

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7390
OFFERED BY MR. BILIRAKIS OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Safely Ensuring Lives Future Deployment and Research
4 In Vehicle Evolution Act of 2026” or the “SELF DRIVE
5 Act of 2026”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

8 SEC. 2. PURPOSE.

9 The purpose of this Act is to ensure continued United
10 States leadership in the global automotive and autono-
11 mous driving sector, improve road safety, mobility, and ac-
12 cessibility, and create American jobs by creating rules and
13 regulations that relate to the design, construction, and

1 performance of ADS-equipped vehicles and by encouraging
2 the testing and deployment of such vehicles.

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

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

9 **“§ 30130. Motor vehicle safety standards for auto-**
10 **mated driving systems**

11 “(a) DEFINITIONS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), in this section and sections 30103,
14 30112, 30122, and 30131:

15 “(A) ADS-DEDICATED VEHICLE.—The
16 term ‘ADS-dedicated vehicle’ means an ADS-
17 equipped vehicle designed to be operated exclu-
18 sively by a Level 4 or Level 5 automated driv-
19 ing system in driverless operation under any
20 routine or normal operating condition during
21 any trip within the operational design domain
22 of the vehicle.

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

1 “(C) AUTOMATED DRIVING SYSTEM;
2 ADS.—The terms ‘automated driving system’
3 and ‘ADS’—

4 “(i) mean the hardware and software
5 that are collectively capable of performing
6 the entire dynamic driving task on a sus-
7 tained basis, regardless of whether such
8 system is limited to a specific operational
9 design domain; and

10 “(ii) include only a system that meets
11 the definition of Level 3, Level 4, or Level
12 5 automation.

13 “(D) DDT FALLBACK.—The term ‘DDT
14 fallback’ means, after a DDT performance-rel-
15 evant system failure or upon the exit of an
16 ADS-equipped vehicle from the operational de-
17 sign domain of that vehicle—

18 “(i) the response by the in-vehicle fall-
19 back-ready user to perform the dynamic
20 driving task or to achieve an MRC; or

21 “(ii) the response by an automated
22 driving system to achieve an MRC.

23 “(E) DDT PERFORMANCE-RELEVANT SYS-
24 TEM FAILURE.—The term ‘DDT performance-
25 relevant system failure’ means a malfunction in

1 an ADS, another vehicle system, or both that
2 prevents the ADS from reliably performing the
3 DDT on a sustained basis.

4 “(F) DYNAMIC DRIVING TASK; DDT.—The
5 terms ‘dynamic driving task’ and ‘DDT’—

6 “(i) mean all of the real-time oper-
7 ational and tactical functions required to
8 operate a motor vehicle in on-road traffic;

9 “(ii) exclude any strategic function,
10 such as trip scheduling and selection of a
11 destination or waypoint; and

12 “(iii) include—

13 “(I) lateral vehicle motion control
14 through steering;

15 “(II) longitudinal motion control
16 through acceleration and deceleration;

17 “(III) monitoring of the driving
18 environment through object and event
19 detection, recognition, classification,
20 and response preparation;

21 “(IV) object and event response
22 execution;

23 “(V) maneuver planning; and

24 “(VI) enhancement of conspicuity
25 through lighting, sounding the horn,

1 signaling, gesturing, or another indi-
2 cator.

3 “(G) FALLBACK-READY USER.—The term
4 ‘fallback-ready user’ means a user of a motor
5 vehicle equipped with an engaged Level 3 ADS
6 feature who—

7 “(i) is properly qualified and able to
8 operate the vehicle; and

9 “(ii) is receptive to an ADS-issued re-
10 quest to intervene and to evident DDT
11 performance-relevant system failure in the
12 vehicle.

13 “(H) IN-VEHICLE FALLBACK-READY
14 USER.—The term ‘in-vehicle fallback-ready
15 user’ means a fallback-ready user who is seated
16 in the driver’s seat.

