

[DISCUSSION DRAFT]

117TH CONGRESS  
2D SESSION

**H. R. \_\_\_\_\_**

To amend title 49, United States Code, to provide for updated and new motor vehicle safety standards and regulations for highly automated vehicles and partially automated vehicles, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 49, United States Code, to provide for updated and new motor vehicle safety standards and regulations for highly automated vehicles and partially automated vehicles, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

(a) SHORT TITLE.—This Act may be cited as the [“\_\_\_\_\_ Act of 2022”].

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

Sec. 1. Short title; table of contents.

Sec. 2. Updated and new motor vehicle safety standards and regulations for highly automated vehicles and partially automated vehicles.

Sec. 3. Relationship to other law.

- Sec. 4. Limitations on predispute arbitration.
- Sec. 5. Manufacturer obligation.
- Sec. 6. Motor vehicle testing or evaluation.
- Sec. 7. Highly automated vehicle exemptions.
- Sec. 8. Highly Automated Vehicle Advisory Council.
- Sec. 9. Incident data.
- Sec. 10. Consumer education.
- Sec. 11. Vehicle identification number encoding for automated systems.
- Sec. 12. Savings provision.
- Sec. 13. Highly automated vehicle adoption and safety impacts.
- Sec. 14. Authorizations of appropriations.
- Sec. 15. Personnel and staffing.
- Sec. 16. Definitions.

**SEC. 2. UPDATED AND NEW MOTOR VEHICLE SAFETY STANDARDS AND REGULATIONS FOR HIGHLY AUTOMATED VEHICLES AND PARTIALLY AUTOMATED VEHICLES.**

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30129 the following:

**“§ 30130. Updated and new motor vehicle safety standards and regulations for highly automated vehicles and partially automated vehicles**

“(a) RULEMAKING.—

“(1) SAFETY FRAMEWORK.—

“(A) REQUIREMENTS.—As soon as practicable but not later than 8 years after the date of the enactment of this section, the Secretary shall issue a final rule under this chapter to mitigate unreasonable risks to motor vehicle safety related to the design, construction, and performance of highly automated vehicles, automated driving systems, and components of an automated driving system.

“(B) ASPECTS OF DESIGN, CONSTRUCTION, AND PERFORMANCE.—In carrying out subparagraph (A), the Secretary shall mitigate unreasonable risks to motor vehicle safety by addressing, as practicable, the following aspects of design, construction, and performance:

“(i) The performance of the dynamic driving task by automated driving systems, including object and event detection and response.

“(ii) Defining and operating within the operational design domain.

“(iii) Transitioning to a minimal-risk condition.

“(iv) Cybersecurity.

“(v) Human-machine interface.

“(vi) Post-crash safety.

“(C) COMPLIANCE DEADLINE.—The final rule required under subparagraph (A) shall take effect not later than 2 years after the date on which the final rule is issued.

“(2) SAFETY SELF-ASSESSMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of the enactment of this section, the Secretary shall issue a final rule under this chapter requiring a person described in subparagraph (B) to submit to the Secretary a safety self-assessment to identify risks to motor vehicle safety and steps taken to mitigate such risks during the design, development, and introduction into interstate commerce of an automated driving system.

“(B) PERSONS DESCRIBED.—The persons described in this subparagraph are the following:

“(i) Each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation of a highly automated vehicle, automated driving system, or component of an automated driving system under this chapter.

“(ii) Each manufacturer manufacturing for sale, selling, offering for sale, introducing or delivering for introduction into interstate commerce, or importing into the United States a highly automated vehicle or automated driving system.

“(C) INFORMATION TO BE INCLUDED.—The final rule issued under subparagraph (A) shall specify standardized information that a person described in subparagraph (B) is required

to include in a safety self-assessment submitted under such final rule, including a description of steps taken to mitigate risks to motor vehicle safety with respect to any aspect of design, construction, or performance described in paragraph (1)(B).

“(D) FREQUENCY.—The final rule issued under subparagraph (A) shall require a person described in subparagraph (B) to—

“(i) submit a safety self-assessment to the Secretary on the later of the date that is—

“(I) 1 year after the date on which such final rule takes effect; or

“(II) 90 days before the date on which the person starts, for the first time, testing or evaluating under this chapter, manufacturing for sale, selling, offering for sale, introducing or delivering for introduction into interstate commerce, or importing into the United States the highly automated vehicle, automated driving system, or component of the automated driving system; and

“(ii) annually submit, until the highly automated vehicle, automated driving system, or component of the automated driving system is no longer being tested or evaluated, manufactured for sale, sold, offered for sale, introduced or delivered for introduction into interstate commerce, or imported into the United States by the person, an updated safety self-assessment to the Secretary that discloses whether any significant changes were made to the vehicle, system, or component that would affect motor vehicle safety.

“(E) INTERIM REQUIREMENT.—During the period beginning on the date that is 90 days after the date of the enactment of this section and ending on the date on which the final rule issued under subparagraph (A) takes effect, a person described in subparagraph (B) shall, on an annual basis, submit a safety self-assessment letter to the National Highway Traffic Safety Administration in the form contemplated by the Federal Automated

Vehicles Policy Guidance issued by the Secretary in September 2016.

“(F) PUBLIC AVAILABILITY.—The Secretary shall make any safety self-assessment or safety self-assessment letter submitted by a person under this paragraph publicly available not later than 30 days after the date on which the Secretary receives such safety self-assessment or safety self-assessment letter, except that the Secretary may not make publicly available any confidential business information (in accordance with section 30167(a)). The person may submit information that contains confidential business information separately from such a safety self-assessment or safety self-assessment letter.

