

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

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

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**IN THE HOUSE OF REPRESENTATIVES**

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

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**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 enactment of this  
9       act, a manufacturer may not make any representations

1 that imply or would otherwise lead a reasonable person  
2 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 or feature can perform;

14 (b) NOTIFICATION UPON FIRST SALE.—

15 (1) NOTIFICATION.—Not later than 2 years  
16 after the date of enactment of this Act, a manufac-  
17 turer or dealer shall not sell a partially automated  
18 vehicle or partially automated driving system with-  
19 out providing a clear and conspicuous notice to the  
20 purchaser describing—

21 (A) that the vehicle is equipped with a par-  
22 tially automated driving system;

23 (B) the features of the partially automated  
24 driving system;

1 (C) the capabilities and limitations of the  
2 partially automated driving system, including  
3 the operational design domain; and

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—

9 (i) the object event detection and re-  
10 sponse subtask;

11 (ii) supervising a partially automated  
12 driving system; and

13 (iii) responding to requests to inter-  
14 vene or to performance-relevant system  
15 failures; and

16 (2) INFORMATION.—Prior to delivering a par-  
17 tially automated vehicle to a dealer, a manufacturer  
18 shall provide the dealer with the notice described in  
19 paragraph (1).

20 (3) COMPLIANCE.—

21 (A) DEALER.—A dealer shall not be held  
22 in violation of this Act if a manufacturer fails  
23 to provide the notice pursuant to paragraph (2)  
24 or the notice is not in compliance with para-  
25 graph (1).

1 (B) MANUFACTURER.—A manufacturer  
2 shall not be held in violation of this Act if the  
3 manufacturer complies with paragraph (2), but  
4 the dealer does not provide the notice required  
5 in paragraph (1) to a purchaser of a partially  
6 automated vehicle.

7 (c) UPDATES.—Beginning 2 years after the date of  
8 enactment of this Act and upon the proffer to an owner,  
9 lessee, or driver of a partially automated vehicle of a soft-  
10 ware update materially affecting the performance of the  
11 dynamic driving task, including an over-the-air update, a  
12 manufacturer shall provide a clear and conspicuous notice  
13 to such owner, lessee, or driver describing the material  
14 changes to the capabilities and limitations of the partially  
15 automated driving system with which the vehicle is  
16 equipped.

17 (d) AMENDMENT OF AUTOMOBILE INFORMATION  
18 DISCLOSURE ACT.—

19 (1) SAFETY LABELING REQUIREMENT.—Section  
20 3 of the Automobile Information Disclosure Act (15  
21 U.S.C. 1232) is amended—

22 (A) by striking “and” after the semicolon  
23 in subsection (g)(4)(B);

24 (B) by striking the period and inserting “;  
25 and” at the end of subsection (h); and

1 (C) and by adding at the end the following:

2 “(i) if such automobile is equipped with partially  
3 automated driving system or automated driving system in-  
4 formation, in plain language or graphic icons that allows  
5 a purchaser to easily compare between automobiles  
6 equipped with such systems, a short description of each  
7 such system—

8 “(1) sufficient for a consumer to identify the  
9 specific subtasks of the dynamic driving task the  
10 system is intended to perform;

11 “(2) whether driver supervision is required dur-  
12 ing the execution of that subtask by the system;

13 “(3) the conditions that would place the system  
14 outside of its operational design domain, including  
15 geographical restrictions, time-of-day restrictions,  
16 and road and environmental condition restrictions;  
17 and

18 “(4) whether such automated driving system re-  
19 quires additional service costs or fees, and if so, the  
20 service cost or fee on an annual basis.”.

21 (2) DEFINITIONS.—For the purposes of sub-  
22 section (i) the terms “automated driving system”  
23 and “operational design domain” shall have the  
24 meaning given in section 2(h) of the “Know Before  
25 You Drive Act”.

1 (e) REGULATIONS.—The Secretary of Transportation  
2 shall issue regulations to ensure that the labeling require-  
3 ments under subsection (i) of section 3 of the Automobile  
4 Information Disclosure Act, as added by subsection (d),  
5 are implemented by 2 years from the date of enactment  
6 of this Act.

7 (f) SAVINGS.—Nothing in this section may be con-  
8 strued to exempt an individual from liability under appli-  
9 cable common or State law.

10 (g) ENFORCEMENT AUTHORITY.—

11 (1) ENFORCEMENT BY NHTSA.—Section  
12 30165(a)(1) of title 49, United States Code, is  
13 amended by inserting “sections 2(a), (b), or (c) of  
14 the Know Before You Drive Act,” after “30127”.

15 (2) ENFORCEMENT BY COMMISSION.—

16 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
17 TICES.—A violation of subsections (a), (b), or  
18 (c) of this section shall be treated as a violation  
19 of a rule defining an unfair or deceptive act or  
20 practice prescribed under section 18(a)(1)(B) of  
21 the Federal Trade Commission Act (15 U.S.C.  
22 57a(a)(1)(B)).

23 (B) POWERS OF COMMISSION.—

24 (i) The Commission shall enforce sub-  
25 sections (a), (b), and (c) of this section in

1 the same manner, by the same means, and  
2 with the same jurisdiction, powers, and du-  
3 ties as though all applicable terms and pro-  
4 visions of the Federal Trade Commission  
5 Act (15 U.S.C. 41 et seq.) were incor-  
6 porated into and made a part of such sub-  
7 sections.

