AMENDMENT NO.__________  Calendar No.______

Purpose: In the nature of a substitute.


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. 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. 27. Savings provisions.

1 SEC. 2. DEFINITIONS.

(a) In General.—In this Act:

(1) Automated driving system; dedicated highly automated vehicle; dynamic driving task; highly automated vehicle; operational design domain; manufacturer; motor vehicle; motor vehicle equipment; partial driving automation; partially automated vehicle.—The terms “automated driving system”, “dedicated highly automated vehicle”, “dynamic driving task”, “highly automated vehicle”, “operational design domain”, “manufacturer”, “motor vehicle”, “motor vehicle equipment”, “partial driving automation”, and
“partially automated vehicle” have the meanings given such terms in section 30102 of title 49, United States Code, as amended by subsection (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(C) includes—

“(i) lateral vehicle motion control via steering;

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

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

“(iv) object and event response execution;

“(v) maneuver planning; and

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

“(8) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’ means a motor vehicle with a gross vehicle weight of 10,000 pounds or less that is equipped with a Level 3, 4, or 5 automated driving system.”; and
(8) by inserting after paragraph (14), as redesignated, the following:

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

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

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

SEC. 3. RELATIONSHIP TO OTHER LAWS.

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

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

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

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

“(D) Nothing in this paragraph may be construed to preempt, restrict, or limit a State or a political subdivision of a State from acting as authorized under any other Federal law.

“(4) PRESERVATION OF AUTHORITY.—(A) In paragraph (3)(A), the term ‘design, construction, or performance’ shall be interpreted consistent with the Secretary’s authority under section 30111 relating to motor vehicle
safety standards, and does not include compliance with the traffic laws or rules of a State or a political subdivision of a State, or the laws or rules of a State or a political subdivision of a State that relate to rules of the road or the operation of motor vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(AA) determining whether to initiate a trip;

“(BB) dispatching a vehicle;

“(CC) scheduling a trip;

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

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

“(FF) possessing, selling, leasing, renting, or distributing a highly automated vehicle or automated driving system.
“(iii) The term ‘predispute arbitration agreement’ means any agreement to arbitrate a dispute that has not arisen at the time of the making of the agreement.”.

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

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

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

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

(1) is necessary only for the performance of the dynamic driving task by a human driver;
(2) specifies a location or reference point within a vehicle by reference to the position of a human driver; or

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

c) Substitution of Conforming References to Automated Systems.—

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

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

(B) a determination that—

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

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

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

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

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

(C) may specify different references for—

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

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

(d) RULEMAKING.—

(1) COMMENCEMENT.—Not later than 180 days
after the date on which the designated entity sub-
mits the report under subsection (b), the Secretary
shall commence a rulemaking proceeding to incor-
porate the report by reference into the relevant safe-
ty standards, except as provided in paragraph (3).
(2) **Final rule.**—Not later than 2 years after the designated entity submits the report under subsection (b), the Secretary shall issue a final rule to incorporate the report by reference into the relevant safety standards, except as provided in paragraph (3).

(3) **Alternative text.**—If the Secretary determines that 1 or more of the revisions to a regulation contained in the report submitted under subsection (b) is not objective, is not practicable, or does not meet the need for motor vehicle safety, the Secretary shall incorporate alternative regulatory text.

(4) **Incorporation by reference.**—If the Secretary does not complete the rulemaking proceeding under this subsection within 2 years after the commencement of the rulemaking under paragraph (1), the revisions to regulations contained in the report submitted under subsection (b) shall be incorporated by reference into the relevant safety standards.

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

SEC. 5. MOTOR VEHICLE TESTING OR EVALUATION.

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

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

“(A) by a manufacturer that—

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

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

“(iii) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and
“(iv) if applicable, has identified an agent for service of process in accordance with part 551 of such title; or

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

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

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

“(iii) such manufacturer has submitted appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations, if applicable, or the similar manufacturer identification information, including—
“(I) the name of the manufacturer, including individual, partnership, corporation, or institution of higher education, and a point of contact;

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

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

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

“(iv) if applicable, the manufacturer has identified an agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.”.
SEC. 6. HIGHLY AUTOMATED VEHICLES EXEMPTIONS.