“(G) RULES OF CONSTRUCTION.—

“(i) IN GENERAL.—Nothing in this paragraph may be construed to limit or affect the authority of the Secretary under any other provision of law.

“(ii) DISCOVERY.—Nothing in this paragraph may be construed to affect discovery, a subpoena or any other court order, or any other judicial process otherwise in accordance with applicable Federal or State law.

“(3) EVENT DATA RECORDERS.—

“(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this section, the Secretary shall issue a final rule updating part 563 of title 49, Code of Federal Regulations, to—

“(i) specify requirements for the collection, storage, and retrievability of event data of partially automated vehicles and highly automated vehicles to account for, as practicable—

“(I) whether the partial driving automation system or automated driving system was performing the entirety or subtasks of the dynamic driving task;

“(II) the occurrence of a malfunction or failure of the partial driving automation system or automated driving system;

“(III) whether the partially automated vehicle or highly automated vehicle was operating within its operational design domain when the partial driving automation system or the automated driving system was performing the entirety or subtasks of the dynamic driving task;

“(IV) the performance of the dynamic driving task; and

“(V) additional event data needed to assess the performance of the vehicle; and

“(ii) update pre-crash data elements to account for, as practicable, the performance of advanced driver assistance systems.

“(B) CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall consider—

“(i) the regulations described in Addendum 159 to the Agreement Concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, originally done at Geneva March 20, 1958, and entered into force as revised September 14, 2017 (U.N. Regulation 160 issued October 21, 2021); and

“(ii) audio and video data elements.

“(C) REQUIREMENTS.—The final rule required under subparagraph (A) shall require a driver assistance vehicle, partially automated vehicle, or highly automated vehicle to be equipped with an event data recorder.

“(D) DATA COLLECTION AND SHARING REQUIREMENTS.—Any rule issued under subparagraph (A) shall comply with the data collection and sharing requirements

under the FAST Act (Public Law 114–94) and any other applicable law.

“(E) DISCOVERY.—Nothing in this paragraph may be construed to affect discovery, a subpoena or any other court order, or any other judicial process otherwise in accordance with applicable Federal or State law.

“(F) EVENT DEFINED.—In this paragraph, the term ‘event’ has the meaning given such term in section 563.5(b) of title 49, Code of Federal Regulations (or any successor regulation).

“(4) OPERATING SAFEGUARDS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall issue a final rule under this chapter requiring a partially automated vehicle to be equipped with system safeguards that limit the engagement of the partial driving automation system to the road types and segments for which the partial driving automation system was designed.

“(5) UPDATING EXISTING SAFETY STANDARDS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall update, as necessary, the motor vehicle safety standards and testing procedures in effect on such date of enactment to ensure such standards and procedures apply, as appropriate, to highly automated vehicles, including standards and procedures that presume the performance of the dynamic driving task by a human driver.

“(b) RULE OF CONSTRUCTION.—

“(1) IN GENERAL.—Each motor vehicle safety standard adopted pursuant to this section shall meet the applicable requirements of section 30111.

“(2) EFFECT OF SECTION.—Nothing in this section restricts the authority of the Secretary under section 30111.”.

(b) ENFORCEMENT AUTHORITY.—Section 30165(a)(1) of title 49, United States Code, is amended by inserting “30130(a)(1), 30130(a)(2),” after “30127,”.

(c) CLERICAL AMENDMENT.—The analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30129 the following:

“30130. Updated and new motor vehicle safety standards and regulations for highly automated vehicles and partially automated vehicles.”.

**SEC. 3. RELATIONSHIP TO OTHER LAW.**

(a) IN GENERAL.—Section 30103 of title 49, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) PREEMPTION.—

“(1) HIGHLY AUTOMATED VEHICLES.—

“(A) IN GENERAL.—No State or political subdivision of a State may maintain, enforce, prescribe, or continue in effect any law or regulation that specifically regulates or prescribes the design, construction, or performance of highly automated vehicles, automated driving systems, or components of an automated driving system with respect to any aspect of design, construction, or performance described in section 30130(a)(1)(B).

“(B) TERMINATION.—Subparagraph (A) shall terminate with respect to any aspect of design, construction, or performance described in section 30130(a)(1)(B) on the earlier of—

“(i) the date that is 10 years after the date of the enactment of this subsection; or

“(ii) the effective date of a final rule prescribed under section 30130(a)(1) that is applicable to the same aspect of design, construction, or performance of highly automated vehicles, automated driving systems, or components of an automated driving system.

“(2) MOTOR VEHICLE SAFETY STANDARDS.—When a motor vehicle safety standard or a regulation established under section 30130(a)(1) is in effect under this chapter, a State or political



subdivision of a State may prescribe or continue in effect a standard or regulation applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard or regulation is identical to the standard or regulation prescribed under this chapter.

“(3) PRESERVATION OF AUTHORITY.—

“(A) INTERPRETATION.—

“(i) IN GENERAL.—For purposes of paragraph (1) and subsection (e)(2)(B)—

“(I) the term ‘design, construction, or performance’ shall be interpreted in accordance with the authority of the Secretary under section 30111 with respect to motor vehicle safety standards; and

“(II) a law or regulation of a State or political subdivision of a State that specifically regulates or prescribes the design, construction, or performance of highly automated vehicles, automated driving systems, or components of an automated driving system does not include—

“(aa) any law or regulation relating to a rule of the road or the operation of a motor vehicle, including a prohibition on the operation of a motor vehicle and any traffic law or traffic rule; or

“(bb) a law or regulation relating to insurance.

