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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To inform consumers about the capabilities and limitations of partially automated vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SCHRIER introduced the following bill; which was referred to the Committee on _____

A BILL

To inform consumers about the capabilities and limitations of partially automated 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.

4 This Act may be cited as the “Know Before You
5 Drive Act”.

6 SEC. 2. CONSUMER EDUCATION.

7 (a) PROHIBITION ON MISLEADING CLAIMS.—Not
8 later than 180 days after the date of the enactment of
9 this Act, a manufacturer may not make any representa-

1 tion that implies or would otherwise lead a reasonable per-
2 son to believe that—

3 (1) a partially automated driving system, or a
4 feature or component of a partially automated driv-
5 ing system, is an automated driving system or a fea-
6 ture or component of an automated driving system;
7 or

8 (2) a partially automated driving system, fea-
9 ture, or component—

10 (A) can function as an automated driving
11 system; or

12 (B) otherwise has capabilities beyond what
13 the system, feature, or component is able to
14 perform;

15 (b) NOTIFICATION UPON FIRST SALE.—

16 (1) NOTICE REQUIRED.—Not later than 2 years
17 after the date of the enactment of this Act, a manu-
18 facturer or dealer may not sell a partially automated
19 vehicle or partially automated driving system with-
20 out providing a clear and conspicuous notice to the
21 purchaser that describes the following:

22 (A) That the vehicle is equipped with a
23 partially automated driving system.

24 (B) The features of the partially auto-
25 mated driving system.

(C) The capabilities and limitations of the partially automated driving system, including the operational design domain.

4 (D) The subtasks of the dynamic driving
5 task the driver is expected to perform while the
6 partially automated driving system is per-
7 forming part of the dynamic driving task, in-
8 cluding the following:

9 (i) The object event detection and re-
10 sponse subtask.

11 (ii) Supervising a partially automated
12 driving system.

13 (iii) Responding to a request to inter-
14 vene or to a performance-relevant system
15 failure.

20 (3) COMPLIANCE.—

21 (A) DEALER.—A dealer is not in violation
22 of this section if a manufacturer fails to provide
23 the notice pursuant to paragraph (2) or the no-
24 tice is not in compliance with paragraph (1).

1 (B) MANUFACTURER.—A manufacturer is
2 not in violation of this section if the manufac-
3 turer complies with paragraph (2), but the deal-
4 er does not provide the notice required in para-
5 graph (1) to a purchaser of a partially auto-
6 mated vehicle.

7 (c) UPDATES.—Beginning 2 years after the date of
8 the enactment of this Act and upon the proffer to an
9 owner, lessee, or driver of a partially automated vehicle
10 of a software update that materially affects the perform-
11 ance of the dynamic driving task, including an over-the-
12 air update, a manufacturer shall provide a clear and con-
13 spicuous notice to such owner, lessee, or driver that de-
14 scribes each material change to the capabilities and limita-
15 tions of the partially automated driving system with which
16 the vehicle is equipped.

17 (d) ENFORCEMENT AUTHORITY.—

18 (1) ENFORCEMENT BY NHTSA.—Section
19 30165(a)(1) of title 49, United States Code, is
20 amended by inserting after “31137,” the following:
21 “subsections (a), (b), or (c) of section 2 of the Know
22 Before You Drive Act.”.

23 (2) ENFORCEMENT BY COMMISSION.—

24 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
25 TICES.—A violation of subsections (a), (b), or

1 (c) shall be treated as a violation of a rule de-
2 fining an unfair or deceptive act or practice
3 prescribed under section 18(a)(1)(B) of the
4 Federal Trade Commission Act (15 U.S.C.
5 57a(a)(1)(B)).

(B) POWERS OF COMMISSION.—The Commission shall enforce subsections (a), (b), and (c) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of such subsections. Any person who violates such subsections shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

18 (C) RULE OF CONSTRUCTION.—Nothing in
19 this Act may be construed to limit the authority
20 of the Commission to enforce any other provi-
21 sion of law.

22 (3) ENFORCEMENT BY STATES.—

1 State has been, may be, or is adversely affected
2 by an act or practice in violation of subsection
3 (a), (b), or (c), the attorney general may bring
4 a civil action in the name of the State, or as
5 parens patriae on behalf of the residents of the
6 State, in an appropriate district court of the
7 United States to—
8 (i) enjoin such act or practice;
9 (ii) enforce compliance with this Act;
10 (iii) obtain damages, civil penalties,
11 restitution, or other compensation on be-
12 half of the residents of the State;
13 (iv) obtain reasonable attorneys' fees
14 and other litigation costs reasonably in-
15 curred; or
16 (v) obtain such other legal and equi-
17 table relief as the court may consider to be
18 appropriate.

19 (B) NOTICE.—Before filing an action
20 under this paragraph, the attorney general of
21 the State involved shall provide to the Commis-
22 sion a written notice of such action and a copy
23 of the complaint for such action. If the attorney
24 general determines that it is not feasible to pro-
25 vide the notice described in this subparagraph

1 before the filing of the action, the attorney gen-
2 eral shall provide written notice of the action
3 and a copy of the complaint to the Commission
4 immediately upon the filing of the action.

