

[DISCUSSION DRAFT]119TH CONGRESS
2D SESSION**H. R.** _____

To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over vehicles with automated driving systems, to provide safety measures for such vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LATTA introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 49, United States Code, regarding the authority of the National Highway Traffic Safety Administration over vehicles with automated driving systems, to provide safety measures for such vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safely Ensuring Lives Future Deployment and Research

1 In Vehicle Evolution Act of 2026” or the “SELF DRIVE
2 Act of 2026”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Updated or new motor vehicle safety requirements for vehicles with
automated driving systems.
- Sec. 4. Motor vehicle testing or evaluation.
- Sec. 5. Make inoperative.
- Sec. 6. Protecting the security of connected vehicles.
- Sec. 7. Definitions.

5 **SEC. 2. PURPOSE.**

6 The purpose of this Act is to ensure continued United
7 States leadership in the global automotive and auto-
8 mous driving sector, improve road safety, mobility, and ac-
9 cessibility, and create American jobs by creating rules and
10 regulations that relate to the design, construction, and
11 performance of ADS-equipped vehicles and by encouraging
12 the testing and deployment of such vehicles.

13 **SEC. 3. UPDATED OR NEW MOTOR VEHICLE SAFETY RE-**
14 **QUIREMENTS FOR VEHICLES WITH AUTO-**
15 **MATED DRIVING SYSTEMS.**

16 (a) IN GENERAL.—Subchapter II of chapter 301 of
17 subtitle VI of title 49, United States Code, is amended
18 by adding at the end the following:

19 **“§ 30130. Motor vehicle safety standards for auto-**
20 **mated driving systems**

21 **“(a) DEFINITIONS.—**

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), in this section and sections 30122,
3 30131, 30132, and 30133:

4 “(A) ADS-DEDICATED VEHICLE.—The
5 term ‘ADS-dedicated vehicle’ means an ADS-
6 equipped vehicle designed to be operated exclu-
7 sively by a Level 4 or Level 5 automated driv-
8 ing system in driverless operation within the
9 operational design domain of the vehicle.

10 “(B) ADS-EQUIPPED VEHICLE.—The term
11 ‘ADS-equipped vehicle’ means any motor vehicle
12 equipped with an automated driving system.

13 “(C) AUTOMATED DRIVING SYSTEM;
14 ADS.—

15 “(i) IN GENERAL.—The terms ‘auto-
16 mated driving system’ and ‘ADS’—

17 “(I) mean the hardware and soft-
18 ware that are collectively capable of
19 performing the entire dynamic driving
20 task on a sustained basis, regardless
21 of whether such system is limited to a
22 specific operational design domain;
23 and

1 “(II) include only a system that
2 meets the definition of Level 3, Level
3 4, or Level 5 automation.

4 **[(“(ii) APPLICATION.—The automated**
5 **driving system and ADS shall be consid-**
6 **ered to be the driver of a vehicle when the**
7 **ADS is engaged.】**

8 “(D) DDT FALLBACK.—The term ‘DDT
9 fallback’ means, after a DDT performance-rel-
10 evant system failure or upon the exit of an
11 ADS-equipped vehicle from the operational de-
12 sign domain of that vehicle—

13 “(i) the response by the in-vehicle fall-
14 back ready user to perform the DDT to
15 achieve an MRC; or

16 “(ii) the response by an automated
17 driving system to achieve an MRC.

18 “(E) DYNAMIC DRIVING TASK; DDT.—The
19 terms ‘dynamic driving task’ and ‘DDT’—

20 “(i) mean each real-time operational
21 and tactical function required to operate a
22 vehicle in on-road traffic;

23 “(ii) exclude any strategic function,
24 such as trip scheduling and selection of a
25 destination or waypoint; and

1 “(iii) include without limitation—
2 “(I) lateral vehicle motion control
3 through steering;
4 “(II) longitudinal motion control
5 through acceleration and deceleration;
6 “(III) monitoring the driving en-
7 vironment through object and event
8 detection, recognition, classification,
9 and response preparation;
10 “(IV) object and event response
11 execution;
12 “(V) maneuver planning; and
13 “(VI) enhancing conspicuity
14 through lighting, sounding the horn,
15 signaling, gesturing, or other indi-
16 cator.