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

(1) in subsection (a)—

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

“(a) DEFINITIONS.—In this section—

“(1) the term”;

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

(C) by adding at the end the following:

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

(2) in subsection (b)—

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

“(2)(A) The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a renewal of an exemption shall be filed at such time

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

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

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

and

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

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

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

ows:

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

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

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

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

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

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

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

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

(5) by adding at the end the following:

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

“(2) Periodic review and updating.—The notice required under paragraph (1)—

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

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

(b) Sunset.—A manufacturer’s eligibility for an exemption from a provision, clause, sentence, or paragraph in a motor vehicle safety standard under section 30113(d)(2)(B) of title 49, United States Code, as amended by subsection (a), shall end on the earlier of the date that is 10 years after the date of the enactment of this Act or the date on which a standard (except for a standard promulgated under section 4 of this Act) that amends the provision, clause, sentence, or paragraph from which an exemption is sought takes effect, with due consideration for any lead time specified for compliance.
SEC. 7. DUAL USE VEHICLE SAFETY.

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

(1) by inserting ``(1)'' before ``A manufacturer''; and

(2) by adding at the end the following:

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

(b) RULEMAKING.—If the Secretary prescribes a regulation, in accordance with section 30122(c) of title 49, United States Code, to exempt manufacturers from the prohibition under section 30122(b)(2) of such title with regard to highly automated vehicles, the amendments under subsection (a) shall cease to have effect on the date on which such regulation becomes effective.
SEC. 8. LEVELS OF DRIVING AUTOMATION AND REVISIONS TO CERTAIN DEFINITIONS.

(a) Use of SAE International’s Taxonomy and Definitions.—The Secretary shall use the taxonomy and definitions for automated driving systems set forth in SAE International standard J3016, published on June 15, 2018, for—

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

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

(b) Review.—

(1) In General.—The Secretary—

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

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

(2) Use of Revised Standard.—

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

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

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

(B) Effect of decision not to adopt the revised standard.—If the Secretary decides not to adopt the revised standard—

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

and

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

SEC. 9. HIGHLY AUTOMATED VEHICLE SAFETY EVALUATION REPORT.

(a) In General.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§30107. Highly automated vehicle safety evaluation report

“(a) In General.—

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

“(2) Submission.—

“(A) Initial report.—Each manufacturer described in paragraph (1) shall submit a report to the Secretary—

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

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

“(B) Annual update.—Each manufacturer described in paragraph (1) shall annually submit, until the highly automated vehicle or automated driving system is no longer being sold, offered for sale, or otherwise introduced into interstate commerce by the manufacturer or until the system is no longer being incorporated into new motor vehicles by the manufacturer, an updated report to the Secretary.
“(C) ADDITIONAL INFORMATION.—The Secretary may require manufacturers described in paragraph (1) to submit additional or clarifying information and documentation.

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

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

“(B) shall provide aggregate results—

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

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

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

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

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

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

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

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

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

“(A) to record the occurrence of malfunctions, disengagements, degradations, or failures;
“(B) to aid in the analysis of the cause of any issues described in subparagraph (A), including by Federal agencies;

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

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

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

“(4) HUMAN-MACHINE INTERFACE.—

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

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

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

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

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

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

“(8) APPLICABLE LAWS.—Within the operational design domain, the manner in which the highly automated vehicle or automated driving sys-
System is designed to comply with applicable traffic laws and rules of the road.

“(9) AUTOMATION FUNCTION.—

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

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

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

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

“(B) The expected object and event detection and response capabilities of the automated driving system, including behavioral com-
petencies and crash avoidance capability, as des-
scribed in paragraph (1)(C).

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

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

“(e) Certification of Inapplicable Cat-
egories.—A manufacturer that is solely testing a vehicle
or system may certify that 1 or more of the categories
set forth in subsection (b) do not apply.

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

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

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

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

“(f) Termination of Obligation to Disclose Information.—

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

“(2) Effect of New Standard.—In adopting any standard applicable to highly automated vehicle performance, the Secretary shall—
“(A) identify the category under subsection (b) to which the standard relates, if any; and

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

“(g) RULES OF CONSTRUCTION.—

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

“(2) Savings provisions.—

“(A) Nothing in this section may be construed—

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

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

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

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

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

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

d) Civil Penalties; False or Misleading Re-
ports.—Section 30165(a) of title 49, United States Code,
is amended—

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

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

SEC. 10. HIGHLY AUTOMATED VEHICLES RULEMAKING.

