

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7389
OFFERED BY MR. LATTA OF OHIO**

Page 148, after line 11, insert the following:

1 **PART VII—THE SELF DRIVE ACT**

2 **SEC. 361. PURPOSE.**

3 The purpose of this part is to ensure continued
4 United States leadership in the global automotive and au-
5 tonomous driving sector, improve road safety, mobility,
6 and accessibility, and create American jobs by creating
7 rules and regulations that relate to the design, construc-
8 tion, and performance of ADS-equipped vehicles and by
9 encouraging the testing and deployment of such vehicles.

10 **SEC. 362. UPDATED OR NEW MOTOR VEHICLE SAFETY RE-**
11 **QUIREMENTS FOR VEHICLES WITH AUTO-**
12 **MATED DRIVING SYSTEMS.**

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

16 **“§ 30130. Motor vehicle safety standards for auto-**
17 **mated driving systems**

18 “(a) DEFINITIONS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), in this section and sections 30103,
3 30112, 30122, and 30131:

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 under any
9 routine or normal operating condition during
10 any trip within the operational design domain
11 of the vehicle.

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

15 “(C) AUTOMATED DRIVING SYSTEM;
16 ADS.—The terms ‘automated driving system’
17 and ‘ADS’—

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

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

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

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

12 “(ii) the response by an automated
13 driving system to achieve an MRC.

14 “(E) DDT PERFORMANCE-RELEVANT SYS-
15 TEM FAILURE.—The term ‘DDT performance-
16 relevant system failure’ means a malfunction in
17 an ADS, another vehicle system, or both that
18 prevents the ADS from reliably performing the
19 DDT on a sustained basis.

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

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

1 “(ii) exclude any strategic function,
2 such as trip scheduling and selection of a
3 destination or waypoint; and

4 “(iii) include—

5 “(I) lateral vehicle motion control
6 through steering;

7 “(II) longitudinal motion control
8 through acceleration and deceleration;

9 “(III) monitoring of the driving
10 environment through object and event
11 detection, recognition, classification,
12 and response preparation;

13 “(IV) object and event response
14 execution;

15 “(V) maneuver planning; and

16 “(VI) enhancement of conspicuity
17 through lighting, sounding the horn,
18 signaling, gesturing, or another indi-
19 cator.

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

24 “(i) is properly qualified and able to
25 operate the vehicle; and

1 “(ii) is receptive to an ADS-issued re-
2 quest to intervene and to evident DDT
3 performance-relevant system failure in the
4 vehicle.

5 “(H) IN-VEHICLE FALLBACK-READY
6 USER.—The term ‘in-vehicle fallback-ready
7 user’ means a fallback-ready user who is seated
8 in the driver’s seat.

9 “(I) LEVEL 3; LEVEL 4; LEVEL 5.—The
10 terms ‘Level 3’, ‘Level 4’, and ‘Level 5’ have
11 the meaning given those terms in the April
12 2021 edition of the J3016 recommended prac-
13 tice of SAE International, ‘Taxonomy and Defi-
14 nitions for Terms Related to Driving Automa-
15 tion Systems for On-Road Motor Vehicles’.

16 “(J) MINIMAL RISK CONDITION; MRC.—
17 The terms ‘minimal risk condition’ and ‘MRC’
18 mean a stable, stopped condition to which an
19 in-vehicle fallback-ready user or an ADS may
20 bring a motor vehicle after performing a DDT
21 fallback in order to reduce the risk of a crash
22 when a trip cannot or should not be continued.

23 “(K) OPERATIONAL DESIGN DOMAIN;
24 ODD.—The terms ‘operational design domain’
25 and ‘ODD’ mean the operating conditions

1 under which an ADS, or feature thereof, is spe-
2 cifically designed to function, including any en-
3 vironmental, geographical, and time-of-day re-
4 striction, or the requisite presence or absence of
5 certain traffic or roadway characteristics.