17 “(F) FALLBACK-READY USER.—The term
18 ‘fallback-ready user’ means an in-vehicle fall-
19 back-ready user of a vehicle equipped with an
20 engaged Level 3 ADS feature who is properly
21 qualified and able to operate the vehicle and is
22 receptive to ADS-issued requests to intervene
23 and to evident DDT performance-relevant sys-
24 tem failures in the vehicle compelling the user
25 to perform the DDT fallback.

1 “(G) IN-VEHICLE FALLBACK-READY
2 USER.—The term ‘in-vehicle fallback-ready
3 user’ means a fallback-ready user of a conven-
4 tional vehicle with an engaged Level 3 ADS fea-
5 ture who is seated in the driver’s seat.

6 “(H) LEVEL 3.—The term ‘Level 3’ has
7 the meaning given that term in the April 2021
8 edition of the J3016 recommended practice of
9 SAE International, ‘Taxonomy and Definitions
10 for Terms Related to Driving Automation Sys-
11 tems for On-Road Motor Vehicles’.

12 “(I) LEVEL 4.—The term ‘Level 4’ has the
13 meaning given that term in the April 2021 edi-
14 tion of the J3016 recommended practice of
15 SAE International, ‘Taxonomy and Definitions
16 for Terms Related to Driving Automation Sys-
17 tems for On-Road Motor Vehicles’.

18 “(J) LEVEL 5.—The term ‘Level 5’ has
19 the meaning given that term in the April 2021
20 edition of the J3016 recommended practice of
21 SAE International, ‘Taxonomy and Definitions
22 for Terms Related to Driving Automation Sys-
23 tems for On-Road Motor Vehicles’.

24 “(K) MINIMAL RISK CONDITION; MRC.—
25 The terms ‘minimal risk condition’ and ‘MRC’

1 mean a stable, stopped condition to which an
2 in-vehicle fallback-ready user or an ADS may
3 bring a vehicle after performing the DDT fall-
4 back in order to reduce the risk of a crash when
5 a trip cannot or should not be continued.

6 “(L) OPERATIONAL DESIGN DOMAIN;
7 ODD.—The terms ‘operational design domain’
8 and ‘ODD’ mean the operating conditions
9 under which an ADS, or feature thereof, is spe-
10 cifically designed to function, including any en-
11 vironmental, geographical, and time-of-day re-
12 striction, or the requisite presence or absence of
13 certain traffic or roadway characteristics.

14 “(M) SYSTEM FAILURE.—The term ‘sys-
15 tem failure’ means a malfunction in an ADS,
16 other vehicle system, or both that prevents the
17 ADS from reliably performing the DDT on a
18 sustained basis.

19 “(N) VULNERABLE ROAD USER.—The
20 term ‘vulnerable road user’—

21 “(i) means an individual who is not
22 an occupant of a motor vehicle with more
23 than three wheels; and

24 “(ii) includes a pedestrian, bicyclist,
25 motorcycle, individual in a wheelchair,

1 and a rider or occupant of any other trans-
2 port vehicle that is not a motor vehicle,
3 such as an all-terrain vehicle or tractor.

4 “(2) UPDATE TO DEFINITIONS.—

5 “(A) USE OF SAE INTERNATIONAL’S TAX-
6 ONOMY AND DEFINITIONS.—The Secretary shall
7 use the taxonomy and definitions set forth in
8 April 2021 edition of the J3016 recommended
9 practice of SAE International, ‘Taxonomy and
10 Definitions for Terms Related to Driving Auto-
11 mation Systems for On-Road Motor Vehicles’
12 for any term defined in paragraph (1).