(a) In General.—Subchapter II of chapter 301 of
title 49, United States Code, is amended by adding at the
end the following:

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

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

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

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

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

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

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

“(A) In general.—The Secretary may change the priorities set forth in the safety priority plan referred to in paragraph (1) at any time to address matters the Secretary considers of greater priority.

“(B) Preparation; submission; and publication.—If the Secretary determines that the safety priority plan needs to be updated, the Secretary shall—

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

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

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

“(b) Rulemaking.—

“(1) In general.—Subject to paragraph (2), not later than 1 year after the receipt of the recommendations from the Technical Subcommittee
under section 11(f)(1)(E) of the AV START Act, the Secretary shall initiate a rulemaking proceeding in accordance with the rulemaking and safety priority plan required in subsection (a).

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

“(c) Report to Congress.—Upon initiating the rulemaking proceeding under subsection (b), and 4 years later—

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

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

“(B) if adopting a standard applicable to the subject area would not improve motor vehicle safety; and
“(2) if the Secretary makes a determination under paragraph (1), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that includes—

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

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

“(C) any recommendations for potential legislative changes.

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

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

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

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

“(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the authority of the Secretary under section 30111. Any Federal motor vehicle
safety standard adopted pursuant to this section shall meet the requirements under section 30111.”.

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

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

SEC. 11. HIGHLY AUTOMATED VEHICLES ADVISORY COUNCIL.

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

(b) Membership.—The Advisory Council shall be composed of a diverse group representative of business, academia and independent researchers, State and local authorities, safety and consumer advocates, engineers, labor organizations, environmental experts, a representative of
the National Highway Traffic Safety Administration, and
other members the Secretary determines are appropriate.

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

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

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

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

(2) mobility access for senior citizens and popu-
lations underserved by traditional public transpor-
tation services and educational outreach efforts with
respect to the testing and distribution of highly
automated vehicles in commerce;
(3) cybersecurity for the testing, deployment, and updating of automated driving systems with respect to supply chain risk management, interactions with Information Sharing and Analysis Centers and Information Sharing and Analysis Organizations, and a framework for identifying and implementing recalls of motor vehicles or motor vehicle equipment;

(4) the development of a framework that allows manufacturers of highly automated vehicles to share with each other and the National Highway Traffic Safety Administration relevant, situational information related to any testing or deployment event on public streets resulting or that reasonably could have resulted in damage to the vehicle or any occupant of the vehicle and validation of such vehicles in a manner that does not risk public disclosure of such information or disclosure of confidential business information;

(5) labor and employment issues that may be affected by the deployment of highly automated vehicles;

(6) the environmental impacts of the deployment of highly automated vehicles, and the development and deployment of alternative fuel infrastruc-
ture alongside the development and deployment of highly automated vehicles;

(7) protection of consumer privacy and security of information collected by highly automated vehicles;

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

(9) the testing and deployment of highly automated vehicles and automated driving systems in areas that are rural, remote, mountainous, insular, or unmapped to evaluate operational limitations caused by natural geographical or man-made features, or adverse weather conditions, and to enhance the safety and reliability of highly automated vehicles and automated driving systems used in such areas with such features or conditions;

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

(11) any other issue the Secretary considers appropriate.
(f) **Subcommittees.**—

(1) **Highly automated vehicles technical subcommittee.**—

(A) **Establishment.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Highly Automated Vehicles Technical Subcommittee (referred to in this section as the “Technical Subcommittee”) to provide a forum for stakeholders to discuss, prioritize, and make technical recommendations for highly automated vehicle and automated driving system safety.

(B) **Secretary’s agenda.**—

(i) **In general.**—The Secretary shall consult with the Technical Subcommittee, as appropriate, on highly automated vehicle safety matters, including the development and implementation of relevant policies, programs, and rulemaking.

(ii) **Agenda.**—The Secretary shall present the rulemaking and safety priority plan required under section 30129(a) of title 49, United States Code, to the Technical Subcommittee to serve as its agenda. The Secretary may regularly provide rec-
ommendations to guide the Technical Sub-
committee in its efforts to develop tech-
nical recommendations to benefit and com-
plement Department of Transportation ef-
forts.