6 “(L) SECRETARY.—The term ‘Secretary’
7 means the Secretary of Transportation, acting
8 through the Administrator of the National
9 Highway Traffic Safety Administration.

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

12 “(i) means an individual who is on or
13 in close proximity to a road but is not an
14 occupant of a motor vehicle with more
15 than 3 wheels; and

16 “(ii) includes a pedestrian, bicyclist,
17 motorecyclist, individual in a wheelchair,
18 and a rider or occupant of any other trans-
19 port vehicle that is not a motor vehicle,
20 such as an all-terrain vehicle or tractor.

21 “(2) UPDATE TO DEFINITIONS.—

22 “(A) USE OF SAE INTERNATIONAL DEFINI-
23 TIONS.—The Secretary shall use any definition
24 set forth in April 2021 edition of the J3016
25 recommended practice of SAE International,

1 ‘Taxonomy and Definitions for Terms Related
2 to Driving Automation Systems for On-Road
3 Motor Vehicles’ for any term defined in para-
4 graph (1).

5 “(B) REVIEW.—

6 “(i) IN GENERAL.—Not later than
7 180 days after the date on which any defi-
8 nition described in subparagraph (A) is re-
9 leased by SAE International, the Sec-
10 retary—

11 “(I) shall publish in the Federal
12 Register a review on the clarity and
13 objectivity of such definition; and

14 “(II) may provide feedback to
15 SAE International with suggestions
16 for updates to any such definition.

17 “(ii) USE OF REVISED STANDARD.—

18 “(I) DETERMINATION.—Not
19 later than 120 days after the date on
20 which SAE International revises a
21 definition described in subparagraph
22 (A), the Secretary, after publishing
23 notice of the revision in the Federal
24 Register, shall determine whether to

1 revise any term defined in paragraph
2 (1).

3 “(II) EFFECT OF DECISION NOT
4 TO ADOPT A REVISED DEFINITION.—
5 If the Secretary decides not to adopt
6 a revised definition—

7 “(aa) the Secretary shall no-
8 tify SAE International of the de-
9 cision by the Secretary; and

10 “(bb) the definitions de-
11 scribed in subparagraph (A) shall
12 remain in effect.

13 “(b) AUTOMATED DRIVING SYSTEM REQUIRE-
14 MENTS.—

15 “(1) IN GENERAL.—

16 “(A) SAFETY CASE REQUIRED.—A manu-
17 facturer may not manufacture for sale, sell,
18 offer for sale, introduce or deliver for introduc-
19 tion into interstate commerce, or import into
20 the United States any automated driving sys-
21 tem or ADS-equipped vehicle unless the manu-
22 facturer has developed a safety case for the
23 automated driving system or ADS-equipped ve-
24 hicle that meets the requirements described in
25 paragraph (3).

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

5 “(i) objective content requirements for
6 a safety case; and

7 “(ii) procedures for manufacturers to
8 certify the completion of a safety case and
9 provide the safety case to the Secretary
10 upon request under section 30166.

11 “(C) MODIFICATION OF ADS COM-
12 PETENCIES BY SECRETARY.—The Secretary
13 may prescribe motor vehicle safety standards
14 that define, modify, or interpret the ADS com-
15 petencies described in paragraph (5).

16 “(2) SAFETY STANDARD TO REQUIRE SAFETY
17 CASE.—

18 “(A) SAFETY STANDARD.—Not later than
19 September 30, 2027, the Secretary shall issue
20 a final rule that prescribes a motor vehicle safe-
21 ty standard under section 30111 that requires
22 each manufacturer that manufactures for sale,
23 sells, offers for sale, introduces or delivers for
24 introduction in interstate commerce, or imports
25 into the United States an ADS-equipped vehicle

1 or an automated driving system intended for in-
2 stallation in a motor vehicle not originally
3 equipped with such system to—

4 “(i) complete a safety case described
5 in paragraph (3) for each ADS version
6 produced by the manufacturer that meets
7 the requirements described in this section;
8 and

9 “(ii) provide the safety case to the
10 Secretary upon request under section
11 30166.