13 “(B) REVIEW.—

14 “(i) IN GENERAL.—The Secretary—

15 “(I) shall review the taxonomy
16 and definitions for automated driving
17 systems set forth by SAE Inter-
18 national to ensure that such taxonomy
19 and definitions are clear and objective;
20 and

21 “(II) may provide feedback to
22 SAE International for potential up-
23 dates.

24 “(ii) USE OF REVISED STANDARD.—

1 “(I) DETERMINATION.—Not
2 later than 120 days after the date on
3 which SAE International revises the
4 taxonomy and definitions referred to
5 in subparagraph (A), the Secretary,
6 after publishing notice of the revision
7 in the Federal Register, shall deter-
8 mine whether to redefine any term de-
9 fined in paragraph (1).

10 “(II) EFFECT OF DECISION NOT
11 TO ADOPT THE REVISED TAXONOMY
12 AND DEFINITIONS.—If the Secretary
13 decides not to adopt the revised tax-
14 onomy and definitions—

15 “(aa) the Secretary shall no-
16 tify SAE International of the
17 Secretary’s decision; and

18 “(bb) the definitions re-
19 ferred to in subparagraph (A)
20 shall remain in effect.

21 “(b) AUTOMATED DRIVING SYSTEM REQUIRE-
22 MENTS.—

23 “(1) IN GENERAL.—

24 “(A) SAFETY CASE REQUIRED.—A manu-
25 facturer may not manufacture for sale, sell,

1 offer for sale, introduce or deliver for introduc-
2 tion into interstate commerce, or import into
3 the United States, any automated driving sys-
4 tem or ADS-equipped vehicle unless the manu-
5 facturer has developed a safety case for the
6 automated driving system or ADS-equipped ve-
7 hicle that meets the requirements of paragraph
8 (3).

9 “(B) REGULATIONS AND PROCEDURES.—
10 Consistent with paragraphs (3), (4), and (5),
11 the Secretary may prescribe regulations to es-
12 tablish—

13 “(i) objective content requirements for
14 a safety case; and

15 “(ii) procedures for manufacturers to
16 certify the completion of a safety case and
17 provide the safety case to the Secretary
18 upon request under section 30166.

19 “(C) MODIFICATION OF ADS COM-
20 PETENCIES BY SECRETARY.—The Secretary
21 may prescribe motor vehicle safety standards
22 that define, modify, or interpret the ADS com-
23 petencies described in paragraph (5).

24 “(2) SAFETY STANDARD TO REQUIRE SAFETY
25 CASE.—

1 “(A) SAFETY STANDARD.—Not later than
2 September 30, 2027, the Secretary of Trans-
3 portation shall issue a final rule that prescribes
4 a motor vehicle safety standard under section
5 30111 that requires each manufacturer that
6 manufactures for sale, sells, offers for sale, in-
7 troduces or delivers for introduction in inter-
8 state commerce, or imports into the United
9 States an ADS-equipped vehicle or an auto-
10 mated driving system intended for installation
11 in a vehicle not originally equipped with such
12 system, to complete a safety case described in
13 paragraph (3) for each ADS version produced
14 by a manufacturer that meets the requirements
15 of this section and provide the safety case to
16 the Secretary upon request under section
17 30166.

18 “(B) DEADLINE.—If the Secretary does
19 not meet the deadline described in subpara-
20 graph (A), the Secretary shall submit to the
21 Committee on Energy and Commerce of the
22 House of Representatives and the Committee
23 on Commerce, Science, and Transportation of
24 the Senate a report that describes the reasons
25 why the deadline was not met, including a tar-

1 get date for issuing the final rule required pur-
2 suant to subparagraph (A).

3 “(C) SPECIAL RULE.—Any motor vehicle
4 safety standard issued under this paragraph su-
5 persedes any conflicting requirements under
6 paragraph (1).

7 “(3) REQUIREMENTS FOR SAFETY CASE.—A
8 safety case shall provide claims, supported by argu-
9 ments and evidence, that supports the conclusion of
10 the manufacturer that the design, construction, and
11 performance of the automated driving system or
12 ADS-equipped vehicle meets the needs for motor ve-
13 hicle safety, including the following:

14 “(A) A description of each hardware and
15 software element of the ADS that includes the
16 following:

17 “(i) Braking, steering, propulsion, and
18 computing capability.

