 be appointed by the Secretary of Transportation and shall
5 serve for a term of 3 years.

6 (d) VACANCIES.—Any vacancy occurring in the mem-
7 bership of the Advisory Council shall be filled in the same
8 manner as the original appointment for the position being
9 vacated. The vacancy shall not affect the power of the re-
10 maining members to execute the duties of the Advisory
11 Council.

12 (e) DUTIES.—The Advisory Council shall study issues
13 regarding—

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

20 (2) mobility access for senior citizens and popu-
21 lations underserved by traditional public transpor-
22 tation services and educational outreach efforts with
23 respect to the testing and distribution of highly
24 automated vehicles in commerce;

1 (3) cybersecurity for the testing, deployment,
2 and updating of automated driving systems with re-
3 spect to supply chain risk management, interactions
4 with Information Sharing and Analysis Centers and
5 Information Sharing and Analysis Organizations,
6 and a framework for identifying and implementing
7 recalls of motor vehicles or motor vehicle equipment;

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

19 (5) labor and employment issues that may be
20 affected by the deployment of highly automated vehi-
21 cles;

22 (6) the environmental impacts of the deploy-
23 ment of highly automated vehicles, and the develop-
24 ment and deployment of alternative fuel infrastruc-

1 ture alongside the development and deployment of
2 highly automated vehicles;

3 (7) protection of consumer privacy and security
4 of information collected by highly automated vehi-
5 cles;

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

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

21 (10) independent verification and validation
22 procedures for highly automated vehicles that may
23 be useful to safeguard motor vehicle safety; and

24 (11) any other issue the Secretary considers ap-
25 propriate.

1 (f) SUBCOMMITTEES.—

2 (1) HIGHLY AUTOMATED VEHICLES TECHNICAL
3 SUBCOMMITTEE.—

4 (A) ESTABLISHMENT.—Not later than 180
5 days after the date of the enactment of this
6 Act, the Secretary shall establish a Highly
7 Automated Vehicles Technical Subcommittee
8 (referred to in this section as the “Technical
9 Subcommittee”) to provide a forum for stake-
10 holders to discuss, prioritize, and make tech-
11 nical recommendations for highly automated ve-
12 hicle and automated driving system safety.

13 (B) SECRETARY’S AGENDA.—

14 (i) IN GENERAL.—The Secretary shall
15 consult with the Technical Subcommittee,
16 as appropriate, on highly automated vehi-
17 cle safety matters, including the develop-
18 ment and implementation of relevant poli-
19 cies, programs, and rulemaking.

20 (ii) AGENDA.—The Secretary shall
21 present the rulemaking and safety priority
22 plan required under section 30129(a) of
23 title 49, United States Code, to the Tech-
24 nical Subcommittee to serve as its agenda.
25 The Secretary may regularly provide rec-

1 ommendations to guide the Technical Sub-
2 committee in its efforts to develop tech-
3 nical recommendations to benefit and com-
4 plement Department of Transportation ef-
5 forts.

6 (C) MEMBERSHIP.—

7 (i) VOTING MEMBERS.—The Sec-
8 retary—

9 (I) shall appoint 15 voting mem-
10 bers to the Technical Subcommittee
11 who—

12 (aa) are specially qualified
13 to serve on the Technical Sub-
14 committee because of their tech-
15 nical knowledge of automated
16 driving systems, vehicle-to-vehicle
17 infrastructure systems, or the im-
18 pact of such systems on Federal
19 motor vehicle safety standards;
20 and

21 (bb) shall include at least 1
22 representative from—

23 (AA) SAE Inter-
24 national;

1 (BB) automated vehicle
2 proving grounds;

3 (CC) a highly auto-
4 mated vehicle or automated
5 driving system manufac-
6 turer;

7 (DD) academia;

8 (EE) a safety organiza-
9 tion;

10 (FF) a State or local
11 government agency; and

12 (GG) another organiza-
13 tion directly or indirectly im-
14 pacted by NHTSA regula-
15 tions; and

16 (II) may appoint new members to
17 the Technical Subcommittee at any
18 time.

19 (ii) NONVOTING MEMBER.—The Sec-
20 retary shall appoint a representative of the
21 National Transportation Safety Board to
22 serve as a nonvoting advisory member of
23 the Technical Subcommittee.

24 (iii) CHAIRPERSON.—The Secretary,
25 or the Secretary's designee—

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1 (I) shall act as Chairperson of
2 the Technical Subcommittee; and

3 (II) will not have voting rights on
4 the Technical Subcommittee, except to
5 break a tie.

6 (D) DUTIES.—

7 (i) RECOMMENDATIONS.—The Tech-
8 nical Subcommittee shall provide con-
9 sensus-based recommendations to the Sec-
10 retary regarding rulemaking, policy, and
11 guidance with respect to highly automated
12 vehicle safety, including—

13 (I) the identification and creation
14 of performance standards; and

15 (II) the harmonization of na-
16 tional highly automated vehicle safety
17 standards with international stand-
18 ards.

19 (ii) SCOPE.—The Technical Sub-
20 committee shall study issues relating to
21 highly automated vehicles, including—

22 (I) system safety;

23 (II) automation function safety,
24 including—

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1 (aa) object and event detec-
2 tion, classification, and response;
3 and

4 (bb) fallback strategies, in-
5 cluding strategies involving a
6 human driver, or in the event of
7 no human driver, controls or
8 manual override capabilities;

9 (III) automated steering and
10 braking;

11 (IV) crashworthiness for vehicles
12 with unconventional seating positions
13 or vehicles not intended for human oc-
14 cupancy, including safety of occu-
15 pants, other drivers, pedestrians,
16 roadside personnel, bicyclists, motor-
17 cyclists, and other road users ;

18 (V) event data recording;

19 (VI) vehicle communication with
20 roadway and infrastructure assets, in-
21 cluding pavement markings, signage,
22 and traffic signals;

23 (VII) accessibility for people with
24 physical, sensory, or other disabilities,

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1 including for those who rely on mobil-
2 ity devices;

3 (VIII) potential conflicts with ex-
4 isting Federal motor vehicle safety
5 standards; and

6 (IX) any other issue the Sec-
7 retary considers appropriate, includ-
8 ing—

9 (aa) issues covered by the
10 highly automated vehicle safety
11 evaluation report subject areas
12 under section 9;

13 (bb) the Rulemaking and
14 Safety Priority Plan required
15 under section 30129(a) of title
16 49, United States Code; and

17 (cc) safeguards against mis-
18 use.