17 “(I) LEVEL 3; LEVEL 4; LEVEL 5.—The
18 terms ‘Level 3’, ‘Level 4’, and ‘Level 5’ have
19 the meaning given those terms in the April
20 2021 edition of the J3016 recommended prac-
21 tice of SAE International, ‘Taxonomy and Defi-
22 nitions for Terms Related to Driving Automa-
23 tion Systems for On-Road Motor Vehicles’.

24 “(J) 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 motor vehicle after performing a DDT
4 fallback in order to reduce the risk of a crash
5 when a trip cannot or should not be continued.

6 “(K) 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 “(L) SECRETARY.—The term ‘Secretary’
15 means the Secretary of Transportation, acting
16 through the Administrator of the National
17 Highway Traffic Safety Administration.

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

20 “(i) means an individual who is on or
21 in close proximity to a road but is not an
22 occupant of a motor vehicle with more
23 than 3 wheels; and

24 “(ii) includes a pedestrian, bicyclist,
25 motorecyclist, 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 DEFINI-
6 TIONS.—The Secretary shall use any definition
7 set forth in April 2021 edition of the J3016
8 recommended practice of SAE International,
9 ‘Taxonomy and Definitions for Terms Related
10 to Driving Automation Systems for On-Road
11 Motor Vehicles’ for any term defined in para-
12 graph (1).

13 “(B) REVIEW.—

14 “(i) IN GENERAL.—Not later than
15 180 days after the date on which any defi-
16 nition described in subparagraph (A) is re-
17 leased by SAE International, the Sec-
18 retary—

19 “(I) shall publish in the Federal
20 Register a review on the clarity and
21 objectivity of such definition; and

22 “(II) may provide feedback to
23 SAE International with suggestions
24 for updates to any such definition.

25 “(ii) USE OF REVISED STANDARD.—

1 “(I) DETERMINATION.—Not
2 later than 120 days after the date on
3 which SAE International revises a
4 definition described in subparagraph
5 (A), the Secretary, after publishing
6 notice of the revision in the Federal
7 Register, shall determine whether to
8 revise any term defined in paragraph
9 (1).

10 “(II) EFFECT OF DECISION NOT
11 TO ADOPT A REVISED DEFINITION.—
12 If the Secretary decides not to adopt
13 a revised definition—

14 “(aa) the Secretary shall no-
15 tify SAE International of the de-
16 cision by the Secretary; and

17 “(bb) the definitions de-
18 scribed in subparagraph (A) shall
19 remain in effect.

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

22 “(1) IN GENERAL.—

23 “(A) SAFETY CASE REQUIRED.—A manu-
24 facturer may not manufacture for sale, sell,
25 offer for sale, introduce or deliver for introduc-

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

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

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

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

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

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

1 “(A) SAFETY STANDARD.—Not later than
2 September 30, 2027, the Secretary shall issue
3 a final rule that prescribes a motor vehicle safe-
4 ty standard under section 30111 that requires
5 each manufacturer that manufactures for sale,
6 sells, offers for sale, introduces or delivers for
7 introduction in interstate commerce, or imports
8 into the United States an ADS-equipped vehicle
9 or an automated driving system intended for in-
10 stallation in a motor vehicle not originally
11 equipped with such system to—

12 “(i) complete a safety case described
13 in paragraph (3) for each ADS version
14 produced by the manufacturer that meets
15 the requirements described in this section;
16 and

17 “(ii) provide the safety case to the
18 Secretary upon request under section
19 30166.

20 “(B) DEADLINE.—If the Secretary does
21 not meet the deadline described in subpara-
22 graph (A), the Secretary shall submit to the
23 Committee on Energy and Commerce of the
24 House of Representatives and the Committee
25 on Commerce, Science, and Transportation of

1 the Senate a report that describes the reasons
2 why the deadline was not met.