“(ii) AUTHORITY OF SECRETARY.—Nothing in this subparagraph may be construed to affect or limit any authority of the Secretary under this chapter.

“(B) STATE AND LOCAL AUTHORITY OVER SALE, DISTRIBUTION, REPAIR, AND SERVICE.—Nothing in this subsection may be construed to prohibit a State or political subdivision of a State from maintaining, enforcing, prescribing, or continuing in effect any law or regulation relating to the sale,

distribution, repair, or service of highly automated vehicles, automated driving systems, or components of an automated driving system by a dealer, manufacturer, or distributor.

“(C) STATE AND LOCAL AUTHORITY UNDER OTHER FEDERAL LAW.—Nothing in this subsection may be construed to preempt, restrict, or limit a State or political subdivision of a State from acting in accordance with any other applicable Federal law, including sections 177 and 209 of the Clean Air Act (42 U.S.C. 7507; 7543).

“(4) HIGHER PERFORMANCE REQUIREMENT.—The Federal Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle, motor vehicle equipment, a highly automated vehicle, an automated driving system, or a component of an automated driving system obtained for use by that unit of government that imposes a higher performance requirement than otherwise required by an applicable standard under this chapter or regulation established under section 30130(a)(1).

“(5) STATE ENFORCEMENT.—A State may enforce a standard or regulation that is identical to a standard prescribed under this chapter or regulation established under section 30130(a)(1).”; and

(2) by striking subsection (e) and inserting the following:

“(e) COMMON LAW AND STATE LAW LIABILITY.—

“(1) EFFECT OF COMPLIANCE WITH MOTOR VEHICLE SAFETY STANDARD.—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

“(2) EFFECT OF CERTAIN OTHER PROVISIONS AND REQUIREMENTS.—Nothing in subsection (b)(1), compliance with a rule or motor vehicle safety standard prescribed under section 30130(a), or any requirement under such section may be construed to exempt a person from liability—

“(A) at common law; or

“(B) under a law or regulation of a State or political subdivision of a State unless such law or such regulation specifically regulates or prescribes the design, construction, or performance of highly automated vehicles, automated driving systems, or components of an automated driving system.”.

(b) 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. LIMITATIONS ON PREDISPUTE ARBITRATION.

(a) IN GENERAL.—Notwithstanding title 9, United States Code, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to any case involving a claim—

(1) related to the design, construction, or performance of a highly automated vehicle;

(2) involving—

(A) the death or bodily injury of a natural person;

(B) an unfair or deceptive act or practice;

(C) breach of warranty, whether express or implied; or

(D) fraud;

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

(4) that was commenced on or after the date of the enactment of this Act, without regard to whether the harm that is the subject of the claim, or the conduct that caused the harm, occurred before such date of enactment.

(b) DETERMINATION OF APPLICABILITY.—The applicability of this section to a predispute arbitration agreement or predispute joint-action waiver shall be determined by a court.

(c) DEFINITIONS.—In this section:

(1) PREDISPUTE ARBITRATION AGREEMENT.—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.

(2) PREDISPUTE JOINT-ACTION WAIVER.—The term “predispute joint-action waiver” means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

#### SEC. 5. MANUFACTURER OBLIGATION.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting after section 30106 the following:

**“§ 30107. Determination of driver or operator for purposes of State and local traffic laws**

“(a) IN GENERAL.—While an original automated driving system or a replacement automated driving system installed in or on a highly automated vehicle is performing the dynamic driving task, the manufacturer of the original automated driving system or the replacement automated driving system (as the case may be) shall be considered to be the driver or operator of the highly automated vehicle under any applicable traffic law or traffic regulation of a State or a political subdivision of a State that governs the dynamic driving task.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a new Federal right of action.

“(c) DEFINITIONS.—In this section:

“(1) ORIGINAL AUTOMATED DRIVING SYSTEM.—The term ‘original automated driving system’ means an automated driving system installed in or on a highly automated vehicle at or before the time of introduction into interstate commerce.

“(2) REPLACEMENT AUTOMATED DRIVING SYSTEM.—  
The term ‘replacement automated driving system’ means an automated driving system or software affecting the performance of the dynamic driving task of an automated driving system installed in or on a highly automated vehicle after the time of introduction into interstate commerce.”.

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

“30107. Determination of driver or operator for purposes of State and local traffic laws.”.

**SEC. 6. MOTOR VEHICLE TESTING OR EVALUATION.**

(a) IN GENERAL.—Section 30112(b) of title 49, United States Code, is amended—

(1) in paragraph (9), by striking “; or” and inserting a semicolon;  
and

(2) by striking paragraph (10) and inserting the following:

“(10) the introduction of a motor vehicle (except a highly automated vehicle, an automated driving system, or a component of an automated driving system) in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation and that prior to the date of the enactment of the FAST Act (Public Law 114–94)—

“(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

“(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

“(C) if applicable, has identified an agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations; or

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

“(A) the testing or evaluation of the highly automated vehicle, automated driving system, or component of an automated driving system is only conducted by—

“(i) the manufacturer of the highly automated vehicle, the automated driving system, or component of the automated driving system;

“(ii) a contracted partner of the manufacturer of the highly automated vehicle, the automated driving system, or component of the automated driving system, including any employee, agent, and fleet management contractor of the contracted partner; or

“(iii) an eligible research institution;

“(B) each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation 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 or evaluation;

“(C) each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation agrees not to use the highly automated vehicle, automated driving system, or component of an automated driving system to transport goods or occupants for compensation during the testing or evaluation;

“(D) each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation has submitted appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations, if applicable, or similar manufacturer identification information, including—

“(i) the name of each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation, including the name of each individual, partnership, corporation, or institution of higher education, and a point of contact;

“(ii) the physical address of each manufacturer, contracted partner, and research institution that conducts the testing or evaluation and the State of incorporation of the manufacturer, contracted partner, and research institution, if applicable; and

“(iii) a description of the highly automated vehicle, automated driving system, or component of automated driving system being tested or evaluated; and

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 180 days after the date of the enactment of this Act.