19 (iii) SUPPORT.—The Office of Rule-
20 making and the Office of Vehicle Safety
21 Research of the National Highway Traffic
22 Safety Administration shall provide sup-
23 port services to the Technical Sub-
24 committee.

1 (iv) MEETINGS.—The Technical Sub-
2 committee shall meet not less frequently
3 than 4 times per year.

4 (E) RECOMMENDATIONS FOR HIGHLY
5 AUTOMATED VEHICLES.—

6 (i) IN GENERAL.—On a periodic basis,
7 the Technical Subcommittee shall release
8 recommendations on voluntary standards
9 regarding highly automated vehicle safety.

10 (ii) REPORT.—Not later than 5 years
11 after the date of the enactment of this Act,
12 the Technical Subcommittee shall submit a
13 report to the Secretary containing rec-
14 ommendations of consensus-based, feasible,
15 and objective standards to the Secretary
16 for potential rulemaking governing highly
17 automated vehicles that meet the need for
18 motor vehicle safety.

19 (iii) TERMINATION.—The Technical
20 Subcommittee shall terminate upon the
21 submission of the final report required
22 under clause (ii).

23 (2) DISABILITY AND LIMITED MOBILITY ACCESS
24 SUBCOMMITTEE.—

1 (A) ESTABLISHMENT.—Not later than 180
2 days after the date of the enactment of this
3 Act, the Secretary shall establish a Disability
4 and Limited Mobility Access Subcommittee to
5 develop voluntary best practices regarding high-
6 ly automated vehicle accessibility for people
7 with physical, sensory, or other disabilities, in-
8 cluding for those who rely on mobility devices.

9 (B) BEST PRACTICES.—The best practices
10 referred to in subparagraph (A) shall address
11 the physical accessibility of highly automated
12 vehicles and human-machine interface accessi-
13 bility through visual, auditory, or haptic dis-
14 plays or other methods.

15 (C) MEMBERSHIP.—The subcommittee es-
16 tablished under subparagraph (A) shall include
17 representatives from national organizations rep-
18 resenting individuals with disabilities and older
19 adults.

20 (3) CONSUMER EDUCATION SUBCOMMITTEE.—

21 (A) ESTABLISHMENT.—Not later than 180
22 days after the date of the enactment of this
23 Act, the Secretary shall establish a Consumer
24 Education Subcommittee to focus on respon-
25 sible consumer education efforts to advance the

1 safety of highly automated vehicles and vehicles
2 that perform partial driving automation.

3 (B) DUTIES.—The subcommittee estab-
4 lished under subparagraph (A) shall—

5 (i) identify effective methods and ter-
6 minology for informing consumers for each
7 highly automated vehicle or vehicle that
8 performs partial driving automation about
9 the capabilities and limitations of that ve-
10 hicle, including whether that information is
11 based on or includes the terminology as de-
12 fined by SAE International standard
13 J3016, published June 15, 2018;

14 (ii) identify recommended education
15 and responsible marketing strategies and
16 programs that may be voluntarily employed
17 by industry to inform consumers, vehicle
18 owners and operators, and other stake-
19 holders about advanced driver assistance
20 systems, automated driving systems, and
21 partial driving automation as such tech-
22 nologies become available or are soon to be
23 introduced into interstate commerce;

24 (iii) identify recommended education
25 and responsible marketing strategies that

1 may be voluntarily employed by industry to
2 inform consumers on the comparative safe-
3 ty of highly automated vehicle and non-
4 highly automated vehicles driven by human
5 with respect to crashes, fatalities, and
6 other injuries (if known); and

7 (iv) submit a report to the Secretary
8 containing the findings and recommenda-
9 tions of the subcommittee.

10 (C) CONSIDERATIONS.—The subcommittee
11 established under subparagraph (A) shall con-
12 sider topics pertaining to—

13 (i) intent, capabilities, and limitations
14 of advanced driver assistance systems and
15 automated driving systems;

16 (ii) engagement and disengagement
17 methods, including methods to monitor
18 and address driver engagement in lower
19 levels of automation;

20 (iii) human-machine interfaces;

21 (iv) emergency fallback scenarios;

22 (v) operational boundary responsibil-
23 ities;

24 (vi) response in the event of a crash
25 or system failure;

1 (vii) potential mechanisms that could
2 change function behavior in service;

3 (viii) consistent nomenclature and tax-
4 onomy for safety features and systems;
5 and

6 (ix) disclosure of automated driving
7 system practices pertaining to consumer
8 data collection, privacy, and data owner-
9 ship.

10 (D) MEMBERSHIP.—

11 (i) IN GENERAL.—The Secretary shall
12 appoint, as members of the subcommittee
13 established under subparagraph (A), indi-
14 viduals with expertise in automated driving
15 systems and driver assistance systems, in-
16 cluding—

17 (I) representatives of—

18 (aa) motor vehicle manufac-
19 turers;

20 (bb) manufacturers of auto-
21 mated driving systems and driver
22 assistance systems (including
23 components);

24 (cc) motor vehicle dealers;

- 1 (dd) motor vehicle owners
2 and operators, including fleet
3 managers, vehicle rental compa-
4 nies, and transportation network
5 companies;
- 6 (ee) consumers or consumer
7 advocacy groups;
- 8 (ff) automated vehicle prov-
9 ing grounds;
- 10 (gg) public health organiza-
11 tions;
- 12 (hh) marketing profes-
13 sionals;
- 14 (ii) entities with national ex-
15 perience in consumer education,
16 including drivers' education;
- 17 (jj) safety organizations;
- 18 (kk) enabling technology
19 companies; and
- 20 (ll) national cross disability
21 organizations and national orga-
22 nizations representing older
23 adults; and
- 24 (II) any other members the Sec-
25 retary considers appropriate.

1 (ii) CONSULTATION.—The Secretary
2 shall consult with the Federal Trade Com-
3 mission about the recommendations of the
4 subcommittee, as appropriate.