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

7 “(3) REQUIREMENTS FOR SAFETY CASE.—A
8 safety case described in paragraphs (1) and (2) shall
9 provide claims, supported by arguments and evi-
10 dence, that support the conclusion of the manufac-
11 turer that the design, construction, and performance
12 of the automated driving system to be used in an
13 ADS-equipped vehicle meets the need for motor vehi-
14 cle safety, including the following:

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

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

20 “(ii) Redundancies.

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

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

1 “(B) A description of the operational de-
2 sign domain of the ADS and how the ADS per-
3 forms each element of the dynamic driving task
4 within the ODD of the ADS.

5 “(C) Each engineering methodology, in-
6 cluding each hazard analysis used to design and
7 assess the performance of the ADS and ensure
8 motor vehicle safety.

9 “(D) An analysis of the safety performance
10 of the ADS that uses the methodology described
11 in subparagraph (C), including each com-
12 petency of the ADS in normal driving and crash
13 avoidance capability and the acceptance criteria
14 used by the manufacturer in assessing such
15 performance.

16 “(E) An explanation of how the ADS an-
17 ticipates and responds to any potential crash.

18 “(F) A description of any vehicle-inte-
19 grated system that provides a visual or digital
20 hazard that alerts a nearby road user when the
21 vehicle executes or enters a minimal risk condi-
22 tion, including any system that automatically
23 activates a high-conspicuity lighting pattern,
24 transmits a digital hazard message, or both, to

1 any connected vehicle and roadway infrastruc-
2 ture.

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

6 “(4) OPTIONAL ELEMENTS OF A SAFETY
7 CASE.—A safety case described in paragraphs (1)
8 and (2) may include the following:

9 “(A) A description of the safety manage-
10 ment system of the manufacturer, including
11 each organizational role and responsibility and
12 each process used to systematically address and
13 audit the safety throughout the design, testing,
14 deployment, and operation of the automated
15 driving system.

16 “(B) An explanation of the configuration
17 and each change management procedure em-
18 ployed to ensure that any hardware or software
19 update, modification, or configuration change is
20 tracked and assessed for safety impacts prior to
21 release of an ADS, including any contingency
22 and rollback procedure, if necessary.

23 “(C) A description of each in-use safety
24 monitoring process, including any safety per-
25 formance indicator, threshold for intervention,

1 and procedure for investigating and addressing
2 any safety-relevant incident and near-miss.

3 “(D) A description of how the manufac-
4 turer incorporates each lesson learned from in-
5 service operation, including any feedback loop
6 from incidents and safety-critical scenarios re-
7 lated to the design and validation of the auto-
8 mated driving system to ensure continuous im-
9 provement of motor vehicle safety.

10 “(5) ADS COMPETENCIES.—The competencies
11 described in this paragraph are the following:

12 “(A) An ADS can perform the entire DDT
13 within the ODD of the ADS and is able to rec-
14 ognize the boundaries of such ODD.

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

19 “(C) In the case of a Level 3 ADS, the
20 ability to clearly and unambiguously commu-
21 nicate ADS status and whether a user is a fall-
22 back-ready user and, during any transfer of
23 control to the fallback-ready user, to provide
24 sufficient lead time for the fallback-ready user
25 to safely assume the DDT and safely maintain

1 vehicle control until the fallback-ready user has
2 assumed control and the transfer is completed.

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

6 “(E) An ADS can detect the limits of the
7 ODD of the ADS and respond appropriately
8 when 1 or more conditions of the ODD are no
9 longer met, whether by achieving an MRC or,
10 in the case of a Level 3 ADS, alerting the fall-
11 back-ready user to intervene and assume con-
12 trol of the DDT.

13 “(F) An ADS can detect and respond to
14 any object or event, including emergency vehi-
15 cles, emergency personnel, and school buses,
16 likely to be present and in proximity to the
17 ADS in the relevant ODD and relevant to any
18 driving decision of the ADS.

19 “(G) An ADS can comply with any appli-
20 cable State or local traffic law and any law rel-
21 evant to the performance of the DDT.