(C) Membership.—

(i) Voting Members.—The Sec-
retary—

(I) shall appoint 15 voting mem-
ers to the Technical Subcommittee

who—

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

(bb) shall include at least 1
representative from—

(AA) SAE International;
(BB) automated vehicle proving grounds;

(CC) a highly automated vehicle or automated driving system manufacturer;

(DD) academia;

(EE) a safety organization;

(FF) a State or local government agency; and

(GG) another organization directly or indirectly impacted by NHTSA regulations; and

(H) may appoint new members to the Technical Subcommittee at any time.

(ii) NONVOTING MEMBER.—The Secretary shall appoint a representative of the National Transportation Safety Board to serve as a nonvoting advisory member of the Technical Subcommittee.

(iii) CHAIRPERSON.—The Secretary, or the Secretary’s designee—
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(I) shall act as Chairperson of 
the Technical Subcommittee; and 

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

(D) DUTIES.—

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

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

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

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

(I) system safety;

(II) automation function safety, 
including—
(aa) object and event detection, classification, and response; and

(bb) fallback strategies, including strategies involving a human driver, or in the event of no human driver, controls or manual override capabilities;

(III) automated steering and braking;

(IV) crashworthiness for vehicles with unconventional seating positions or vehicles not intended for human occupancy, including safety of occupants, other drivers, pedestrians, roadside personnel, bicyclists, motorists, and other road users;

(V) event data recording;

(VI) vehicle communication with roadway and infrastructure assets, including pavement markings, signage, and traffic signals;

(VII) accessibility for people with physical, sensory, or other disabilities,
including for those who rely on mobility devices;

(VIII) potential conflicts with existing Federal motor vehicle safety standards; and

(IX) any other issue the Secretary considers appropriate, including—

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

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

(cc) safeguards against misuse.

(iii) SUPPORT.—The Office of Rulemaking and the Office of Vehicle Safety Research of the National Highway Traffic Safety Administration shall provide support services to the Technical Subcommittee.
(iv) **MEETINGS.**—The Technical Subcommittee shall meet not less frequently than 4 times per year.

(E) **RECOMMENDATIONS FOR HIGHLY AUTOMATED VEHICLES.**—

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

(ii) **REPORT.**—Not later than 5 years after the date of the enactment of this Act, the Technical Subcommittee shall submit a report to the Secretary containing recommendations of consensus-based, feasible, and objective standards to the Secretary for potential rulemaking governing highly automated vehicles that meet the need for motor vehicle safety.

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

(2) **DISABILITY AND LIMITED MOBILITY ACCESS SUBCOMMITTEE.**—
(A) **Establishment.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Disability and Limited Mobility Access Subcommittee to develop voluntary best practices regarding highly automated vehicle accessibility for people with physical, sensory, or other disabilities, including for those who rely on mobility devices.

(B) **Best Practices.**—The best practices referred to in subparagraph (A) shall address the physical accessibility of highly automated vehicles and human-machine interface accessibility through visual, auditory, or haptic displays or other methods.

(C) **Membership.**—The subcommittee established under subparagraph (A) shall include representatives from national organizations representing individuals with disabilities and older adults.

(3) **Consumer Education Subcommittee.**—

(A) **Establishment.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a Consumer Education Subcommittee to focus on responsible consumer education efforts to advance the
safety of highly automated vehicles and vehicles that perform partial driving automation.

(B) DUTIES.—The subcommittee established under subparagraph (A) shall—

(i) identify effective methods and terminology for informing consumers for each highly automated vehicle or vehicle that performs partial driving automation about the capabilities and limitations of that vehicle, including whether that information is based on or includes the terminology as defined by SAE International standard J3016, published June 15, 2018;

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

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

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

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

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

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

(iii) human-machine interfaces;

(iv) emergency fallback scenarios;

(v) operational boundary responsibil-
ities;

(vi) response in the event of a crash
or system failure;
(vii) potential mechanisms that could change function behavior in service;

(viii) consistent nomenclature and taxonomy for safety features and systems; and

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

(D) Membership.—

(i) In general.—The Secretary shall appoint, as members of the subcommittee established under subparagraph (A), individuals with expertise in automated driving systems and driver assistance systems, including—

(I) representatives of—

(aa) motor vehicle manufacturers;

(bb) manufacturers of automated driving systems and driver assistance systems (including components);

(cc) motor vehicle dealers;
(dd) motor vehicle owners and operators, including fleet managers, vehicle rental companies, and transportation network companies;

(ee) consumers or consumer advocacy groups;

(ff) automated vehicle proving grounds;

(gg) public health organizations;

(hh) marketing professionals;

(ii) entities with national experience in consumer education, including drivers’ education;

(jj) safety organizations;

(kk) enabling technology companies; and

(ll) national cross disability organizations and national organizations representing older adults; and

(II) any other members the Secretary considers appropriate.
(ii) Consultation.—The Secretary shall consult with the Federal Trade Commission about the recommendations of the subcommittee, as appropriate.