#### **SEC. 7. HIGHLY AUTOMATED VEHICLE EXEMPTIONS.**

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

(1) in subsection (b)—

(A) by striking the subsection designation and all that follows through “The Secretary of Transportation” in paragraph (1) and inserting the following:

“(b) AUTHORITY TO EXEMPT AND PROCEDURES.—

“(1) IN GENERAL.—The Secretary of Transportation”;

(B) by striking paragraph (2) and inserting the following:

“(2) PROCEDURES.—

“(A) COMMENCEMENT.—

“(i) IN GENERAL.—The Secretary shall commence a proceeding under this subsection when a manufacturer submits to the Secretary an application for an exemption or a renewal of an exemption in accordance with clause (ii).

“(ii) APPLICATION.—An application for an exemption or for a renewal of an exemption under this subparagraph shall be filed at such time, in such manner, and containing such information as the Secretary may require.

“(B) PUBLICATION.—The Secretary shall—

“(i) publish in the Federal Register a notice of the relevant application;

“(ii) provide an opportunity for public comment; and

“(iii) not later than 90 days after the commencement of a proceeding pursuant to subparagraph (A) and every 90 days thereafter until the Secretary makes a decision under this section, publish in the Federal Register a notice describing the status of the application and an estimated date of a decision described in subsection (g).

“(C) DETERMINATION FOR HIGHLY AUTOMATED VEHICLES.—The Secretary shall determine whether to approve or deny an application for an exemption for a highly automated vehicle by not later than 270 days after the date on which the application is received by the Secretary.

“(D) EVALUATION OF AUTOMATED DRIVING SYSTEMS.—The Secretary may not grant an exemption or a renewal of an exemption for a highly automated vehicle with an automated driving system that is known, at the time of the decision, to present an unreasonable risk to motor vehicle safety.

“(E) CRASHWORTHINESS FINDINGS FOR HIGHLY AUTOMATED VEHICLES.—In making a finding relating to the safety level required for an exemption under clause (ii), (iv), or (v) of paragraph (3)(B) for a highly automated vehicle that does not



meet 1 or more of the crashworthiness 200-series standards, the Secretary may not consider the crash avoidance capabilities of the highly automated vehicle.

“(F) PUBLIC TRANSPORTATION.—The Secretary may not grant an exemption or a renewal of an exemption for a highly automated vehicle if the Secretary makes a determination that the exemption would provide for public transportation (as defined in section 5302) by a public transportation agency receiving assistance under chapter 53 of title 49.”;

(C) in paragraph (3)—

(i) by striking the paragraph designation and all that follows through “The Secretary” and inserting the following:

“(3) FINDINGS.—The Secretary”; and

(ii) in subparagraph (B)—

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

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

(III) by adding at the end the following:

“(v) (I) the exemption would promote transportation access for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), which may include non-visual access for individuals who are blind or visually impaired; and

“(II) would provide—

“(aa) a safety level at least equal to the safety level of the standard for which the exemption is sought; or

“(bb) an overall safety level at least equal to the overall safety level of nonexempt vehicles.”;

(2) in subsection (c)—

(A) by striking “if”, each place it appears, and inserting “If”;  
and

(B) by adding at the end the following:

“(5) If the application is for a highly automated vehicle and is made under clause (ii), (iv), or (v) of subsection (b)(3)(B)—

“(A) the data necessary to demonstrate that the motor vehicle is a highly automated vehicle; and

“(B) a detailed analysis that includes supporting evidence, such as on-road data, validation data, incident and crash data, and testing data, as appropriate establishing that—

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

“(ii) the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.

“(6) If the application is made under subsection (b)(3)(B)(v), a detailed analysis demonstrating how the vehicle promotes transportation access for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).”;

(3) by striking subsection (d) and inserting the following:

“(d) ELIGIBILITY.—

“(1) SUBSTANTIAL ECONOMIC HARDSHIP.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) only if the Secretary determines that the total motor vehicle production of the manufacturer in the most recent year of production is not more than 10,000.

“(2) LOW-EMISSION MOTOR VEHICLE.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(iii) only if the Secretary determines that the exemption is for not more than 2,500 vehicles to be sold in the United States during any 12-month period.

“(3) SAFETY EQUIVALENCE, OVERALL SAFETY LEVEL, AND DISABILITY ACCESS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a manufacturer is eligible for an exemption under clause (ii), (iv), or (v) of subsection (b)(3)(B) only if the Secretary determines that the exemption is for not more than 2,500 vehicles to be sold in the United States during any 12-month period.

“(B) HIGHLY AUTOMATED VEHICLES.—A manufacturer is eligible for an exemption or a renewal of an exemption for a highly automated vehicle under clause (ii), (iv), or (v) of subsection (b)(3)(B) only if the Secretary determines that the number of new exemptions granted for that manufacturer is for not more than a total of 80,000 vehicles per manufacturer to be sold, leased, or otherwise introduced into interstate commerce in the United States in any 12-month period.