22 “(H) In the case of a Level 4 and Level
23 5 ADS that is undergoing testing or evaluation,
24 or in the case in which a motor vehicle has

1 human controls, Level 4 or Level 5 capabilities,
2 and is being operated manually, the ability to—

3 “(i) clearly and unambiguously com-
4 municate ADS status and user role; and

5 “(ii) safely maintain vehicle control
6 until the fallback-ready user has assumed
7 control and the transfer is completed.

8 “(I) A description of a cybersecurity plan
9 that includes the following:

10 “(i) A written cybersecurity policy
11 with respect to the practices of the manu-
12 facturer to detect and respond to cyber at-
13 tacks, unauthorized intrusions, and false
14 and malicious vehicle control commands.

15 “(ii) A process to identify, assess, and
16 mitigate reasonably foreseeable cyber risks
17 related to motor vehicle safety from such
18 attacks, intrusions, and commands.

19 “(iii) A process to take preventive and
20 corrective action to mitigate against rea-
21 sonably foreseeable cyber risks related to
22 motor vehicle safety in an automated driv-
23 ing system or ADS-equipped vehicle, in-
24 cluding incident response plans, unauthor-
25 ized intrusion detection and prevention sys-

1 tems that safeguard key controls, systems,
2 and procedures through testing or moni-
3 toring, and updates to such process based
4 on changed circumstances.

5 “(6) REPORT REQUIRED.—Not later than 4
6 years after the date of the enactment of this section,
7 the Secretary shall submit to the Committee on En-
8 ergy and Commerce of the House of Representatives
9 and the Committee on Commerce, Science, and
10 Transportation of the Senate a report that includes
11 recommendations on the development of motor vehi-
12 cle safety standards specific to ADS and ADS-
13 equipped vehicles.

14 “(c) MANUAL CONTROLS.—

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

21 “(A) provide an occupant inside of the ve-
22 hicle with the means from within the vehicle to
23 command that the ADS safely achieve an MRC;
24 and

1 “(B) after the vehicle has achieved an
2 MRC, allow the occupant to safely exit the vehi-
3 cle.

4 “(2) EXEMPTION FROM MOTOR VEHICLE SAFE-
5 TY STANDARDS.—

6 “(A) MANUALLY OPERATED CONTROLS
7 AND EQUIPMENT.—If a vehicle is equipped with
8 the system described in paragraph (1), a motor
9 vehicle safety standard issued under section
10 30111 may not require the manufacturer to
11 equip the vehicle with manually operated con-
12 trols and equipment intended only to support a
13 human driver in an ADS-dedicated vehicle.

14 “(B) VEHICLE CONFIGURED TO CARRY
15 PROPERTY.—A motor vehicle safety standard
16 issued under section 30111 may not be applied
17 to require a manufacturer of an ADS-dedicated
18 vehicle configured solely to carry property and
19 not one or more occupants to comply with the
20 standard by equipping the vehicle with manu-
21 ally operated controls and equipment intended
22 only to support a human driver in an ADS-
23 dedicated vehicle.

1 **“§ 30131. National Automated Vehicle Safety Data Re-**
2 **pository**

3 “(a) DEFINITIONS.—In this section:

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

7 “(A) that involves—

8 “(i) a fatality;

9 “(ii) an injury that results in a person
10 being transported from the scene of the
11 crash to a hospital for medical treatment;

12 “(iii) an airbag deployment;

13 “(iv) a police report;

14 “(v) a strike of a vulnerable road
15 user; or

16 “(vi) the towing of a vehicle; and

17 “(B) in which the automated driving sys-
18 tem of a motor vehicle involved in the crash was
19 engaged at any time during the period from 30
20 seconds immediately prior to the commence-
21 ment of the crash through the conclusion of the
22 crash.

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

1 “(3) STATE TRANSPORTATION REGULATORY
2 AGENCY.—The term ‘State transportation regulatory
3 agency’ means a department of motor vehicles, de-
4 partment of transportation, or equivalent State or
5 local agency.