(E) Termination.—The subcommittee established under subparagraph (A) shall terminate on the date that is 2 years after the date on which the subcommittee is established.

(4) HAV Data Access Advisory Subcommittee.—

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

(B) Membership.—

(i) Voting members.—The subcommittee established under subparagraph (A) shall be composed of—
(I) the Secretary or the Secretary’s designee;

(II) the Chairman of the Federal Trade Commission or the Chairman’s designee;

(III) a representative of State governments;

(IV) a representative of local governments;

(V) a representative of metropolitan planning organizations;

(VI) a representative of transit agencies;

(VII) a representative of law enforcement;

(VIII) a representative of highly automated vehicle manufacturers;

(IX) a representative of highly automated vehicle equipment manufacturers;

(X) a representative of highly automated vehicle dealers;

(XI) a representative of aftermarket parts manufacturers, distributors, and retailers;
(XII) a representative of independent vehicle repairers;

(XIII) a representative of consumer safety advocates with privacy expertise;

(XIV) a representative of consumer safety advocates with safety expertise;

(XV) a representative of property and casualty insurers;

(XVI) a representative of long-term motor vehicle fleet leasing and management companies or professionals;

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

(XVIII) a representative of mobility on demand companies; and

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

(ii) NONVOTING MEMBERS.—The Secretary may allow additional interested stakeholders to attend and participate in the activities of the subcommittee estab-
lished under subparagraph (A) as non-voting members.

(C) MEETINGS.—The subcommittee established under subparagraph (A) shall meet not less frequently than 4 times per year.

(D) REPORT.—

(i) IN GENERAL.—Not later than 2 years after the establishment of the subcommittee under subparagraph (A), the subcommittee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that—

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

(aa) the ownership of, control of, or access to, information or data that vehicles collect, generate, record, or store in an electronic form that is retrieved from a highly automated vehicle or automated driving system;
(bb) an owner’s or registered  
user’s personally identifiable in-
formation;  

(cc) vehicle-generated data;  
and  
(dd) vehicle interface capa-
bility; and  

(II) may include minority views,  
if applicable.  

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

(E) SUPPORT.—The Office of Rulemaking  
of the National Highway Traffic Safety Admin-
istration and the Bureau of Consumer Protec-
tion of the Federal Trade Commission shall
provide support services to the subcommittee established under subparagraph (A).

(F) FEDERAL REGULATION OF HAV DATA ACCESS.—

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

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

(I) to prevent the Federal Government from carrying out its responsibilities under the Driver Privacy Act of 2015 (49 U.S.C. 30101 note); or

(II) to alter any existing authority under section 30166 of title 49, United States Code, regarding the Secretary's access to information stored or generated by highly auto-
mated vehicles or automated driving systems.

(G) TERMINATION.—The subcommittee established under subparagraph (A) shall terminate upon the submission of the report required under subparagraph (D).

(5) ADDITIONAL SUBCOMMITTEES.—The Secretary may form subcommittees, as needed, to undertake information gathering activities, develop technical advice, and present best practices or recommendations to the Secretary regarding specific issues described in subsection (c).

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

(1) shall also be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(2) shall be made publicly available.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The establishment and operation of the Advisory Council and any subcommittee of the Advisory Council shall conform to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), except for section 14 of such Act.
(i) **Technical Assistance.**—Upon the request of the Advisory Council, the Secretary shall provide such technical assistance to the Advisory Council as the Secretary determines is necessary to carry out the Advisory Council’s duties.

(j) **Detail of Federal Employees.**—Upon the request of the Advisory Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Transportation to the Advisory Council to assist the Advisory Council in carrying out its duties. Any detail under this subsection shall not interrupt or otherwise affect the civil service status or privileges of the detailed Federal employee.