“(C) LIMITATIONS ON NUMBER OF VEHICLES EXEMPTED.—

“(i) IN GENERAL.—The exemptions granted to a manufacturer under clause (ii), (iv), and (v) of subsection (b)(3)(B) may not exceed a total of—

“(I) 15,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the first 12-month period beginning on the date on which the application for an exemption is granted;

“(II) 40,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the second 12-month period

immediately following the period described in subclause (I);

“(III) 80,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the third 12-month period immediately following the period described in subclause (II); and

“(IV) 80,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the fourth 12-month period immediately following the period described in subclause (III).

“(ii) RENEWAL.—Any renewal under clause (ii), (iv), and (v) of subsection (b)(3)(B) shall not exceed a total of 80,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within a 12-month period.

“(D) SUNSET FOR EXEMPTIONS FROM MOTOR VEHICLE SAFETY STANDARDS.—The eligibility of a manufacturer to apply for an exemption from any provision, clause, sentence, or paragraph of a motor vehicle safety standard under subparagraph (B) for a highly automated vehicle ends, with due consideration for any lead time specified for compliance, on the earlier of—

“(i) the date that is 12 years after the date of the enactment of this subparagraph; or

“(ii) the effective date of any motor vehicle safety standard that—

“(I) amends the provision, clause, sentence, or paragraph from which an exemption is sought or granted; and

“(II) is related to a highly automated vehicle.

**“(E) PHASEOUT OF EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS.—**Each exemption and renewal of an exemption granted to a manufacturer under clause (ii), (iv), and (v) of subsection (b)(3)(B) shall not exceed a total of—

“(i) 80,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the 12-month period beginning on the date 8 years after the date of the enactment of this subparagraph;

“(ii) 80,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the second 12-month period immediately following the period described in clause (i);

“(iii) 40,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the third 12-month period immediately following the period described in clause (ii); and

“(iv) 15,000 vehicles to be sold, leased, or otherwise introduced into interstate commerce by that manufacturer in the United States within the fourth 12-month period immediately following the period described in clause (iii).”;

(4) by striking subsection (e) and inserting the following:

**“(e) MAXIMUM PERIOD.—**

**“(1) SUBSTANTIAL ECONOMIC HARDSHIP.—**An exemption or renewal under subsection (b)(3)(B)(i) may be granted for not more than 3 years.

**“(2) LOW-EMISSION MOTOR VEHICLE.—**An exemption or renewal under subsection (b)(3)(B)(iii) may be granted for not more than 2 years.

**“(3) SAFETY EQUIVALENCE, OVERALL SAFETY LEVEL, AND DISABILITY ACCESS.—**An exemption or renewal under clause (ii), (iv), or (v) of subsection (b)(3)(B) may be granted—

“(A) for not more than 2 years; or

“(B) if the motor vehicle is a highly automated vehicle, for not more than 4 years.”; and

(5) by adding at the end the following:

**“(i) PROCESS AND ANALYSIS FOR A HIGHLY AUTOMATED VEHICLE.—**

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

**“(2) ELEMENTS.—**The notice under paragraph (1) shall include a description of the following:

“(A) The notice and comment process under subsection (b)(2)(B).

“(B) The process and analysis used by the Secretary to make information (including data, but not personally identifiable information about an individual or confidential business information as defined by part 512 of title 49, Code of Federal Regulations) associated with an application available for public review and comment under subsection (f).

“(C) The criteria by which the Secretary determines that the application contains adequate justification for granting an exemption or renewal of an exemption.

“(D) The data and information required under subsection (j).

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

“(A) shall be reviewed not later than 4 years after the initial date of publication, and not less frequently than once every 4 years thereafter; and

“(B) shall be updated if the Secretary determines that an update is necessary.

“(j) REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—In granting an exemption for a highly automated vehicle under clause (ii), (iv), or (v) of subsection (b)(3)(B), the Secretary shall require a manufacturer to provide information and data necessary for the Secretary—

“(A) to monitor the safety and performance of the exempted vehicle; and

“(B) to identify and investigate safety-related defects in highly automated vehicles and automated driving systems.

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

“(3) RULE OF CONSTRUCTION.—This section may not be construed to exempt a person from liability at common law or under a State law.

“(k) EXEMPTION DATABASE.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall establish a searchable electronic database of each highly automated vehicle for which an exemption has been granted from—

“(A) a motor vehicle safety standard prescribed under this chapter; or

“(B) a bumper standard prescribed under chapter 325.

“(2) REQUIREMENTS.—The database established pursuant to paragraph (1)—

“(A) shall be searchable by vehicle make and model; and

“(B) shall include—

“(i) information included in the exemption label required under section 555.9 of title 49, Code of Federal Regulations; and

“(ii) for a highly automated vehicle—

“(I) the level of an automated driving system installed in the vehicle; and

“(II) a description of the operational design domain in which the highly automated vehicle or automated driving system is designed to operate;

“(C) shall not include any personally identifiable information, and

“(D) shall be updated as frequently as necessary to maintain accuracy.

“(3) PUBLIC AVAILABILITY.—The database established pursuant to paragraph (1) shall be made available to the public.”.

(b) ENFORCEMENT AUTHORITY.—Section 30165(a)(1) of title 49, United States Code, is amended by inserting “30113,” after “30112,”.

## **SEC. 8. HIGHLY AUTOMATED VEHICLE ADVISORY COUNCIL.**

(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a council to be known as the “Highly Automated Vehicle Advisory Council” (in this section referred to as the “Council”).