6 “(b) RULEMAKING REQUIRED.—Not later than Sep-
7 tember 30, 2026, the Secretary shall issue a final rule that
8 includes the following:

9 “(1) The establishment of a National Auto-
10 mated Vehicle Safety Data Repository to receive and
11 store data from a covered crash from manufacturers
12 of automated driving systems and from manufactur-
13 ers of ADS-equipped vehicles.

14 “(2) A requirement, stated in objective terms,
15 for such manufacturers to report to the Secretary
16 for inclusion in the repository, not later than 30
17 days after the date on which a covered crash occurs
18 or 10 days after the date on which a manufacturer
19 receives notice of such crash, whichever is later, spe-
20 cific information known to the manufacturer about
21 the crash that includes the following:

22 “(A) The time and location.

23 “(B) Each vehicle involved.

24 “(C) Whether a vulnerable road user was
25 involved.

1 “(D) Any injury that resulted from the
2 crash.

3 “(E) Whether any local authority inves-
4 tigated the crash.

5 “(F) A summary of the circumstances sur-
6 rounding the crash.

7 “(G) Whether the vehicle was operating
8 outside of the ODD.

9 “(3) A requirement for such manufacturers to
10 submit to the Secretary, on a quarterly basis, a re-
11 port on the total miles traveled with the ADS en-
12 gaged of the ADS-equipped vehicles of the manufac-
13 turer during the previous quarter, including the total
14 miles traveled in revenue service during commercial
15 operations.

16 “(4) A process for a relevant State transpor-
17 tation regulatory agency to access information from
18 a covered crash described in paragraph (2) in a
19 timely manner.

20 “(5) A requirement that—

21 “(A) any information shared with a rel-
22 evant State or local transportation regulatory
23 agency is protected by the confidential business
24 information protections and procedures estab-
25 lished in part 512 of title 49, Code of Federal

1 Regulations, and is exempt from disclosure
2 under sections 552(b)(3) and section 552a of
3 title 5; and

4 “(B) any such relevant State or local
5 transportation regulatory agency is subject to
6 the same confidential business information pro-
7 tections and procedures established in such part
8 512.

9 “(6) The establishment of a system to publicly
10 share the data collected for the repository, subject to
11 the confidential business information protections and
12 procedures established in part 512 of title 49, Code
13 of Federal Regulations.

14 “(7) A requirement to minimize the duplication
15 of information about a covered crash described in
16 paragraph (2) and any other publicly reported data
17 in the repository.

18 “(8) A requirement for a manufacturer to re-
19 port whether an ADS-equipped vehicle involved in a
20 covered crash was authorized to operate pursuant to
21 section 30112(b)(10).

22 “(c) SUNSET FOR QUARTERLY MILEAGE RE-
23 PORTS.—

24 “(1) TOTAL MILES TRAVELED.—Except as pro-
25 vided in paragraph (2), the requirement described in

1 subsection (b)(3) does not apply beginning on the
2 date that is 5 years after the date on which a final
3 rule is issued pursuant to subsection (b).

4 “(2) EXTENSION OF TIME PERIOD FOR RE-
5 PORTS.—Notwithstanding paragraph (1), the Sec-
6 retary may extend the requirement described in sub-
7 section (b)(3) for an additional 2 years after the ex-
8 piration of the requirement described in paragraph
9 (1) if the Secretary determines an extension is nec-
10 essary to meet the need for motor vehicle safety.

11 “(d) REPEAL.—Standing General Order 2021–01
12 issued by the National Highway Traffic Safety Adminis-
13 tration does not apply to an ADS-equipped vehicle begin-
14 ning on the compliance date of the final rule issued pursu-
15 ant to subsection (b).

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

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of sections for subchapter II of chapter 301 of
20 subtitle VI of title 49, United States Code, is amended
21 by adding at the end the following:

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

22 (c) ENFORCEMENT AUTHORITY.—Section
23 30165(a)(1) of title 49, United States Code, is amended
24 by inserting “30130, 30131,” after “30127.”.

