

[DISCUSSION DRAFT]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 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;

(C) the capabilities and limitations of the partially automated driving system, including 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

20 (3) COMPLIANCE.—

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.—

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;

“(2) whether driver supervision is required during 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

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

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.—

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.

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.—

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

10 curred; or

11 (v) obtain such other legal and equi-

12 table relief a

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 before the filing of the action, the attorney gen-

22 several shall provide written notice of the action

23 and a copy of the complaint to the Complainant.

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.

(D) RULE OF CONSTRUCTION.—Nothing in this Act may be construed to prevent the attorney 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—

- (i) trip scheduling;
- (ii) selection of a destination; and
- (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.

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.