(b) DUTIES.—



(1) IN GENERAL.—The Council shall study matters relating to highly automated vehicles, including the following:

(A) Access for individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), including individuals with impairments to mobility and vision, relating to the introduction into interstate commerce of dedicated highly automated vehicles, including—

(i) impediments to the use of dedicated highly automated vehicles by such individuals; and

(ii) methods to ensure awareness of the needs of such individuals in the design of dedicated highly automated vehicles.

(B) Labor and employment concerns relating to the introduction into interstate commerce of highly automated vehicles, including—

(i) any impact of such introduction on the number and quality of jobs in the transportation sector outside of manufacturing;

(ii) the job functions that may be significantly altered or eliminated as a result of such introduction; and

(iii) the training needs of the existing workforce.

(C) The environmental impacts of the introduction into interstate commerce of highly automated vehicles, including emissions and land use.

(D) The development and deployment of alternative fuel infrastructure alongside the development and introduction into interstate commerce of highly automated vehicles.

(E) The testing and introduction into interstate commerce of highly automated vehicles, automated driving systems, and components of automated driving systems in areas that are rural, remote, mountainous, insular, or unmapped, including—

(i) to evaluate operational limitations caused by—

(I) natural geographical or man-made features; or

(II) adverse weather conditions; and

(ii) to enhance the safety and reliability of highly automated vehicles and automated driving systems used in such areas with respect to such features and conditions.

(F) The testing and introduction into interstate commerce of highly automated vehicles, automated driving systems, and components of automated driving systems in areas that are urban or suburban to evaluate the effect of highly automated vehicles, automated driving systems, and components of automated driving systems on congestion, vehicle miles traveled, traffic management, public transportation, and speed management.

(G) The sale, service, repair, and recall of highly automated vehicles, automated driving systems, and components of automated driving systems.

(H) Access to highly automated vehicles for people, including senior citizens and low-income populations, who lack access to traditional means of transportation.

(I) Any other matter the Secretary determines appropriate.

(2) REPORT TO SECRETARY.—Not later than 4 years after the date of the enactment of this Act, the Council shall submit to the Secretary a report containing consensus-based technical advice, best practices, and recommendations on the matters described in paragraph (1).

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall be composed of not more than 30 members appointed by the Secretary, with at least 1 but not more than 3 members appointed from each of the following groups:

(A) Business, including manufacturers of highly automated vehicles, automated driving systems, and components of automated driving systems.

(B) Researchers.

(C) Officials from State and local governments.

(D) Safety and consumer advocates.

(E) Engineers.

(F) Labor organizations that represent frontline transportation workers.

(G) Labor organizations that represent manufacturing workers.

(H) Environmental experts.

(I) Representatives of individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(J) Any other members the Secretary determines appropriate.

(2) REPRESENTATION.—The membership of the Council shall be fairly balanced in terms of the points of view represented, the functions to be performed, and the terms of initial appointment under paragraph (3).

(3) TERMS.—Each member of the Council shall serve for a term of 3 years, except that of the members first appointed—

(A) one-third of the members shall be appointed for 2 years;

(B) one-third of the members shall be appointed for 3 years;  
and

(C) one-third of the members shall be appointed for 4 years.

(4) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(B) FILLING OF VACANCY.—A vacancy in the Council shall be filled not later than 60 days after the date on which the vacancy occurs.

(C) NO EFFECT ON POWER OF REMAINING MEMBERS.—A vacancy in the Council does not affect the power of the remaining members to execute the duties of the Council.

(5) PAYMENT AND TRAVEL EXPENSES.—

(A) SERVICE WITHOUT PAY.—Members of the Council shall serve without pay.

(B) TRAVEL EXPENSES.—Each member of the Council shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, for a meeting of the Council.

(6) MEETINGS.—The Council shall meet not fewer than 4 times per year.

(d) SUBCOMMITTEES.—The Council may form subcommittees to undertake information-gathering activities, develop technical advice, and present best practices or recommendations to the Secretary on the matters described in subsection (b)(1).

(e) REPORT TO CONGRESS.—Not later than 90 days after the date on which the Secretary receives a report from the Council, the Secretary shall publish such report in the Federal Register and submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(f) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council and any subcommittee of the Council.

(g) TECHNICAL ASSISTANCE.—Upon request of the Council, the Secretary shall provide to the Council such technical assistance as the Secretary determines necessary for the Council to carry out the duties described in subsection (b).

(h) DETAIL OF FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Upon request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Transportation to the Council to assist the Council in carrying out the duties of the Council.

(2) CIVIL SERVICE STATUS.—Any detail of a Federal employee under paragraph (1) shall not interrupt or otherwise affect the civil service status or privileges of such Federal employee.

(i) TERMINATION.—The Council and any subcommittee of the Council shall terminate on the date that is 4 years after the date of the enactment of this Act.

(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) affect the authority of the Secretary under chapter 301 of title 49, United States Code, to issue regulations or motor vehicle safety standards for highly automated vehicles, automated driving systems, or components of an automated driving system; or

(2) replace the Transforming Transportation Advisory Committee.

## SEC. 9. INCIDENT DATA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue a regulation that incorporates by reference the incident reporting requirements of Standing General Order 2021–01.

(b) INSPECTOR GENERAL EVALUATION.—Not later than 2 years after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) complete an audit to—

(A) evaluate the extent to which any confidentiality determination related to Standing General Order 2021–01 and any

regulation issued pursuant to this section meet the requirements described in subpart D of part 512 of title 49, Code of Federal Regulations; and

(B) provide recommendations, as applicable, to improve the confidentiality determinations described in subparagraph (A); and

(2) publish a report that details the findings of the audit described in paragraph (1) on a publicly available website and submit such report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) PUBLIC AVAILABILITY.—To the extent practicable, the Secretary shall contextualize information publicly disclosed pursuant to Standing General Order 2021–01 or any regulation issued pursuant to this section.