5 (E) TERMINATION.—The subcommittee es-
6 tablished under subparagraph (A) shall termi-
7 nate on the date that is 2 years after the date
8 on which the subcommittee is established.

9 (4) HAV DATA ACCESS ADVISORY SUB-
10 COMMITTEE.—

11 (A) ESTABLISHMENT.—Not later than 180
12 days after the date of the enactment of this
13 Act, the Secretary shall establish the HAV
14 Data Access Advisory Subcommittee to provide
15 a forum for stakeholders to discuss and make
16 policy recommendations to Congress with re-
17 spect to the ownership of, control of, or access
18 to, information or data that vehicles collect,
19 generate, record, or store in an electronic form
20 that is retrieved from a highly automated vehi-
21 cle or automated driving system.

22 (B) MEMBERSHIP.—

23 (i) VOTING MEMBERS.—The sub-
24 committee established under subparagraph
25 (A) shall be composed of—

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1 (I) the Secretary or the Sec-
2 retary's designee;

3 (II) the Chairman of the Federal
4 Trade Commission or the Chairman's
5 designee;

6 (III) a representative of State
7 governments;

8 (IV) a representative of local gov-
9 ernments;

10 (V) a representative of metropoli-
11 tan planning organizations;

12 (VI) a representative of transit
13 agencies;

14 (VII) a representative of law en-
15 forcement;

16 (VIII) a representative of highly
17 automated vehicle manufacturers;

18 (IX) a representative of highly
19 automated vehicle equipment manu-
20 facturers;

21 (X) a representative of highly
22 automated vehicle dealers;

23 (XI) a representative of
24 aftermarket parts manufacturers, dis-
25 tributors, and retailers;

1 (XII) a representative of inde-
2 pendent vehicle repairers;

3 (XIII) a representative of con-
4 sumer safety advocates with privacy
5 expertise;

6 (XIV) a representative of con-
7 sumer safety advocates with safety ex-
8 pertise;

9 (XV) a representative of property
10 and casualty insurers;

11 (XVI) a representative of long-
12 term motor vehicle fleet leasing and
13 management companies or profes-
14 sionals;

15 (XVII) a representative of short-
16 term motor vehicle fleet management
17 or rental companies;

18 (XVIII) a representative of mo-
19 bility on demand companies; and

20 (XIX) a representative of motor
21 coach and tour bus owners.

22 (ii) NONVOTING MEMBERS.—The Sec-
23 retary may allow additional interested
24 stakeholders to attend and participate in
25 the activities of the subcommittee estab-

1 lished under subparagraph (A) as non-
2 voting members.

3 (C) MEETINGS.—The subcommittee estab-
4 lished under subparagraph (A) shall meet not
5 less frequently than 4 times per year.

6 (D) REPORT.—

7 (i) IN GENERAL.—Not later than 2
8 years after the establishment of the sub-
9 committee under subparagraph (A), the
10 subcommittee shall submit a report to the
11 Committee on Commerce, Science, and
12 Transportation of the Senate and the
13 Committee on Energy and Commerce of
14 the House of Representatives that—

15 (I) contains recommendations,
16 supported by at least $\frac{2}{3}$ of all voting
17 members, regarding—

18 (aa) the ownership of, con-
19 trol of, or access to, information
20 or data that vehicles collect, gen-
21 erate, record, or store in an elec-
22 tronic form that is retrieved from
23 a highly automated vehicle or
24 automated driving system;

1 (bb) an owner's or registered
2 user's personally identifiable in-
3 formation;

4 (cc) vehicle-generated data;
5 and

6 (dd) vehicle interface capa-
7 bility; and

8 (II) may include minority views,
9 if applicable.

10 (ii) CONSIDERATIONS.—When making
11 any policy recommendations under clause
12 (i), the subcommittee shall give appro-
13 priate consideration to motor vehicle safe-
14 ty, intellectual property protections, com-
15 pliance with requirements under subtitle
16 VI of title 49, United States Code (49
17 U.S.C. 30101 et seq.), customer privacy,
18 cybersecurity, confidential business infor-
19 mation related to the mechanical or com-
20 puter systems of such vehicles, public safe-
21 ty, and transportation planning.

22 (E) SUPPORT.—The Office of Rulemaking
23 of the National Highway Traffic Safety Admin-
24 istration and the Bureau of Consumer Protec-
25 tion of the Federal Trade Commission shall

1 provide support services to the subcommittee
2 established under subparagraph (A).

3 (F) FEDERAL REGULATION OF HAV DATA
4 ACCESS.—

5 (i) TEMPORARY RULEMAKING RE-
6 STRICTION.—No department or adminis-
7 trative agency of the Federal Government
8 may promulgate any regulation with re-
9 spect to the ownership of, control of, or ac-
10 cess to, information or data stored by, or
11 generated by, a highly automated vehicle
12 or automated driving system before the re-
13 port required under subparagraph (D) is
14 submitted to Congress.

15 (ii) SAVINGS PROVISIONS.—Nothing
16 in this subsection may be construed—

17 (I) to prevent the Federal Gov-
18 ernment from carrying out its respon-
19 sibilities under the Driver Privacy Act
20 of 2015 (49 U.S.C. 30101 note); or

21 (II) to alter any existing author-
22 ity under section 30166 of title 49,
23 United States Code, regarding the
24 Secretary's access to information
25 stored or generated by highly auto-

1 mated vehicles or automated driving
2 systems.

3 (G) TERMINATION.—The subcommittee es-
4 tablished under subparagraph (A) shall termi-
5 nate upon the submission of the report required
6 under subparagraph (D).

7 (5) ADDITIONAL SUBCOMMITTEES.—The Sec-
8 retary may form subcommittees, as needed, to un-
9 dertake information gathering activities, develop
10 technical advice, and present best practices or rec-
11 ommendations to the Secretary regarding specific
12 issues described in subsection (e).

13 (g) AVAILABILITY OF REPORTS.—Recommendations
14 and reports of the Advisory Council and subcommittees
15 established under subsection (f)—

16 (1) shall also be submitted to the Committee on
17 Commerce, Science, and Transportation of the Sen-
18 ate and the Committee on Energy and Commerce of
19 the House of Representatives; and

20 (2) shall be made publicly available.