19 “(ii) Redundancies.

20 “(iii) Each capability of the suite of
21 sensors of the ADS.

22 “(iv) The integration of the ADS into
23 the vehicle platform.

1 “(B) A complete description of the ODD of
2 the ADS and how the ADS performs each ele-
3 ment of the DDT within the ODD of the ADS.

4 “(C) Each engineering methodology, in-
5 cluding each hazard analysis and associated
6 verification and validation process, used to de-
7 sign and assess the performance of the ADS
8 and ensure motor vehicle safety.

9 “(D) The ADS that uses the methodology
10 described in subparagraph (C), including com-
11 petencies in normal driving and crash avoidance
12 capability and the acceptance criteria used by
13 the manufacturer in assessing that perform-
14 ance.

15 “(E) An explanation of how the ADS an-
16 ticipates and responds to potential crashes.

17 “(F) A description of any vehicle-inte-
18 grated system that provides visual or digital
19 hazard alerting to a nearby road user when the
20 vehicle executes or enters a minimal risk condi-
21 tion, including any system that automatically
22 activates high-conspicuity lighting patterns,
23 transmits digital hazard messages, or both, to
24 connected vehicles and roadway infrastructure.

1 “(G) An explanation of how the ADS-
2 equipped vehicle meets each competency listed
3 in paragraph (5).

4 “(4) OPTIONAL REQUIREMENTS FOR A SAFETY
5 CASE.—A safety case completed under this sub-
6 section may include the following:

7 “(A) A description of the safety manage-
8 ment system of the manufacturer, including or-
9 ganizational roles and responsibilities, and each
10 process used to systematically address and
11 audit safety throughout the design, testing, de-
12 ployment, and operation of the automated driv-
13 ing system.

14 “(B) An explanation of the configuration
15 and change management procedures employed
16 to ensure that any hardware or software up-
17 date, modification, or configuration change is
18 tracked and assessed for safety impacts prior to
19 release, including contingency and rollback pro-
20 cedures where necessary.

21 “(C) A description of the in-use safety
22 monitoring processes, including safety perform-
23 ance indicators, thresholds for intervention, and
24 procedures for investigating and addressing
25 safety-relevant incidents and near-misses.

1 “(D) A description of how the manufac-
2 turer incorporates lessons learned from in-serv-
3 ice operations, including feedback loops from in-
4 cidents and safety-critical scenarios into the de-
5 sign and validation of the ADS, to ensure con-
6 tinuous improvement of motor vehicle safety.

7 “(5) ADS COMPETENCIES.—The competencies
8 in this paragraph are the following:

9 “(A) An ADS can perform the entire DDT
10 within the ODD of the ADS and is able to rec-
11 ognize the boundaries of an ODD.

12 “(B) An ADS can detect and respond ap-
13 propriately to any vulnerable road user likely to
14 be present and in proximity to the ADS in the
15 relevant ODD.

16 “(C) In the case of a Level 3 ADS, the
17 ability to clearly and unambiguously commu-
18 nicate ADS status and user role and, during
19 any transfer of control to the fallback-ready
20 user, provide sufficient lead time for the fall-
21 back-ready user to safely assume the DDT, and
22 safely maintain vehicle control until the fall-
23 back-user has assumed control and the transfer
24 is completed.

1 “(D) In the case of a Level 4 and Level 5
2 ADS, the ability to safely achieve an MRC
3 when necessary.

4 “(E) An ADS can detect the limits of the
5 ODD of the ADS and respond appropriately
6 when one or more conditions of the ODD are
7 no longer met, whether by achieving an MRC
8 or, in the case of a Level 3 ADS, alerting the
9 fallback ready user to intervene and assume
10 control of the DDT.

11 “(F) An ADS is capable of detecting and
12 responding to any object or event, including
13 emergency vehicles and personnel, and school
14 buses likely to be present and in proximity to
15 the ADS in the relevant ODD and relevant to
16 the driving decisions of the ADS.