(d) EFFECTIVE DATE.—The regulation issued pursuant to subsection (a) shall expire upon the effective date of the rulemaking required under section 30130(a)(1) of title 49, United States Code, as added by section 2(a).

(e) RULES OF CONSTRUCTION.—Nothing in this section may be construed to—

(1) limit the authority of the Secretary to modify the incident reporting requirements of Standing General Order 2021–01; or

(2) affect discovery, a subpoena or other court order, or any other judicial process under other applicable Federal or State law.

## **SEC. 10. CONSUMER EDUCATION.**

(a) RULEMAKING.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall issue a rule requiring manufacturers of highly automated vehicles, partially automated vehicles, and driver assistance vehicles to provide information to consumers describing the following:

(1) Whether a vehicle is equipped with an advanced driver assistance system, automated driving system, or partial driving automation system.

(2) The features of the systems described in paragraph (1).

(3) The capabilities and limitations of the systems described in paragraph (1).

(4) Any changes to the capabilities and limitations of the systems described in paragraph (1) that may result from software updates, including over-the-air updates.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to exempt an individual from liability under applicable common or State law.

**SEC. 11. VEHICLE IDENTIFICATION NUMBER ENCODING FOR AUTOMATED SYSTEMS.**

(a) **RESEARCH.**—Not later than 270 days after the date of the enactment of this Act, the Secretary shall complete research into amending the requirements for vehicle identification numbers under part 565 of title 49, Code of Federal Regulations (or any successor regulation), to enable the identification of vehicles with advanced driver assistance systems, partial driving automation systems, and automated driving systems.

(b) **RULEMAKING OR REPORT.**—

(1) **RULEMAKING.**—Not later than 270 days after completing the research described in subsection (a), the Secretary shall issue a final rule to amend part 565 of title 49, Code of Federal Regulations (or any successor regulation), if the Secretary determines such final rule—

(A) is in the public interest; and

(B) improves the identification of vehicles with advanced driver assistance systems, partial driving automation systems, and automated driving systems.

(2) **REPORT.**—If the Secretary determines not to issue a final rule pursuant to paragraph (1), the Secretary shall publish in the Federal Register and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the reasons for such determination.

(3) PUBLIC COMMENT.—The Secretary shall provide for a period of public comment and review before making a determination pursuant to paragraph (1).

**SEC. 12. SAVINGS PROVISION.**

Nothing in this Act may be construed to alter any authority under subtitle VI of title 49, United States Code, related to a commercial motor vehicle (as defined in section 31101 of such title).

**SEC. 13. HIGHLY AUTOMATED VEHICLE ADOPTION AND SAFETY IMPACTS.**

(a) PUBLIC AVAILABILITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish and maintain, on a publicly available website of the Department of Transportation, a searchable electronic database that, to the extent practicable based on information available to the Secretary, shall include the following:

(1) A list of—

(A) each manufacturer, contracted partner, and eligible research institution that conducts the testing or evaluation of a highly automated vehicle, automated driving system, or component of an automated driving system pursuant to chapter 301 of title 49, United States Code;

(B) each manufacturer granted an exemption or a renewal of an exemption pursuant to section 30113 of title 49, United States Code, to manufacture for sale, sell, offer for sale, introduce or deliver for introduction into interstate commerce, or import into the United States a highly automated vehicle or automated driving system; and

(C) each manufacturer not described in subparagraph (A) or (B) that otherwise manufactures for sale, sells, offers for sale, introduces or delivers for introduction into interstate commerce, or imports into the United States a highly automated vehicle or automated driving system.



(2) Information related to the introduction into interstate commerce of highly automated vehicles, automated driving systems, or components of automated driving systems, including the following:

(A) An estimate of the number of highly automated vehicles operating in interstate commerce.

(B) Operating locations.

(C) Descriptions of the operating status, including vehicles that are being tested, granted an exemption, or otherwise introduced into interstate commerce.

(D) Descriptions of how the vehicle is being used, including use in ride-sharing.

(E) Descriptions of the operational design domain.

(F) Descriptions of how the vehicle transitions to a minimal-risk condition, including the use of a fallback-ready user, as applicable.

(F) The level of an automated driving system installed in a vehicle.

(3) Laws, regulations, policies, or other information about States and localities related to highly automated vehicles, automated driving systems, or components of automated driving systems.

(4) The exemptions database required pursuant to section 30113(k) of title 49, United States Code, as added by section 7(a)(5).

(5) The safety self-assessment required pursuant to section 30130(a)(2) of title 49, United States Code, as added by section 2(a).

(b) **SEARCHABILITY.**—The database established pursuant to subsection (a) shall be searchable by the following:

(1) Vehicle make.

(2) Vehicle model.

(3) Location.

(4) Each manufacturer, contracted partner, and eligible research institution described in subsection (a)(1)(A).

(c) UPDATES.—The Secretary shall update the database established pursuant to subsection (a) as necessary to maintain accuracy.

#### **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as necessary to carry out—

(1) this Act and the amendments made by this Act; and

(2) the requirements of chapter 301 of title 49, United States Code, with respect to highly automated vehicles.