1 (d) FEDERAL PREEMPTION.—Section 30103(b) of
2 title 49, United States Code, is amended by adding at the
3 end the following new paragraph:

4 “(3) FEDERAL PREEMPTION FOR AUTOMATED DRIV-
5 ING SYSTEMS AND ADS-EQUIPPED VEHICLES.—

6 “(A) IN GENERAL.—Except as provided in sub-
7 paragraph (B), a State, or political subdivision of a
8 State, may not maintain, enforce, prescribe, or con-
9 tinue in effect any law, rule, regulation, requirement,
10 standard, or other provision having the force and ef-
11 fect of law of the State, or political subdivision of
12 the State, that—

13 “(i) prohibits in whole or in part a manu-
14 facturer from manufacturing for sale, selling,
15 offering for sale, introducing or delivering for
16 introduction into interstate commerce, or im-
17 porting into the United States any automated
18 driving system or ADS-equipped vehicle if the
19 manufacturer develops a safety case described
20 in section 30130(b)(3) for the automated driv-
21 ing system or ADS-equipped vehicle; or

22 “(ii) requires manufacturers of automated
23 driving systems and manufacturers of ADS-
24 equipped vehicles to report information about a

1 covered crash to a State or a political subdivi-
2 sion of a State.

3 “(B) EXCEPTIONS.—Notwithstanding subpara-
4 graph (A)—

5 “(i) a State may enforce a law or require-
6 ment that is identical to a law or requirement
7 under subparagraphs (A) or (B) of section
8 30130(b)(1) or section 30131; and

9 “(ii) compliance with subparagraph (A) or
10 (B) of section 30130(b)(1) or section 30131
11 does not exempt a person from liability at com-
12 mon law.

13 “(C) RULE OF CONSTRUCTION ON STATE
14 LAW.—Nothing in this paragraph may be construed
15 to prohibit a State, or political subdivision of a
16 State, from maintaining, enforcing, prescribing, or
17 continuing in effect any law, rule, regulation, re-
18 quirement, standard, or other provision having the
19 force and effect of law of the State, or political sub-
20 division of the State, that relates to any of the fol-
21 lowing:

22 “(i) Traffic laws.

23 “(ii) Motor vehicle registration.

24 “(iii) Safety and emissions inspections.

1 “(iv) Congestion management of vehicles
2 operating within the relevant State or political
3 subdivision of the State.

4 “(v) Insurance.

5 “(vi) Generally applicable consumer protec-
6 tion laws.

7 “(vii) Environmental laws or regulations.

8 “(viii) Dealer franchise laws, including pro-
9 hibitions on the direct sale of motor vehicles by
10 manufacturers.

11 “(ix) Authorities exercised over the oper-
12 ation of a motor vehicle by State or political
13 subdivision of a State unrelated to the design,
14 construction, or performance of an automated
15 driving system or an ADS-equipped vehicles.

16 “(D) RULE OF CONSTRUCTION ON STATE REG-
17 ULATION.—Notwithstanding subparagraph (A),
18 nothing in this paragraph may be construed to pre-
19 empt any State or local law regulating the relation-
20 ship between manufacturers, distributors, and deal-
21 ers, including dealer franchise laws and prohibitions
22 on the direct sale of motor vehicles by manufactur-
23 ers.”.

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

2 Section 30112 of title 49, United States Code, is
3 amended—

4 (1) in subsection (b)(10)—

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

7 (B) by redesignating subparagraphs (A)
8 through (C) as clauses (i) through (iii), respec-
9 tively, and moving their margins 2 ems to the
10 right;

11 (C) by striking “evaluation by a manufac-
12 turer that agrees not to sell or offer for sale the
13 motor vehicle at the conclusion of the testing or
14 evaluation and that prior to the date of enact-
15 ment of this paragraph” and inserting the fol-
16 lowing: “evaluation by—

17 “(A) a manufacturer that agrees not to sell
18 or lease or offer for sale or lease the motor ve-
19 hicle used for testing or evaluation at the con-
20 clusion of the testing or evaluation that—”; and