17 “(G) An ADS can comply with applicable
18 local traffic laws and laws relevant to the per-
19 formance of the DDT.

20 “(H) For a case in which Level 4 or Level
21 5 ADS is undergoing testing or evaluation or
22 for a case in which a vehicle has human con-
23 trols, Level 4 or Level 5 capabilities, and is
24 being operated manually, the ability to clearly
25 and unambiguously communicate ADS status

1 and user role, and safely maintain vehicle con-
2 trol until the user has assumed control and the
3 transfer is completed.

4 “(I) In the case of a Level 3 ADS, the
5 ability to clearly and unambiguously commu-
6 nicate ADS status and user role and, during
7 any transfer of control to the fallback-ready
8 user, provide sufficient lead time for the user to
9 safely assume the DDT, and safely maintain ve-
10 hicle control until the user has assumed control
11 and the transfer is completed.

12 “(J) A description of the cybersecurity
13 plan that includes a written cybersecurity policy
14 with respect to the practices of the manufac-
15 turer to detect and respond to cyber attacks,
16 unauthorized intrusions, and false vehicle con-
17 trol commands that includes—

18 “(i) a process to identify, assess, and
19 mitigate reasonably foreseeable cyber risks
20 related to motor vehicle safety from cyber
21 attacks or unauthorized intrusions, includ-
22 ing false and malicious vehicle control com-
23 mands; and

24 “(ii) a process to take preventive and
25 corrective action to mitigate against rea-

1 sonably foreseeable cyber risks related to
2 motor vehicle safety in an automated driv-
3 ing system or ADS-equipped vehicle, in-
4 cluding incident response plans, unauthor-
5 ized intrusion detection and prevention sys-
6 tems that safeguard key controls, systems,
7 and procedures through testing or moni-
8 toring, and updates to such process based
9 on changed circumstances.

10 “(c) MANUAL CONTROLS.—

11 “(1) REQUIREMENTS.—A manufacturer may
12 not sell, offer for sale, introduce or deliver for intro-
13 duction into commerce, or import into the United
14 States, any ADS-dedicated vehicle that is configured
15 or subsequently altered to carry one or more occu-
16 pants, unless the vehicle is equipped to—

17 “(A) provide an occupant inside of the ve-
18 hicle with the means from within the vehicle to
19 command that the ADS safely achieve an MRC;
20 and

21 “(B) after the vehicle has achieved an
22 MRC, allow the occupant to safely exit the vehi-
23 cle.

24 “(2) EXEMPTION FROM MOTOR VEHICLE SAFE-
25 TY STANDARDS.—Provided the vehicle is equipped

1 with the system described in paragraph (1), a motor
2 vehicle safety standard issued under section 30111
3 may not be applied to requiring the manufacturer to
4 equip the vehicle with manually operated controls
5 and equipment intended only to support a human
6 driver in an ADS-dedicated vehicle.

7 “(3) A motor vehicle safety standard issued
8 under section 30111 may not be applied to require
9 a manufacturer of an ADS-dedicated vehicle config-
10 ured solely to carry property and not one or more
11 occupants to comply with the standard by equipping
12 the vehicle with manually operated controls and
13 equipment intended only to support a human driver
14 in an ADS-dedicated vehicle.

15 **“§ 30131. National Automated Vehicle Safety Data Re-**
16 **pository**

17 “(a) DEFINITIONS.—In this section:

18 “(1) COVERED CRASH.—The term ‘covered
19 crash’ means a crash on a publicly accessible road
20 in the United States—

21 “(A) that involves—

22 “(i) a fatality;

23 “(ii) an injury that resulted in a per-
24 son being transported from the scene to a
25 hospital for medical treatment;

1 “(iii) an airbag deployment;
2 “(iv) a strike of a vulnerable road
3 user;
4 “(v) a police report; or
5 “(vi) the towing of a vehicle; and
6 “(B) in which the automated driving sys-
7 tem was engaged at any time during the period
8 from 30 seconds immediately prior to the com-
9 mencement of the crash through the conclusion
10 of the crash.