5 (C) AUTHORITY OF COMMISSION.—

6 (i) IN GENERAL.—On receiving notice
7 under subparagraph (B) of an action
8 under this paragraph, the Commission
9 shall have the right—

10 (I) to intervene in the action;
11 (II) upon so intervening—
12 (aa) to be heard on all mat-
13 ters arising therein; and
14 (bb) to file petitions for ap-
15 peal.

16 (ii) LIMITATION ON STATE ACTION
17 WHILE FEDERAL ACTION IS PENDING.—If
18 the Commission or the Attorney General of
19 the United States has instituted a civil ac-
20 tion for violation of subsection (a), (b), or
21 (c) (referred to in this subparagraph as the
22 “Federal action”), no State attorney gen-
23 eral may bring an action under this para-
24 graph during the pendency of the Federal
25 action against any defendant named in the

4 (D) RULE OF CONSTRUCTION.—Nothing in
5 this Act may be construed to prevent the attor-
6 ney general of a State from exercising the pow-
7 ers conferred on the attorney general by the
8 laws of such State to conduct investigations, to
9 administer oaths or affirmations, or to compel
10 the attendance of witnesses or the production of
11 documentary and other evidence.

12 (e) AMENDMENT OF AUTOMOBILE INFORMATION
13 DISCLOSURE ACT.—

14 (1) SAFETY LABELING REQUIREMENT.—Section
15 3 of the Automobile Information Disclosure Act (15
16 U.S.C. 1232) is amended—

17 (A) in subsection (g)(4)(B), by striking “;
18 and” and inserting a semicolon:

19 (B) subsection (h), by striking the period
20 at the end and inserting “; and”; and

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

22 “(i) if such automobile is equipped with a partially
23 automated driving system or an automated driving system,
24 information (in plain language or graphic icons that allows
25 a purchaser to easily compare between automobiles

1 equipped with such systems), including a short description
2 of each such system that—

3 “(1) is sufficient for a consumer to identify the
4 specific subtasks of the dynamic driving task the
5 system is intended to perform;

6 “(2) indicates whether driver supervision is re-
7 quired during the execution of that subtask by the
8 system;

9 “(3) describes the conditions that would place
10 the system outside of the operational design domain,
11 including any geographical restriction, time-of-day
12 restriction, and road and environmental condition re-
13 striction; and

14 “(4) indicates whether such automated driving
15 system requires additional service cost or fee, and if
16 so, the service cost or fee on an annual basis.”.

17 (2) DEFINITIONS.—Section 2 of the Automobile
18 Information Disclosure Act (15 U.S.C. 1231) is
19 amended by adding at the end the following:

20 “(i) The terms ‘automated driving system’, ‘dynamic
21 driving task’, ‘operational design domain’, ‘partially auto-
22 mated driving system’, and ‘purchaser’ have the meaning
23 given those terms in section 2(h) of the ‘Know Before You
24 Drive Act’.”.

1 (f) REGULATIONS.—Not later than 9 months after
2 the date of the enactment of this Act, the Secretary of
3 Transportation shall issue regulations to ensure the label-
4 ing requirements under subsection (i) of section 3 of the
5 Automobile Information Disclosure Act, as added by sub-
6 section (d), are implemented within 2 years after the date
7 of the enactment of this Act.

8 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to exempt an individual from liabil-
10 ity under applicable common or State law.

11 (h) DEFINITIONS.—In this section:

20 (3) DEALER.—The term “dealer” has the
21 meaning given that term in section 30102 of title
22 49, United States Code.

23 (4) DYNAMIC DRIVING TASK.—

24 (A) IN GENERAL.—The term “dynamic
25 driving task” means each real-time operational

1 and tactical function required to operate a
2 motor vehicle in on-road traffic.

3 (B) INCLUSIONS.—The term “dynamic
4 driving task” includes the following:

5 (i) Controlling the lateral motion of a
6 motor vehicle through steering.

7 (ii) Controlling the longitudinal motion
8 of a motor vehicle through acceleration
9 and deceleration.

10 (iii) Monitoring the driving environment
11 through the detection, recognition,
12 and classification of objects and events.

13 (iv) Preparing a response to an object
14 or event.

15 (v) Executing a response to an object
16 or event.

17 (vi) Planning a maneuver.

18 (vii) Enhancing conspicuity through
19 lighting, signaling, gesturing, or another
20 indicator.

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

25 (i) trip scheduling;

- 1 (ii) selection of a destination; and
- 2 (iii) selection of a waypoint.

12 (6) PARTIALLY AUTOMATED DRIVING SYS-
13 TEM.—The term “partially automated driving sys-
14 tem” means a system of which the hardware and
15 software collectively perform the lateral and longitu-
16 dinal vehicle motion control subtasks of the dynamic
17 driving task with the expectation that the driver
18 monitors the system and completes the object and
19 event detection and response subtask.

24 (8) PURCHASER.—The term "purchaser"
25 means an individual who purchases a motor vehicle

- 1 or enters into a contract to lease a motor vehicle be-
- 2 fore first sale and not for resale.