21 (h) FEDERAL ADVISORY COMMITTEE ACT.—The es-
22 tablishment and operation of the Advisory Council and
23 any subcommittee of the Advisory Council shall conform
24 to the requirements of the Federal Advisory Committee
25 Act (5 U.S.C. App.), except for section 14 of such Act.

1 (i) TECHNICAL ASSISTANCE.—Upon the request of
2 the Advisory Council, the Secretary shall provide such
3 technical assistance to the Advisory Council as the Sec-
4 retary determines is necessary to carry out the Advisory
5 Council’s duties.

6 (j) DETAIL OF FEDERAL EMPLOYEES.—Upon the re-
7 quest of the Advisory Council, the Secretary may detail,
8 with or without reimbursement, any of the personnel of
9 the Department of Transportation to the Advisory Council
10 to assist the Advisory Council in carrying out its duties.
11 Any detail under this subsection shall not interrupt or oth-
12 erwise affect the civil service status or privileges of the
13 detailed Federal employee.

14 (k) PAYMENT AND EXPENSES.—Members of the Ad-
15 visory Council and the subcommittees established under
16 subsection (f) shall serve without pay.

17 (l) TERMINATION.—The Advisory Council shall ter-
18minate on the date that is 6 years after the date of the
19 enactment of this Act.

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

23 Not later than 3 years after the date of the enact-
24 ment of this Act, on review of the recommendations of
25 the Consumer Education Subcommittee under section

1 11(f)(3), the Secretary shall initiate a rulemaking pro-
2 ceeding to require manufacturers to inform consumers of
3 the capabilities and limitations of a vehicle's driving auto-
4 mation system or feature for any highly automated vehicle
5 or any vehicle that performs partial driving automation.

6 **SEC. 13. TRAFFIC SAFETY AND LAW ENFORCEMENT.**

7 (a) RESEARCH.—The Secretary, in coordination with
8 State and local transportation and highway safety entities,
9 State and local law enforcement entities, and other rel-
10 evant parties, including civil liberties and cybersecurity ex-
11 perts with respect to paragraph (2), shall research the
12 traffic safety implications of highly automated vehicles, in-
13 cluding—

14 (1) the intersection of conventional and highly
15 automated vehicles; and

16 (2) law enforcement impacts, including—

17 (A) enforcing applicable laws;

18 (B) identifying whether a vehicle was in
19 automated mode at the time of a crash;

20 (C) lawfully accessing crash data; and

21 (D) determining how a highly automated
22 vehicle may respond to law enforcement, includ-
23 ing the role and rights of any highly automated
24 vehicle passengers.

1 (b) COORDINATION OF SAFETY.—The Secretary, in
2 coordination with State, local, and law enforcement agen-
3 cies, may develop a process for State and local entities
4 to provide information, on a voluntary basis, to the Sec-
5 retary to assist the Department of Transportation in iden-
6 tifying defects related to motor vehicle safety of highly
7 automated vehicles.

8 (c) CRASH DATA.—

9 (1) IN GENERAL.—Not later than 3 years after
10 the date of the enactment of this Act, the Secretary
11 shall revise the crash investigation data collection
12 system to include the collection of crash report data
13 elements that distinguish whether the vehicle in-
14 volved in a crash is a highly automated vehicle or a
15 vehicle performing partial driving automation, in-
16 cluding the level of automation and whether the
17 automated driving features were engaged at the time
18 of a crash.

19 (2) COORDINATION.—In carrying out para-
20 graph (1), the Secretary may coordinate with States
21 to update the Model Minimum Uniform Crash Cri-
22 teria to provide guidance to the States on the collec-
23 tion of information.

1 **SEC. 14. CYBERSECURITY.**

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

5 **“§ 30108. Cybersecurity risks to the safety of highly**
6 **automated vehicles**

7 “(a) DEFINED TERM.—In this section, the term ‘cy-
8 bersecurity incident’ has the meaning given the term ‘sig-
9 nificant cyber incident’ in Presidential Policy Directive 41
10 (PPD–41), dated July 26, 2016.

11 “(b) CYBERSECURITY PLAN.—

12 “(1) IN GENERAL.—Each manufacturer of a
13 highly automated vehicle or automated driving sys-
14 tem shall develop, maintain, and execute a written
15 plan for identifying and reducing cybersecurity risks
16 to the motor vehicle safety of such vehicles and sys-
17 tems.

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

20 “(A) the risk-based prioritized identifica-
21 tion and protection of safety-critical vehicle con-
22 trol systems and the broader transportation
23 ecosystem, as applicable;

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

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

3 “(D) the institutionalization of methods
4 for the accelerated adoption of lessons learned
5 across industry through voluntary exchange of
6 information pertaining to cybersecurity inci-
7 dents, threats, and vulnerabilities, including the
8 consideration of a coordinated cybersecurity
9 vulnerability disclosure policy or other related
10 practices for collaboration with third-party cy-
11 bersecurity researchers;

12 “(E) the identification of the point of con-
13 tact of the manufacturer with responsibility for
14 the management of cybersecurity;

15 “(F) the evaluation of elements of the sup-
16 ply chain to identify and address cybersecurity
17 vulnerabilities;

18 “(G) the use of segmentation and isolation
19 techniques in vehicle architecture design, as ap-
20 propriate;

21 “(H) employee training on the implementa-
22 tion of and compliance with the requirements
23 under this paragraph; and

24 “(I) considering consistency and alignment
25 with the cybersecurity risk management ap-

1 proach described in section 2(e) of the National
2 Institute of Standards and Technology Act (15
3 U.S.C. 272(e)) or international consensus cy-
4 bersecurity standards.

5 “(3) INSPECTION.—The Secretary may inspect
6 any cybersecurity plan developed by a manufacturer
7 under this subsection to enable the Secretary to de-
8 cide whether the manufacturer has complied, or is
9 complying, with this chapter or a regulation pre-
10 scribed or order issued pursuant to this chapter.

11 “(4) PROTECTIONS FOR DISCLOSURE.—Each
12 manufacturer required to develop, maintain, and
13 execute a plan under paragraph (1) shall develop a
14 summary of the plan that is suitable for public dis-
15 closure and disclose such summary to the public.