(k) **Payment and Expenses.**—Members of the Advisory Council and the subcommittees established under subsection (f) shall serve without pay.

(l) **Termination.**—The Advisory Council shall terminate on the date that is 6 years after the date of the enactment of this Act.

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

Not later than 3 years after the date of the enactment of this Act, on review of the recommendations of the Consumer Education Subcommittee under section
11(f)(3), the Secretary shall initiate a rulemaking proceeding to require manufacturers to inform consumers of the capabilities and limitations of a vehicle’s driving automation system or feature for any highly automated vehicle or any vehicle that performs partial driving automation.

SEC. 13. TRAFFIC SAFETY AND LAW ENFORCEMENT.

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

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

(2) law enforcement impacts, including—

(A) enforcing applicable laws;

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

(C) lawfully accessing crash data; and

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

(c) CRASH DATA.—

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

(2) COORDINATION.—In carrying out paragraph (1), the Secretary may coordinate with States to update the Model Minimum Uniform Crash Criteria to provide guidance to the States on the collection of information.
SEC. 14. CYBERSECURITY.

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

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

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

“(b) CYBERSECURITY PLAN.—

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

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

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

“(B) the efficient detection and response to potential vehicle cybersecurity incidents in the field;
“(C) facilitating expeditious recovery from incidents as they occur;

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

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

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

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

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

“(I) considering consistency and alignment with the cybersecurity risk management ap-
approach described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)) or international consensus cybersecurity standards.

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

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

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

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

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

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

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

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

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

(a) STUDY.—

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

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

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

(A) vehicle manufacturers;

(B) consumer groups;

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

(D) other stakeholders.

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

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

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

SEC. 16. CYBERSECURITY CONSUMER EDUCATION INFOR-
RATION.

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

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

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

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

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

SEC. 17. PROVISION OF CYBERSECURITY RESOURCE INFORMATION.

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

SEC. 18. HIGHLY AUTOMATED VEHICLE STUDY.

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

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

(2) urban areas;

(3) rural areas;

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

(b) CONTENTS OF STUDY.—The study under subsection (a) shall include specific recommendations regarding the impacts of highly automated vehicles on—
(1) existing transportation system capacity;
(2) vehicle miles traveled;
(3) vehicle emissions;
(4) public transit and multimodal use;
(5) energy consumption and dependence; and
(6) land use.

(c) CONSIDERATIONS.—In carrying out the study under this section, the Secretary shall—
(1) determine the need for any policy changes required by Federal agencies and legislative changes to be considered by Congress; and

(2) include a discussion of—

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

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

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

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

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

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

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

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

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

(2) States;

(3) metropolitan planning organizations;

(4) the motor carrier industry;

(5) representatives of public transportation agencies or organizations;

(6) highway safety and academic groups;

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

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

(9) environmental stakeholders; and

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

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

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

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

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

(b) Recommendations.—In conducting the study under subsection (a), the Secretary shall develop recommendations for methods to incentivize manufacturing in the United States of automated driving equipment, intelligent transportation solutions, and other equipment, including hardware and processors, including through the use of grant programs and other funding sources.
SEC. 20. PRIVACY PROTECTIONS FOR USERS OF MOTOR VEHICLES.

(a) Motor Vehicle Privacy Database.—Not later than 1 year after the date of the enactment of this Act, the Administrator of NHTSA shall—

(1) create a publicly accessible and easily searchable online database that contains the information submitted under subsection (b); and

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

(b) Database Contents.—

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

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

(B) a link to the privacy policy.

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

SEC. 21. CHILD SAFETY.

(a) Amendment.—

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

“§ 32304B. Child safety

“(a) DEFINITIONS.—In this section:

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

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

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.
“(b) RULEMAKING.—Not later than 2 years after the date of the enactment of the American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act, the Secretary shall issue a final rule requiring all new passenger motor vehicles weighing less than 10,000 pounds gross vehicle weight to be equipped with a system to alert the operator to check rear designated seating positions after the vehicle engine or motor is deactivated by the operator.