12 “(B) DEADLINE.—If the Secretary does
13 not meet the deadline described in subpara-
14 graph (A), the Secretary shall submit to the
15 Committee on Energy and Commerce of the
16 House of Representatives and the Committee
17 on Commerce, Science, and Transportation of
18 the Senate a report that describes the reasons
19 why the deadline was not met.

20 “(C) SPECIAL RULE.—Any motor vehicle
21 safety standard issued under this paragraph su-
22 persedes any conflicting requirement under
23 paragraph (1).

24 “(3) REQUIREMENTS FOR SAFETY CASE.—A
25 safety case described in paragraphs (1) and (2) shall

1 provide claims, supported by arguments and evi-
2 dence, that support the conclusion of the manufac-
3 turer that the design, construction, and performance
4 of the automated driving system to be used in an
5 ADS-equipped vehicle meets the need for motor vehi-
6 cle safety, including the following:

7 “(A) A description of each hardware and
8 software element of the ADS that includes the
9 following:

10 “(i) Braking, steering, propulsion, and
11 computing capability.

12 “(ii) Redundancies.

13 “(iii) Each capability of the suite of
14 sensors of the ADS.

15 “(iv) The integration of the ADS into
16 the vehicle platform.

17 “(B) A description of the operational de-
18 sign domain of the ADS and how the ADS per-
19 forms each element of the dynamic driving task
20 within the ODD of the ADS.

21 “(C) Each engineering methodology, in-
22 cluding each hazard analysis used to design and
23 assess the performance of the ADS and ensure
24 motor vehicle safety.

1 “(D) An analysis of the safety performance
2 of the ADS that uses the methodology described
3 in subparagraph (C), including each com-
4 petency of the ADS in normal driving and crash
5 avoidance capability and the acceptance criteria
6 used by the manufacturer in assessing such
7 performance.

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

10 “(F) A description of any vehicle-inte-
11 grated system that provides a visual or digital
12 hazard that alerts a nearby road user when the
13 vehicle executes or enters a minimal risk condi-
14 tion, including any system that automatically
15 activates a high-conspicuity lighting pattern,
16 transmits a digital hazard message, or both, to
17 any connected vehicle and roadway infrastruc-
18 ture.

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

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

1 “(A) A description of the safety manage-
2 ment system of the manufacturer, including
3 each organizational role and responsibility and
4 each process used to systematically address and
5 audit the safety throughout the design, testing,
6 deployment, and operation of the automated
7 driving system.

8 “(B) An explanation of the configuration
9 and each change management procedure em-
10 ployed to ensure that any hardware or software
11 update, modification, or configuration change is
12 tracked and assessed for safety impacts prior to
13 release of an ADS, including any contingency
14 and rollback procedure, if necessary.

15 “(C) A description of each in-use safety
16 monitoring process, including any safety per-
17 formance indicator, threshold for intervention,
18 and procedure for investigating and addressing
19 any safety-relevant incident and near-miss.

20 “(D) A description of how the manufac-
21 turer incorporates each lesson learned from in-
22 service operation, including any feedback loop
23 from incidents and safety-critical scenarios re-
24 lated to the design and validation of the auto-

1 mated driving system to ensure continuous im-
2 provement of motor vehicle safety.

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

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

8 “(B) An ADS can detect and respond ap-
9 propriately to any vulnerable road user likely to
10 be present and in proximity to the ADS in the
11 relevant ODD.

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

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

24 “(E) An ADS can detect the limits of the
25 ODD of the ADS and respond appropriately

1 when 1 or more conditions of the ODD are no
2 longer met, whether by achieving an MRC or,
3 in the case of a Level 3 ADS, alerting the fall-
4 back-ready user to intervene and assume con-
5 trol of the DDT.

6 “(F) An ADS can detect and respond to
7 any object or event, including emergency vehi-
8 cles, emergency personnel, and school buses,
9 likely to be present and in proximity to the
10 ADS in the relevant ODD and relevant to any
11 driving decision of the ADS.