8 (ii) Any person who violates such sub-  
9 sections shall be subject to the penalties  
10 and entitled to the privileges and immuni-  
11 ties provided in the Federal Trade Com-  
12 mission Act.

13 (C) RULE OF CONSTRUCTION.—Nothing in  
14 this Act may be construed to limit the authority  
15 of the Commission to enforce any other provi-  
16 sion of law.

17 (3) ENFORCEMENT BY STATES.—

18 (A) CIVIL ACTION.—In any case in which  
19 the attorney general of a State has reason to  
20 believe that an interest of the residents of such  
21 State has been, may be, or is adversely affected  
22 by an act or practice in violation of this Act,  
23 the attorney general may bring a civil action in  
24 the name of the State, or as parens patriae on  
25 behalf of the residents of the State, in an ap-

1           appropriate district court of the United States  
2           to—

3                       (i) enjoin such act or practice;

4                       (ii) enforce compliance with this Act;

5                       (iii) obtain damages, civil penalties,  
6           restitution, or other compensation on be-  
7           half of the residents of the State;

8                       (iv) obtain reasonable attorneys' fees  
9           and other litigation costs reasonably in-  
10          curred; or

11                      (v) obtain such other legal and equi-  
12          table relief as the court may consider to be  
13          appropriate.

14           (B) NOTICE.—Before filing an action  
15          under this subsection, the attorney general of  
16          the State involved shall provide to the Commis-  
17          sion a written notice of such action and a copy  
18          of the complaint for such action. If the attorney  
19          general determines that it is not feasible to pro-  
20          vide the notice described in this paragraph be-  
21          fore the filing of the action, the attorney gen-  
22          eral shall provide written notice of the action  
23          and a copy of the complaint to the Commission  
24          immediately upon the filing of the action.

25           (C) AUTHORITY OF COMMISSION.—

1 (i) IN GENERAL.—On receiving notice  
2 under subparagraph (B) of an action  
3 under this clause, the Commission shall  
4 have the right—

5 (I) to intervene in the action;

6 (II) upon so intervening—

7 (aa) to be heard on all mat-  
8 ters arising therein; and

9 (bb) to file petitions for ap-  
10 peal.

11 (ii) LIMITATION ON STATE ACTION  
12 WHILE FEDERAL ACTION IS PENDING.—If  
13 the Commission or the Attorney General of  
14 the United States has instituted a civil ac-  
15 tion for violation of this Act (referred to in  
16 this subparagraph as the “Federal ac-  
17 tion”), no State attorney general may  
18 bring an action under this subsection dur-  
19 ing the pendency of the Federal action  
20 against any defendant named in the com-  
21 plaint in the Federal action for any viola-  
22 tion of this Act alleged in such complaint.

23 (D) RULE OF CONSTRUCTION.—Nothing in  
24 this Act may be construed to prevent the attor-  
25 ney general of a State from exercising the pow-

1           ers conferred on the attorney general by the  
2           laws of such State to conduct investigations, to  
3           administer oaths or affirmations, or to compel  
4           the attendance of witnesses or the production of  
5           documentary and other evidence.

6       (h) DEFINITIONS.—In this section:

7           (1) AUTOMATED DRIVING SYSTEM.—The term  
8           “automated driving system” means hardware and  
9           software that are collectively capable of performing  
10          the entire dynamic driving task on a sustained basis,  
11          regardless of whether such system is limited to a  
12          specific operational design domain.

13          (2) COMMISSION.—The term “Commission”  
14          means the Federal Trade Commission.

15          (3) DEALER.—The term “dealer” has the  
16          meaning given that term under section 30102 of  
17          title 49, United States Code.

18          (4) DYNAMIC DRIVING TASK.—

19                (A) IN GENERAL.—The term “dynamic  
20                driving task” means all of the real-time oper-  
21                ational and tactical functions required to oper-  
22                ate a motor vehicle in on-road traffic.

23                (B) INCLUSIONS.—The term “dynamic  
24                driving task” includes—

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

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

6 (iii) monitoring the driving environ-  
7 ment through the detection, recognition,  
8 and classification of objects and events;

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

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

13 (vi) planning a maneuver; and

14 (vii) enhancing conspicuity through  
15 lighting, signaling, gesturing, or other indi-  
16 cators.

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

21 (i) trip scheduling;

22 (ii) selection of a destination; and

23 (iii) selection of a waypoint.

24 (5) OPERATIONAL DESIGN DOMAIN.—The term  
25 “operational design domain” means the specific op-

1 erating conditions under which a given partially  
2 automated driving system, automated driving sys-  
3 tem, or feature of such system is specifically de-  
4 signed to function, including environmental, geo-  
5 graphical, and time-of-day restrictions and the req-  
6 uisite presence or absence of certain traffic or road-  
7 way characteristics.

8 (6) PARTIAL DRIVING AUTOMATION SYSTEM.—

9 The term “partially automated driving system”  
10 means a system of which the hardware and software  
11 collectively perform the lateral and longitudinal vehi-  
12 cle motion control subtasks of the dynamic driving  
13 task with the expectation that the driver monitors  
14 the system and completes the object and event detec-  
15 tion and response subtask.

16 (7) PARTIALLY AUTOMATED VEHICLE.—The  
17 term “partially automated vehicle” means a motor  
18 vehicle that is equipped with a partially automated  
19 driving system.

20 (8) PURCHASER.—The term “purchaser”  
21 means an individual who purchases a motor vehicle  
22 or enters into a contract to lease a motor vehicle be-  
23 fore first sale and not for resale.