16 “(c) COORDINATED CYBERSECURITY VULNER-
17 ABILITY DISCLOSURE.—The Secretary may work coopera-
18 tively with manufacturers of highly automated vehicles
19 and automated driving systems to incentivize manufactur-
20 ers to voluntarily adopt a coordinated vulnerability disclo-
21 sure policy and practice in which a security researcher pri-
22 vately discloses information related to a discovered vulner-
23 ability to a manufacturer and allows the manufacturer
24 time to confirm and remediate the vulnerability—

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

4 “(2) to discover and mitigate cybersecurity
5 vulnerabilities in highly automated vehicles or auto-
6 mated driving systems that present a risk to motor
7 vehicle safety (as defined in section 30102).

8 “(d) COORDINATION.—All Federal agencies under-
9 taking research on cybersecurity risks associated with
10 highly automated vehicles shall coordinate with the Sec-
11 retary on their findings.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 301 of title 49, United States Code, is amended by
14 inserting after the item relating to section 30107, as
15 added by section 9(b), the following:

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

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

19 **SEC. 15. DATA STUDY ON REMOVAL OF PERSONAL DATA**
20 **FROM VEHICLE INFORMATION SYSTEMS.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Comptroller General of
23 the United States shall conduct a study of the tech-
24 nologies currently available to remove data that may
25 be personally identifiable or attributable to an indi-

1 vidual from used motor vehicles upon their sale to
2 a new owner or from leased or rented vehicles at the
3 completion of the lease or rental contract.

4 (2) UNIFORM DATA REMOVAL APPROACH.—The
5 study conducted under paragraph (1) shall assess
6 the feasibility of adopting a uniform and simple ap-
7 proach across vehicle brands for the removal of data
8 described in paragraph (1) when a vehicle is sold or
9 a lease or rental ends.

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

13 (A) vehicle manufacturers;

14 (B) consumer groups;

15 (C) vehicle dealers, including representa-
16 tives of the vehicle leasing and vehicle rental in-
17 dustry; and

18 (D) other stakeholders.

19 (b) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Comptroller General of
21 the United States shall submit a report to the Committee
22 on Commerce, Science, and Transportation of the Senate
23 and the Committee on Energy and Commerce of the
24 House of Representatives that contains the result of the

1 study conducted under subsection (a), including rec-
2 ommendations regarding—

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

5 (2) legislative action that the Comptroller Gen-
6 eral may consider prudent and practicable for facili-
7 tating the consistent removal of data described in
8 paragraph (1).

9 **SEC. 16. CYBERSECURITY CONSUMER EDUCATION INFOR-**
10 **MATION.**

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

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

17 (2) ensure that the resources developed under
18 paragraph (1) are available to and readily accessible
19 by the public on the website of the National High-
20 way Traffic Safety Administration.

21 (b) **PERIODIC UPDATES.**—The Secretary shall peri-
22 odically update the resources developed under subsection
23 (a).

24 (c) **CONSULTATION.**—In developing the resources
25 under subsection (a), the Secretary shall consult with

1 motor vehicle industry representatives, safety organiza-
2 tions, security researchers, the National institute of
3 Standards and Technology, and State and local govern-
4 ment agencies that are directly or indirectly affected by
5 this Act.

6 **SEC. 17. PROVISION OF CYBERSECURITY RESOURCE IN-**
7 **FORMATION.**

8 Manufacturers of passenger motor vehicles shall in-
9 clude information directing consumers to the cybersecurity
10 resources developed by the Secretary under section 16 in
11 motor vehicle owners' manuals or on the manufacturer's
12 website that is publicly available and accessible to con-
13 sumers.

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

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of enactment of this Act, the Secretary shall initiate
17 a study on the existing and future impacts of highly auto-
18 mated vehicles to transportation infrastructure, mobility,
19 the environment, and fuel consumption, including impacts
20 on—

- 21 (1) the Interstate System (as defined in section
22 101(a) of title 23, United States Code);
23 (2) urban areas;
24 (3) rural areas;
25 (4) transit systems;

- 1 (5) corridors with heavy traffic congestion;
- 2 (6) energy consumption and dependence;
- 3 (7) the connection between automated driving
- 4 systems and fuel consumption and emissions;
- 5 (8) transportation systems optimization;
- 6 (9) the role of vehicle-to-vehicle and vehicle-to-
- 7 infrastructure communications in transportation en-
- 8 ergy use;
- 9 (10) vehicle drivetrain selection and perform-
- 10 ance;
- 11 (11) congestion, crash avoidance, and emissions
- 12 implications for States and localities; and
- 13 (12) any other areas or issues that the Sec-
- 14 retary determines to be appropriate.

15 (b) CONTENTS OF STUDY.—The study under sub-

16 section (a) shall include specific recommendations regard-

17 ing the impacts of highly automated vehicles on—

- 18 (1) existing transportation system capacity;
- 19 (2) vehicle miles traveled;
- 20 (3) vehicle emissions;
- 21 (4) public transit and multimodal use;
- 22 (5) energy consumption and dependence; and
- 23 (6) land use.

24 (c) CONSIDERATIONS.—In carrying out the study

25 under this section, the Secretary shall—

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

4 (2) include a discussion of—

5 (A) the impacts that highly automated ve-
6 hicles will place on existing transportation in-
7 frastructure, including signage and markings,
8 traffic lights, and highway capacity and design;

9 (B) the implications of shared fleet and al-
10 ternative vehicle ownership models;

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

13 (D) infrastructure improvement needs that
14 may be necessary to accommodate highly auto-
15 mated vehicles, including potential energy
16 needs;

17 (E) the impact of highly automated vehi-
18 cles on the environment, energy needs, conges-
19 tion, and vehicle miles traveled; and

20 (F) the impact of highly automated vehi-
21 cles on mobility and public transit use in urban,
22 suburban, and rural areas, including pedestrian
23 and bicycle transportation modes.

24 (d) COORDINATION.—In carrying out the study under
25 this section, the Secretary shall consider and incorporate

1 relevant current and ongoing research of the Department
2 of Transportation.