11 “(2) REPOSITORY.—The term ‘repository’
12 means the National Automated Vehicle Safety Data
13 Repository established pursuant to subsection (b).

14 “(3) STATE TRANSPORTATION REGULATORY
15 AGENCY.—The term ‘State transportation regulatory
16 agency’ means a Department of Motor Vehicles, De-
17 partment of Transportation, or equivalent State or
18 local agency.

19 “(b) RULEMAKING REQUIRED.—Not later than Sep-
20 tember 30, 2026, the Secretary of Transportation shall
21 issue a final rule that includes the following:

22 “(1) The establishment of a National Auto-
23 mated Vehicle Safety Data Repository to receive and
24 store data from a covered crash described in para-
25 graph (2) from manufacturers of automated driving

1 systems and from manufacturers of ADS-equipped
2 vehicles.

3 “(2) A requirement, stated in objective terms,
4 for such manufacturers to report to the Secretary
5 for inclusion in the repository, within 20 days after
6 the date on which a covered crash occurs or 7 days
7 after notice of such crash, whichever is later, speci-
8 fied information known to the manufacturer con-
9 cerning the crash including the time and location,
10 the vehicles involved, whether vulnerable road users
11 were involved, each injury that resulted from the
12 crash, whether the vehicle had engaged its DDT-fall-
13 back procedures, whether local authorities inves-
14 tigated the crash, a summary of the circumstances
15 surrounding the crash, and if the vehicle was oper-
16 ating outside of the ODD.

17 “(3) A requirement for such manufacturers to
18 submit to the Secretary on a quarterly basis, for the
19 previous quarter, a report on the total miles traveled
20 with the ADS engaged of the ADS-equipped vehicles
21 of the manufacturer, including the total miles trav-
22 eled in revenue service during commercial oper-
23 ations.

24 “(4) A process for a relevant State or local
25 transportation regulatory agency to access data from

1 a covered crash described in paragraph (2) in a
2 timely manner.

3 “(5) A requirement that—

4 “(A) any information shared with a rel-
5 evant State transportation regulatory agency is
6 protected by the confidential business informa-
7 tion protections and procedures established in
8 part 512 of title 49, Code of Federal Regula-
9 tions, and is exempt from disclosure under sec-
10 tions 552(b)(3) and section 552a of title 5; and

11 “(B) any such relevant State transpor-
12 tation regulatory agency is subject to the same
13 confidential business information protections
14 and procedures established in such part 512.

15 “(6) The establishment of a system to publicly
16 share the data collected for the repository, subject to
17 the confidential business information protections and
18 procedures established in part 512 of title 49, Code
19 of Federal Regulations.

20 “(7) A requirement to minimize duplicating
21 data from a covered crash described in paragraph
22 (2) and any other publicly reported data in the re-
23 pository.

24 “(8) A requirement for a manufacturer to re-
25 port whether an ADS-equipped vehicle involved in a

1 covered crash was authorized to operate pursuant to
2 section 30112(b)(10).

3 “(c) SUNSET FOR QUARTERLY MILEAGE RE-
4 PORTS.—

5 “(1) TOTAL MILES TRAVELED.—Except as pro-
6 vided in paragraph (2), the requirement described in
7 subsection (b)(3) shall no longer apply on and after
8 the date that is 5 years after the date on which a
9 final rule is issued pursuant to subsection (b).

10 “(2) EXTENSION OF TIME PERIOD FOR RE-
11 PORTS.—Notwithstanding paragraph (1), the Sec-
12 retary may extend the requirement described in sub-
13 section (b)(3) for two additional years after the expi-
14 ration of the requirement described in paragraph (1)
15 if the Secretary determines an extension is necessary
16 to meet the need for motor vehicle safety.

17 “(d) REPEAL.—The applicability of Standing General
18 Order 2021–01 shall no longer apply to ADS-equipped ve-
19 hicles on the compliance date of the final rule issued pur-
20 suant to subsection (b).