#### **SEC. 15. PERSONNEL AND STAFFING.**

(a) RESOURCE AND STAFFING REPORT.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall 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 resource and staffing report describing additional personnel or resources that the Secretary expects to need during the 10-year period following the date on which the Secretary submits the report to—

(A) carry out this Act and the amendments made by this Act; and

(B) determine whether highly automated vehicles and partially automated vehicles comply with the requirements of chapter 301 of title 49, United States Code.

(2) UPDATED REPORT.—Not later than 3 years after the date on which the Secretary submits the report described in paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and

Commerce of the House of Representatives an updated version of such report.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall—

(1) consider the staffing of the Highly Automated Systems Safety Center of Excellence established under section 105 of title I of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2938);

(2) coordinate with the Highly Automated Systems Safety Center of Excellence to ensure that resources are allocated appropriately to carry out this Act and the amendments made by this Act; and

(3) describe how the Secretary will carry out this Act and the amendments made by this Act using career employees in the civil service (as defined in section 2101 of title 5, United States Code) instead of employees under a contract with the Federal Government.

#### SEC. 16. DEFINITIONS.

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

(1) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter:”;

(2) in each of paragraphs (1) through (13)—

(A) by inserting “The term” after the paragraph designation; and

(B) by inserting a paragraph heading, the text of which is comprised of the term defined in that paragraph;

(3) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13) as paragraphs (3), (4), (6), (7), (13), (14), (16), (17), (18), (19), (23), (24), and (25), respectively;

(4) by inserting before paragraph (3) (as so redesignated) the following:

“(1) **ADVANCED DRIVER ASSISTANCE SYSTEM.**—The term ‘advanced driver assistance system’ means a driving automation system that performs the lateral or longitudinal (but not both simultaneously) vehicle motion control subtasks of the dynamic driving task with the expectation that the driver monitors the driving automation system to execute a response to an object or event when necessary.

“(2) **AUTOMATED DRIVING SYSTEM.**—The term ‘automated driving system’ means a system of which the hardware and software 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.”;

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

“(5) **DEDICATED HIGHLY AUTOMATED VEHICLE.**—The term ‘dedicated highly automated vehicle’ means a highly automated vehicle that—

“(A) is designed to be operated exclusively by an automated driving system; and

“(B) does not require a fallback-ready user to perform the dynamic driving task or achieve a minimal-risk condition when the automated driving system encounters a malfunction, is operating in a degraded state, or is outside of the operational design domain.”;

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

“(8) **DRIVER ASSISTANCE VEHICLE.**—The term ‘driver assistance vehicle’ means a motor vehicle that—

“(A) has a gross vehicle weight rating of not more than 10,000 pounds; and

“(B) is equipped with an advanced driver assistance system.

“(9) **DYNAMIC DRIVING TASK.**—

“(A) IN GENERAL.—The term ‘dynamic driving task’ means all of the real-time operational and tactical functions required to operate a motor vehicle in on-road traffic.

“(B) INCLUSIONS.—The term ‘dynamic driving task’ includes—

“(i) controlling the lateral motion of a motor vehicle through steering;

“(ii) controlling the longitudinal motion of a motor vehicle through acceleration and deceleration;

“(iii) monitoring the driving environment through the detection, recognition, and classification of objects and events;

“(iv) preparing a response to an object or event;

“(v) executing a response to an object or event;

“(vi) planning a maneuver; and

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

“(C) EXCLUSION.—The term ‘dynamic driving task’ does not include the strategic functions relating to the operation of a motor vehicle, such as—

“(i) trip scheduling;

“(ii) selection of a destination; and

“(iii) selection of a waypoint.

“(10) ELIGIBLE RESEARCH INSTITUTION.—The term ‘eligible research institution’ means—

“(A) an automated vehicle proving ground; or

“(B) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(11) FALLBACK-READY USER.—The term ‘fallback-ready user’ means an occupant or remote monitor of a highly automated vehicle (other than a dedicated highly automated vehicle) who is able to perform the dynamic driving task when the automated driving system encounters a malfunction, is operating in a degraded state, or is outside of the operational design domain.

“(12) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’—

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

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

(7) by inserting after paragraph (14) (as so redesignated) the following:

“(15) MINIMAL-RISK CONDITION.—The term ‘minimal-risk condition’ means a condition—

“(A) to which a fallback-ready user or automated driving system brings a highly automated vehicle when the automated driving system encounters a malfunction, is operating in a degraded state, or is outside of the operational design domain; and

“(B) in which the risk to motor vehicle safety is minimized.”;

and

(8) by inserting after paragraph (19) (as so redesignated) the following:

“(20) OPERATIONAL DESIGN DOMAIN.—The term ‘operational design domain’ means the specific operating conditions under which a given partial driving automation system, feature of a partial driving automation system, automated driving system, or feature of an automated driving system is specifically designed to function,

including environmental, geographical, and time-of-day restrictions and the requisite presence or absence of certain traffic or roadway characteristics.

“(21) PARTIAL DRIVING AUTOMATION SYSTEM.—The term ‘partial driving automation system’ means a driving automation system that performs the lateral and longitudinal vehicle motion control subtasks of the dynamic driving task with the expectation that the driver monitors the driving automation system to execute a response to an object or event when necessary.

“(22) PARTIALLY AUTOMATED VEHICLE.—The term ‘partially automated vehicle’ means a motor vehicle that—

“(A) has a gross vehicle weight rating of not more than 10,000 pounds; and

“(B) is equipped with a partial driving automation system.”.

(b) DEFINITIONS APPLICABLE IN THIS ACT.—In this Act:

(1) TERMS DEFINED IN TITLE 49, UNITED STATES CODE.—Any term defined in section 30102(a) of title 49, United States Code, has the meaning given such term in such section.

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