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

6 (1) operators and users of the Interstate Sys-
7 tem (as defined in section 101(a) of title 23, United
8 States Code), including private sector stakeholders;

9 (2) States;

10 (3) metropolitan planning organizations;

11 (4) the motor carrier industry;

12 (5) representatives of public transportation
13 agencies or organizations;

14 (6) highway safety and academic groups;

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

17 (8) National Laboratories (as defined in section
18 2 of the Energy Policy Act of 2005 (42 U.S.C.
19 15801));

20 (9) environmental stakeholders; and

21 (10) highly automated vehicle producers, manu-
22 facturers, and technology developers.

23 (f) REPORT.—Not later than 18 months after the
24 date on which the study under this section is initiated,

1 the Secretary shall submit a report to Congress containing
2 the results of the study.

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

6 **SEC. 19. STUDY ON ENCOURAGING MANUFACTURING IN**
7 **THE UNITED STATES OF AUTOMATED DRIV-**
8 **ING EQUIPMENT AND INTELLIGENT TRANS-**
9 **PORTATION SOLUTIONS.**

10 (a) IN GENERAL.—The Secretary shall conduct a
11 study on ways to encourage manufacturing in the United
12 States of automated driving equipment, intelligent trans-
13 portation solutions, and other equipment, including hard-
14 ware and processors.

15 (b) RECOMMENDATIONS.—In conducting the study
16 under subsection (a), the Secretary shall develop rec-
17 ommendations for methods to incentivize manufacturing
18 in the United States of automated driving equipment, in-
19 telligent transportation solutions, and other equipment, in-
20 cluding hardware and processors, including through the
21 use of grant programs and other funding sources.

1 **SEC. 20. PRIVACY PROTECTIONS FOR USERS OF MOTOR VE-**
2 **HICLES.**

3 (a) MOTOR VEHICLE PRIVACY DATABASE.—Not
4 later than 1 year after the date of the enactment of this
5 Act, the Administrator of NHTSA shall—

6 (1) create a publicly accessible and easily
7 searchable online database that contains the infor-
8 mation submitted under subsection (b); and

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

12 (b) DATABASE CONTENTS.—

13 (1) PRIVACY.—Not later than the later of 180
14 days after the date of the enactment of this Act or
15 180 days after the date on which a privacy practices
16 notice is made available in accordance with section
17 25, each person required to make available such no-
18 tice under that section shall submit to the Adminis-
19 trator of the National Highway Traffic Safety Ad-
20 ministration—

21 (A) a clear and concise summary of the
22 privacy policy of the person, including a de-
23 scription of each of the notice requirements de-
24 scribed in section 25(c), which shall be broken
25 out into separable elements by the notice re-
26 quirements under each paragraph of such sub-

1 section to facilitate comparison between privacy
2 policies; and

3 (B) a link to the privacy policy.

4 (2) CYBERSECURITY.—The Secretary shall link
5 to the cybersecurity plans that are suitable for pub-
6 lic disclosure required under section 30108 of title
7 49, United States Code, and published under section
8 30110 of such title.

9 **SEC. 21. CHILD SAFETY.**

10 (a) AMENDMENT.—

11 (1) IN GENERAL.—Chapter 323 of title 49,
12 United States Code, is amended by inserting after
13 section 32304A the following:

14 **“§ 32304B. Child safety**

15 “(a) DEFINITIONS.—In this section:

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

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

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

1 “(b) RULEMAKING.—Not later than 2 years after the
2 date of the enactment of the American Vision for Safer
3 Transportation through Advancement of Revolutionary
4 Technologies Act, the Secretary shall issue a final rule re-
5 quiring all new passenger motor vehicles weighing less
6 than 10,000 pounds gross vehicle weight to be equipped
7 with a system to alert the operator to check rear des-
8 igned seating positions after the vehicle engine or motor
9 is deactivated by the operator.

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

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

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

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

23 “(e) PHASE-IN.—The rule issued pursuant to sub-
24 section (b) shall require full compliance with the rule be-
25 ginning on September 1st of the first calendar year that

1 begins more than 30 months after the date on which the
2 final rule is issued.”.

3 (2) CLERICAL AMENDMENT.—The analysis for
4 chapter 323 of title 49, United States Code, is
5 amended by striking the item relating to section
6 32304A and inserting the following:

“32304A. Consumer tire information and standards.

“32304B. Child safety.”.

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

10 “(l) UNATTENDED PASSENGERS.—

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

17 “(2) PROGRAM PLACEMENT.—A State does not
18 need to carry out the program described in para-
19 graph (1) through the State transportation or high-
20 way safety office.”.

21 (c) STUDY AND REPORT.—

22 (1) INDEPENDENT STUDY.—

23 (A) AGREEMENT.—

1 (i) IN GENERAL.—The Secretary shall
2 enter into an agreement or a contract with
3 an independent third-party that does not
4 have any financial or contractual ties with
5 passenger motor vehicle manufacturers or
6 technology companies producing child re-
7 minder alert systems to perform the serv-
8 ices under this paragraph.

9 (ii) TIMING.—The Secretary shall
10 enter into the agreement or contract de-
11 scribed in clause (i) not later than the date
12 that the Secretary determines is the latest
13 date by which completion of the services
14 under this paragraph will allow the Sec-
15 retary enough time to prepare and submit
16 the study required under paragraph (2) in
17 accordance with such paragraph.

18 (B) INDEPENDENT STUDY.—

19 (i) IN GENERAL.—Under an agree-
20 ment between the Secretary and an inde-
21 pendent third-party under this paragraph,
22 the independent third-party shall carry out
23 a study on retrofitting existing passenger
24 motor vehicles, and add-on child restraint
25 systems, with technology to address the

1 problem of children left in rear designated
2 seating positions of motor vehicles after
3 the motor vehicles have been deactivated
4 by the operator of the vehicle.

5 (ii) ELEMENTS.—In carrying out the
6 study required under clause (i), the inde-
7 pendent third-party shall—

8 (I) survey and evaluate a variety
9 of methods used by current and
10 emerging aftermarket technology or
11 products, including add-on child re-
12 straint systems, to solve the problem
13 of children being left in a rear des-
14 ignated seating position after the vehi-
15 cle motor is deactivated by the oper-
16 ator;

17 (II) make recommendations for
18 manufacturers of such technology or
19 products to undergo a functional safe-
20 ty performance to ensure that the
21 products, including add-on child re-
22 straint systems, perform as designed
23 by the manufacturer under a variety
24 of real world conditions; and

1 (III) provide recommendations
2 for consumers on how to select such
3 technology or products in order to ret-
4 rofit existing vehicles and for add-on
5 child restraint systems.