21 “(e) EFFECTIVE DATE.—This section shall take ef-
22 fect on September 30, 2026.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for subchapter II of chapter 301 of

1 subtitle VI of title 49, United States Code, is amended
2 by adding at the end the following:

30130. Motor vehicle safety standards for automated driving systems.
30131. National Automated Vehicle Safety Data Repository.

3 (c) ENFORCEMENT AUTHORITY.—Section
4 30165(a)(1) of title 49, United States Code, is amended
5 by inserting “30130, or 30131” after “30127,”.

6 (d) RELATIONSHIP TO OTHER LAWS.—Section
7 30103(b) is amended by adding at the end the following:

8 “(3) FEDERAL PREEMPTION FOR AUTOMATED
9 DRIVING SYSTEMS.—

10 “(A) IN GENERAL.—A State, or political
11 subdivision of a State, may not maintain, en-
12 force, prescribe, or continue in effect any law,
13 rule, regulation, requirement, standard, or other
14 provision having the force and effect of law of
15 the State, or political subdivision of the State,
16 that—

17 “(i) prohibits in whole or in part a
18 manufacturer from manufacturing for sale,
19 selling, offering for sale, introducing or de-
20 livering for introduction into interstate
21 commerce, or importing into the United
22 States, any automated driving system or
23 ADS-equipped vehicle if the manufacturer
24 develops a safety case described in section

1 30130(b)(3) for the automated driving sys-
2 tem or ADS-equipped vehicle; or

3 “(ii) requires manufacturers of auto-
4 mated driving systems and manufacturers
5 of ADS-equipped vehicles to report covered
6 crash data to a State or a political subdivi-
7 sion of a State.

8 “(B) EXCEPTIONS.—Notwithstanding sub-
9 paragraph (A)—

10 “(i) a State may enforce a law or re-
11 quirement that is identical to a law or re-
12 quirement prescribed under subparagraphs
13 (A) or (B) of section 30130(b)(1) or sec-
14 tion 30131; and

15 “(ii) compliance with subparagraphs
16 (A) or (B) of section 30130(b)(1) or sec-
17 tion 30131 does not exempt a person from
18 liability at common law.”.

19 **SEC. 4. MOTOR VEHICLE TESTING OR EVALUATION.**

20 Section 30112 of title 49, United States Code, is
21 amended—

22 (1) in subsection (b)(10)—

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

1 (B) by redesignating subparagraphs (A)
2 through (C) as clauses (i) through (iii), respec-
3 tively, and moving their margins 2 ems to the
4 right;

5 (C) by striking “evaluation by a manufac-
6 turer that agrees not to sell or offer for sale the
7 motor vehicle at the conclusion of the testing or
8 evaluation and that prior to the date of enact-
9 ment of this paragraph” and inserting the fol-
10 lowing: “evaluation by—

11 “(A) a manufacturer that agrees not to sell
12 or lease or offer for sale or lease the motor ve-
13 hicle used for testing or evaluation at the con-
14 clusion of the testing or evaluation and that—
15 ”; and

16 (D) by adding at the end the following:

17 “(B) a manufacturer of automated driving
18 systems or ADS-equipped vehicles (as such
19 terms are defined in section 30130(a)) or any
20 component of such automated driving systems,
21 that agrees not to sell or lease or offer for sale
22 or lease the automated driving systems, auto-
23 mated driving system-equipped vehicles, or com-
24 ponents of automated driving systems used for

1 testing or evaluation at the conclusion of the
2 testing or evaluation.”; and

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

4 “(c) COMMERCIAL OPERATIONS PERMITTED FOR
5 TESTING OR EVALUATION.—

6 “(1) Subject to paragraph (2), the Secretary
7 may authorize a manufacturer that conducts testing
8 or evaluation under subsection (b)(10) of section
9 30112 of title 49, United States Code, to undertake
10 limited commercial operations, including the car-
11 rying of members of the public as passengers and
12 transporting freight as part of the testing or evalua-
13 tion.