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

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

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

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

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

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

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

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

“(l) UNATTENDED PASSENGERS.—

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

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

(c) STUDY AND REPORT.—

(1) INDEPENDENT STUDY.—

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

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

**(B) INDEPENDENT STUDY.**—

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

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

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

(II) make recommendations for
manufacturers of such technology or
products to undergo a functional safe-
ty performance to ensure that the
products, including add-on child re-
straint systems, perform as designed
by the manufacturer under a variety
of real world conditions; and
(III) provide recommendations
for consumers on how to select such
technology or products in order to ret-
rofit existing vehicles and for add-on
child restraint systems.

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

SEC. 22. PARTIALLY AUTOMATED VEHICLE SAFETY EVAL-
UATION REPORT.

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

“§ 30109. Partially automated vehicle report

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

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

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

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

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

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

“(c) PUBLIC AVAILABILITY.—

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

“(2) EXCLUSIONS.—The Secretary may not
make publicly available any information that—
“(A) relates to a trade secret;

“(B) is confidential business information;

or

“(C) is privileged.

“(d) SAVINGS PROVISIONS.—

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

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

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

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

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

“30109. Partially automated vehicle report.”.
(c) **Effective Date; Sunset.**—The amendments made by this section—

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

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

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

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

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

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

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

“(2) cybersecurity reports required under section 30108;

“(3) exemption applications, approvals, and denials under section 30113;
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“(4) reports of defects and noncompliances under section 30166(f);”

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

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

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

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

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

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

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

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

“(b) DATA TRANSPARENCY.—

“(1) IN GENERAL.—The Secretary shall periodically report on the status of the deployment of highly automated vehicles in the United States.
“(2) CONTENTS.—Each report under paragraph (1) shall include, to the greatest extent possible based on the information available to the Secretary—

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

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

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

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

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

“(F) a discussion of the Federal motor vehicle safety standards manufacturers are seeking exemptions for highly automated vehicles under section 30113 and the purposes for which such exemptions are sought;
“(G) a comparison of the safety of a highly automated vehicle with a conventional vehicle that is driven by a human driver; and

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

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

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

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

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

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

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

“30110. Highly automated vehicle adoption and safety impacts.”.
SEC. 24. CYBERSECURITY TOOLS STUDY.

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

(b) Study; Recommendations.—

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

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

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

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

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

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

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

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

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

(d) Information for Consumers.—To the extent feasible and in the public interest, based on the results of the study conducted under subsection (b)(1) and the activities under sections 16 and 17, as determined by the Secretary, the Secretary shall—
(1) identify or develop specific methods to assist consumers in maintaining awareness of potential passenger motor vehicle cybersecurity risks and provide information relating to the characteristics of passenger motor vehicles in a manner that would assist consumers in decisions relating to passenger motor vehicle selection; and

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

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

(f) PUBLIC REVIEW.—The Secretary shall—

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

(2) not later than 180 days before the date on which the recommendations are submitted to Congress under subsection (b)(2), provide for a period of public comment on such recommendations.
SEC. 25. PRIVACY PROTECTIONS FOR PASSENGER MOTOR VEHICLES.

(a) DEFINITIONS.—In this section:

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

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

(B) a transportation network company.

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

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

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

(C) links or is reasonably linkable to—

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

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

(iii) a registered user.

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

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

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

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

(b) **NOTICE.**—

(1) **IN GENERAL.**—A covered entity that col-
lects covered information from a passenger motor ve-

icle that is first introduced into interstate com-
merce on or after the date that is 120 days after the
date of the enactment of this Act may not manufac-
ture for sale or lease, import into the United States,
or otherwise deploy for commercial use any pas-
senger motor vehicle unless the covered entity has
made available a clear and conspicuous notice about
the privacy practices of that covered entity associated with covered information collected from that passenger motor vehicle.

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

(e) Notice Requirements.—A notice made available by a covered entity under subsection (b)(1) shall include—

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

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

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

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

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

(B) the mechanism for opting out, if available;
(5) whether and how a vehicle owner or registered user may access covered information;

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

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

(d) Unfair or Deceptive Acts or Practices.—A violation of this section shall be treated as an unfair or deceptive act or practice in or affecting commerce for purposes of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).

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

(f) Savings Provision.—Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.
SEC. 26. HEADLAMPS.

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

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

(c) Savings Clause.—The Secretary may satisfy the requirement under subsection (a) by finalizing the National Highway Traffic Safety Administration’s existing rulemaking proceeding regarding headlamps.

SEC. 27. SAVINGS PROVISIONS.

Nothing in this Act may be construed—

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

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