6 (2) REPORT.—During the 180-day period be-
7 ginning on the date on which the Secretary issues
8 the final rule required under section 32304B(b) of
9 title 49, United States Code, as added by subsection
10 (a)(1), the Secretary shall submit the results of the
11 study carried out under paragraph (1) to the Com-
12 mittee on Commerce, Science, and Transportation of
13 the Senate and the Committee on Energy and Com-
14 merce of the House of Representatives.

15 **SEC. 22. PARTIALLY AUTOMATED VEHICLE SAFETY EVAL-**
16 **UATION REPORT.**

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

21 **“§ 30109. Partially automated vehicle report**

22 “(a) REQUIREMENT.—A manufacturer of a new par-
23 tially automated vehicle that is introduced into interstate
24 commerce after the effective date of this section shall sub-
25 mit a report to the Secretary immediately after selling,

1 offering for sale, or otherwise commercializing such vehicle
2 that describes the capabilities and limitations of the vehi-
3 cle.

4 “(b) CONTENTS.—The report required under sub-
5 section (a) shall describe—

6 “(1) the capabilities and limitations of the vehi-
7 cle, including a description of the active safety sys-
8 tems and driving automation features;

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

12 “(3) efforts to educate consumers on the capa-
13 bilities and limitations of the vehicle; and

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

18 “(c) PUBLIC AVAILABILITY.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), not later than 60 days after receiving a
21 report from a manufacturer under subsection (a),
22 the Secretary shall make such report available to the
23 public.

24 “(2) EXCLUSIONS.—The Secretary may not
25 make publicly available any information that—

1 “(A) relates to a trade secret;

2 “(B) is confidential business information;

3 or

4 “(C) is privileged.

5 “(d) SAVINGS PROVISIONS.—

6 “(1) IN GENERAL.—Nothing in this section
7 may be construed—

8 “(A) to amend, limit the authority of the
9 Secretary, or prohibit the use of the informa-
10 tion included in the report required under this
11 chapter; or

12 “(B) to affect discovery, subpoena, other
13 court order, or any other judicial process other-
14 wise allowed under applicable Federal or State
15 law.

16 “(2) LIMITATION.—The Secretary may not con-
17 dition the manufacture, testing, sale, offer for sale,
18 or introduction into interstate commerce of a par-
19 tially automated vehicle based on a review of the re-
20 port submitted under subsection (a).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 301 of title 49, United States Code, is amended by
23 inserting after the item relating to section 30108, as
24 added by section 14(b), the following:

“30109. Partially automated vehicle report.”.

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

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

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

7 **SEC. 23. HIGHLY AUTOMATED VEHICLE ADOPTION AND**
8 **SAFETY IMPACTS.**

9 (a) IN GENERAL.—Subchapter I of chapter 301 of
10 title 49, United States Code, as amended by sections 9(a),
11 14(a), and 22(a), is further amended by adding at the end
12 the following:

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

15 “(a) PUBLIC AVAILABILITY.—The Secretary shall
16 maintain, on a publicly available website of the Depart-
17 ment, Federal databases and information relevant to high-
18 ly automated vehicles, including—

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

21 “(2) cybersecurity reports required under sec-
22 tion 30108;

23 “(3) exemption applications, approvals, and de-
24 nials under section 30113;

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

3 “(5) reports of foreign safety recalls under sec-
4 tion 30166(l);

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

7 “(7) information from the programs of the Na-
8 tional Center for Statistics and Analysis, including
9 the Fatality Analysis Reporting System, Special
10 Crash Investigations, and the State Data System;

11 “(8) the rulemaking and safety priority plan re-
12 quired under section 10 of the AV START Act;

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

15 “(10) the privacy database required under sec-
16 tion 20 of the AV START Act;

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

19 “(12) any other source available to the Sec-
20 retary.

21 “(b) DATA TRANSPARENCY.—

22 “(1) IN GENERAL.—The Secretary shall peri-
23 odically report on the status of the deployment of
24 highly automated vehicles in the United States.

1 “(2) CONTENTS.—Each report under para-
2 graph (1) shall include, to the greatest extent pos-
3 sible based on the information available to the Sec-
4 retary—

5 “(A) a list of the manufacturers intro-
6 ducing highly automated vehicles into interstate
7 commerce, including whether the vehicles are in
8 testing or in commercially available;

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

11 “(C) an estimate of the number of fatali-
12 ties resulting from crashes involving a highly
13 automated vehicle;

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

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

19 “(F) a discussion of the Federal motor ve-
20 hicle safety standards manufacturers are seek-
21 ing exemptions for highly automated vehicles
22 under section 30113 and the purposes for which
23 such exemptions are sought;

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

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

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

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

9 “(B) by including it in another motor vehi-
10 cle report that the Department is required to
11 submit to Congress, as appropriate.

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

16 “(c) IMPLEMENTATION.—This section shall be imple-
17 mented in accordance with existing law and regulations
18 governing personal information and confidential business
19 information.”.

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

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

1 **SEC. 24. CYBERSECURITY TOOLS STUDY.**

2 (a) DEFINED TERM.—In this section, the term “cy-
3 bersecurity incident” has the meaning given the term “sig-
4 nificant cyber incident” in Presidential Policy Directive 41
5 (PPD–41), dated July 26, 2016.

6 (b) STUDY; RECOMMENDATIONS.—

7 (1) STUDY.—Not later than 2 years after the
8 date of the enactment of this Act, the Secretary, in
9 consultation with the Director of the National Insti-
10 tute of Standards and Technology, shall submit to
11 Congress a comprehensive study of the methods for,
12 and feasibility of, determining—

13 (A) the current measures, guidelines, or
14 practices used to identify, protect, detect, re-
15 spond to, or recover from cybersecurity inci-
16 dents affecting the safety of a passenger motor
17 vehicle; and

18 (B) the following characteristics of a pas-
19 senger motor vehicle:

20 (i) The extent to which the measures,
21 guidelines, or practices under subpara-
22 graph (A) are used.

23 (ii) The susceptibility to a cybersecu-
24 rity incident that affects the safety of a
25 passenger motor vehicle.