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

22 “(B) a manufacturer of an automated driv-
23 ing system or ADS-equipped vehicle (as such
24 terms are defined in section 30130(a)) or any
25 component of such automated driving system or
26 ADS-equipped vehicle that agrees not to sell or

1 lease or offer for sale or lease the automated
2 driving system, ADS-equipped vehicle, or com-
3 ponent used for testing or evaluation at the
4 conclusion of the testing or evaluation.”; and

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

6 “(c) COMMERCIAL OPERATIONS PERMITTED FOR
7 TESTING OR EVALUATION FOR ADS-EQUIPPED VEHI-
8 CLES.—

9 “(1) AUTHORIZATION BY SECRETARY.—Subject
10 to paragraph (2), the Secretary may authorize a
11 manufacturer that conducts testing or evaluation
12 under subsection (b)(10) to undertake limited com-
13 mercial operations for an ADS-equipped vehicle, in-
14 cluding through the carrying of members of the pub-
15 lic as passengers and transporting of freight, as part
16 of the testing or evaluation.

17 “(2) CONSIDERATION FOR EVALUATION.—Any
18 limited commercial operation authorized by the Sec-
19 retary pursuant to paragraph (1) shall consider the
20 operational use case of the manufacturer, the objec-
21 tives of the manufacturer for the testing or evalua-
22 tion, and be subject to limitations established by the
23 Secretary based on the operational use case to en-
24 sure that the testing or evaluation under this sub-
25 section does not constitute de facto deployment of a

1 non-compliant ADS-equipped vehicle, which may in-
2 clude—

3 “(A) reasonable limitations (on a jurisdic-
4 tion-by-jurisdiction basis) on the number of
5 participating ADS-equipped vehicles, mileage,
6 revenue generation, or duration of deployment;
7 and

8 “(B) any additional oversight and trans-
9 parency requirements determined by the Sec-
10 retary consistent with the authority of the Sec-
11 retary described elsewhere in this chapter.”.

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

13 Section 30122(b) of title 49, United States Code, is
14 amended—

15 (1) by inserting “(1) IN GENERAL.” before “A
16 manufacturer”; and

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

18 “(2) EXCEPTION.—Paragraph (1) does not
19 apply in a case in which a manufacturer inten-
20 tionally causes a device or element of a design relat-
21 ing to the performance of the dynamic driving task
22 by a human driver to be temporarily disabled or al-
23 tered in their functionality for safety reasons during
24 the time that an automated driving system is en-
25 gaged and capable of performing the entire dynamic

1 driving task if the system is also capable of being
2 made operative in a manner that would allow a
3 human driver to rapidly regain control over the dy-
4 namic driving task.

5 “(3) COMPLIANCE WITH SECTION 30130 RE-
6 QUIRED FOR EXCEPTION.—Any manufacturer that
7 claims the exception described in paragraph (2) shall
8 comply with section 30130(b).”.

9 **SEC. 6. PROTECTING THE SECURITY OF CONNECTED VEHI-**
10 **CLES.**

11 (a) REVIEW.—Not later than 1 year after the date
12 of the enactment of this Act, the Secretary of Commerce,
13 in consultation with the head of any relevant agency, shall
14 review the implementation of the final rule Securing the
15 Information and Communications Technology and Serv-
16 ices Supply Chain: Connected Vehicles (90 Fed. Reg.
17 5360).

18 (b) BRIEFING.—Not later than 60 days after the date
19 of the completion of the review described in subsection (a),
20 the Secretary of Commerce shall provide a briefing on im-
21 plementation of the final rule to the Committees on En-
22 ergy and Commerce and Foreign Affairs of the House of
23 Representatives and the Committees on Commerce,
24 Science, and Transportation and Foreign Relations of the
25 Senate.

1 (c) AGENCY DEFINED.—In this section, the term
2 “agency” has the meaning given that term in section 551
3 of title 5, United States Code.