14 “(2) Any evaluation by the Secretary shall con-
15 sider the manufacturer’s operational use case, the
16 objectives of the manufacturer for the testing or
17 evaluation, and be subject to limitations established
18 by the Secretary based on the operational use case
19 to ensure that the testing or evaluation under this
20 subsection does not constitute de facto deployment
21 for non-compliant vehicles, that may include—

22 “(A) reasonable limitations on a jurisdic-
23 tion-by-jurisdiction basis, on the number of par-
24 ticipating vehicles, mileage, revenue generation,
25 or duration of deployment; and

1 “(B) any additional oversight and trans-
2 parency requirements determined by the Sec-
3 retary and is consistent with Secretary’s exist-
4 ing authority in chapter 301, title 49.”.

5 **SEC. 5. MAKE INOPERATIVE.**

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

8 (1) by inserting “(1) IN GENERAL.” before “A
9 manufacturer”; and

10 (2) by adding at the end, the following:

11 “(2) EXCEPTION.—Paragraph (1) does not
12 apply in a case in which a manufacturer inten-
13 tionally causes a device or element of a design relat-
14 ing to the performance of the dynamic driving task
15 by a human driver to be temporarily disabled or al-
16 tered in their functionality for safety reasons during
17 the time that an automated driving system is en-
18 gaged and capable of performing the entire dynamic
19 driving task if the system is also capable of being
20 made operative in a manner that would allow a
21 human driver to rapidly regain control over the dy-
22 namic driving task.

23 “(3) COMPLIANCE WITH SECTION 30130 RE-
24 QUIRED FOR EXCEPTION.—Any manufacturer that

1 claims the exception described in paragraph (2) shall
2 comply with section 30130(b).”.

3 **SEC. 6. PROTECTING THE SECURITY OF CONNECTED VEHI-**
4 **CLES.**

5 (a) REVIEW.—Not later than one year after the date
6 of the enactment of this Act, the Secretary of Commerce,
7 in consultation with the head of any relevant Federal
8 agency, shall review the implementation of the final rule
9 Securing the Information and Communications Tech-
10 nology and Services Supply Chain: Connected Vehicles (90
11 Fed. Reg. 5360).

12 (b) BRIEFING.—No later than 60 days after the com-
13 pletion of the review described in subsection (a), the Sec-
14 retary of Commerce shall provide a briefing on implemen-
15 tation of the final rule for the Committees on Energy and
16 Commerce and Foreign Affairs of the House of Represent-
17 atives and the Committees on Commerce, Science, and
18 Transportation and Foreign Relations of the Senate.

19 **SEC. 7. DEFINITIONS.**

20 In this Act:

21 (1) ADS; ADS-DEDICATED VEHICLE; ADS-
22 EQUIPPED VEHICLE; AUTOMATED DRIVING SYSTEM;
23 DYNAMIC DRIVING TASK; LEVEL 4; LEVEL 5.—The
24 terms “ADS”, “ADS-dedicated vehicle”, “ADS-
25 equipped vehicle”, “automated driving system”, “dy-

1 namic driving task”, “Level 4”, and “Level 5” have
2 the meaning given those terms in section 30130 of
3 title 49, United States Code, as added by section 3.

4 (2) COVERED CRASH; REPOSITORY.—The terms
5 “covered crash” and “repository” have the meanings
6 given those terms in section 30131(a), as added by
7 section 3(a).

8 (3) FOREIGN ADVERSARY.—The term “foreign
9 adversary” means any foreign government or foreign
10 non-government person listed in section 791.4(a) of
11 title 15, Code of Federal Regulations.

12 (4) MOTOR VEHICLE.—The term “motor vehi-
13 cle” has the meaning given that term in section
14 30102 of title 49, United States Code.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of Transportation.

17 (6) STATE.—The term “State” means a State
18 of the United States, the District of Columbia, Puer-
19 to Rico, the Northern Mariana Islands, Guam,
20 American Samoa, and the Virgin Islands.