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

3 (2) RECOMMENDATIONS.—After reviewing the
4 methods and feasibility for determining the charac-
5 teristics identified under the study under paragraph
6 (1), the Secretary shall make specific recommenda-
7 tions to Congress with respect to the need for—

8 (A) further development of existing meth-
9 ods for determining the characteristics; or

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

12 (c) REQUIRED CONSULTATION.—In carrying out the
13 study under subsection (b)(1), the Secretary and the Di-
14 rector of the National Institute of Standards and Tech-
15 nology shall consult with passenger motor vehicle industry
16 representatives, safety organizations, security researchers,
17 and State and local government agencies that are directly
18 or indirectly affected by the matters being studied under
19 subsection (b)(1).

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

1 (1) identify or develop specific methods to assist
2 consumers in maintaining awareness of potential
3 passenger motor vehicle cybersecurity risks and pro-
4 vide information relating to the characteristics of
5 passenger motor vehicles in a manner that would as-
6 sist consumers in decisions relating to passenger
7 motor vehicle selection; and

8 (2) compile and furnish to the public, in a sim-
9 ple, easily accessible, and readily understandable
10 form, the information to be provided under para-
11 graph (1) to facilitate comparison among the various
12 makes and models of passenger motor vehicles with
13 respect to the characteristics of the passenger motor
14 vehicles studied.

15 (e) SUBSETS OF MOTOR VEHICLES.—The Secretary
16 may carry out the activities under this section with respect
17 to the subsets of passenger motor vehicles, including high-
18 ly automated vehicles or partially automated vehicles.

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

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

22 (2) not later than 180 days before the date on
23 which the recommendations are submitted to Con-
24 gress under subsection (b)(2), provide for a period
25 of public comment on such recommendations.

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

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED ENTITY.—The term “covered en-
5 tity” means—

6 (A) a manufacturer (as defined in section
7 32101 of title 49, United States Code); or

8 (B) a transportation network company.

9 (2) COVERED INFORMATION.—The term “cov-
10 ered information” means information that—

11 (A) a passenger motor vehicle collects, gen-
12 erates, records, or stores in electronic form;

13 (B) may be retrieved by or on behalf of the
14 covered entity that manufactures for sale or
15 lease, imports into the United States, or other-
16 wise deploys for commercial use that passenger
17 motor vehicle; and

18 (C) links or is reasonably linkable to—

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

21 (ii) an individual who owns the pas-
22 senger motor vehicle from which the infor-
23 mation was collected; or

24 (iii) a registered user.

25 (3) REGISTERED USER.—The term “registered
26 user” means an individual who subscribes to or reg-

1 isters for the use of technologies or services provided
2 for or made available through a passenger motor ve-
3 hicle.

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

6 (A) means a corporation, partnership, sole
7 proprietorship, or other entity, that uses a dig-
8 ital network to connect riders to drivers affili-
9 ated with the entity in order for the driver to
10 transport the rider using a vehicle owned,
11 leased, or otherwise authorized for use by the
12 driver to a location chosen by the rider; and

13 (B) does not include a shared-expense car-
14 pool or vanpool arrangement that is not in-
15 tended to generate profit for the driver.

16 (b) NOTICE.—

17 (1) IN GENERAL.—A covered entity that col-
18 lects covered information from a passenger motor ve-
19 hicle that is first introduced into interstate com-
20 merce on or after the date that is 120 days after the
21 date of the enactment of this Act may not manufac-
22 ture for sale or lease, import into the United States,
23 or otherwise deploy for commercial use any pas-
24 senger motor vehicle unless the covered entity has
25 made available a clear and conspicuous notice about

1 the privacy practices of that covered entity associ-
2 ated with covered information collected from that
3 passenger motor vehicle.

4 (2) PUBLIC AVAILABILITY.—A copy of the no-
5 tice described in paragraph (1) shall be made avail-
6 able on a publicly available Internet website.

7 (c) NOTICE REQUIREMENTS.—A notice made avail-
8 able by a covered entity under subsection (b)(1) shall in-
9 clude—

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

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

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

16 (4) the choices that a vehicle owner or reg-
17 istered user may have regarding covered informa-
18 tion, including—

19 (A) whether the vehicle owner and reg-
20 istered user can opt out of the collection, use,
21 retention, sharing, or selling of covered infor-
22 mation; and

23 (B) the mechanism for opting out, if avail-
24 able;

1 (5) whether and how a vehicle owner or reg-
2 istered user may access covered information;

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

5 (7) how a vehicle owner or registered user may
6 contact the covered entity to inquire about the infor-
7 mation practices of the covered entity with respect
8 to covered information.

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

14 (e) POWERS OF FEDERAL TRADE COMMISSION.—
15 The Federal Trade Commission shall enforce this section
16 in the same manner, by the same means, and with the
17 same jurisdiction, powers, and duties as though all appli-
18 cable terms and provisions of the Federal Trade Commis-
19 sion Act (15 U.S.C. 41 et seq.) were incorporated into and
20 made a part of this section.

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

1 **SEC. 26. HEADLAMPS.**

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

10 (b) REPORT.—If the Secretary determines that a re-
11 vision to the standard described in subsection (a) does not
12 meet the requirements and considerations set forth in the
13 subsections referred to in such subsection, the Secretary
14 shall submit a report describing the reasons for not revis-
15 ing the standard to the Committee on Commerce, Science,
16 and Transportation of the Senate and the Committee on
17 Energy and Commerce of the House of Representatives.

18 (c) SAVINGS CLAUSE.—The Secretary may satisfy
19 the requirement under subsection (a) by finalizing the Na-
20 tional Highway Traffic Safety Administration’s existing
21 rulemaking proceeding regarding headlamps.

22 **SEC. 27. SAVINGS PROVISIONS.**

23 Nothing in this Act may be construed—

24 (1) to alter any existing authority under sub-
25 title VI of title 49, United States Code, relating to

1 motor vehicles with a gross vehicle weight of 10,001
2 pounds or more; or

3 (2) as Federal policy to prevent or prohibit any
4 individual from owning or operating a highly auto-
5 mated vehicle, regardless of the area in which the in-
6 dividual owns, operates, or intends to own or operate
7 the highly automated vehicle.