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

15 “(H) In the case of a Level 4 and Level
16 5 ADS that is undergoing testing or evaluation,
17 or in the case in which a motor vehicle has
18 human controls, Level 4 or Level 5 capabilities,
19 and is being operated manually, the ability to—

20 “(i) clearly and unambiguously com-
21 municate ADS status and user role; and

22 “(ii) safely maintain vehicle control
23 until the fallback-ready user has assumed
24 control and the transfer is completed.

1 “(I) A description of a cybersecurity plan
2 that includes the following:

3 “(i) A written cybersecurity policy
4 with respect to the practices of the manu-
5 facturer to detect and respond to cyber at-
6 tacks, unauthorized intrusions, and false
7 and malicious vehicle control commands.

8 “(ii) A process to identify, assess, and
9 mitigate reasonably foreseeable cyber risks
10 related to motor vehicle safety from such
11 attacks, intrusions, and commands.

12 “(iii) A process to take preventive and
13 corrective action to mitigate against rea-
14 sonably foreseeable cyber risks related to
15 motor vehicle safety in an automated driv-
16 ing system or ADS-equipped vehicle, in-
17 cluding incident response plans, unauthor-
18 ized intrusion detection and prevention sys-
19 tems that safeguard key controls, systems,
20 and procedures through testing or moni-
21 toring, and updates to such process based
22 on changed circumstances.

23 “(6) REPORT REQUIRED.—Not later than 4
24 years after the date of the enactment of this section,
25 the Secretary shall submit to the Committee on En-

1 ergy and Commerce of the House of Representatives
2 and the Committee on Commerce, Science, and
3 Transportation of the Senate a report that includes
4 recommendations on the development of motor vehi-
5 cle safety standards specific to ADS and ADS-
6 equipped vehicles.

7 “(c) MANUAL CONTROLS.—

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

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

18 “(B) after the vehicle has achieved an
19 MRC, allow the occupant to safely exit the vehi-
20 cle.

21 “(2) EXEMPTION FROM MOTOR VEHICLE SAFE-
22 TY STANDARDS.—

23 “(A) MANUALLY OPERATED CONTROLS
24 AND EQUIPMENT.—If a vehicle is equipped with
25 the system described in paragraph (1), a motor

1 vehicle safety standard issued under section
2 30111 may not require the manufacturer to
3 equip the vehicle with manually operated con-
4 trols and equipment intended only to support a
5 human driver in an ADS-dedicated vehicle.

6 “(B) VEHICLE CONFIGURED TO CARRY
7 PROPERTY.—A motor vehicle safety standard
8 issued under section 30111 may not be applied
9 to require a manufacturer of an ADS-dedicated
10 vehicle configured solely to carry property and
11 not one or more occupants to comply with the
12 standard by equipping the vehicle with manu-
13 ally operated controls and equipment intended
14 only to support a human driver in an ADS-
15 dedicated vehicle.

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

18 “(a) DEFINITIONS.—In this section:

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

22 “(A) that involves—

23 “(i) a fatality;

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

4 “(iii) an airbag deployment;

5 “(iv) a police report;

6 “(v) a strike of a vulnerable road
7 user; or

8 “(vi) the towing of a vehicle; and

9 “(B) in which the automated driving sys-
10 tem of a motor vehicle involved in the crash was
11 engaged at any time during the period from 30
12 seconds immediately prior to the commence-
13 ment of the crash through the conclusion of the
14 crash.

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

18 “(3) STATE TRANSPORTATION REGULATORY
19 AGENCY.—The term ‘State transportation regulatory
20 agency’ means a department of motor vehicles, de-
21 partment of transportation, or equivalent State or
22 local agency.

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

1 “(1) The establishment of a National Auto-
2 mated Vehicle Safety Data Repository to receive and
3 store data from a covered crash from manufacturers
4 of automated driving systems and from manufactur-
5 ers of ADS-equipped vehicles.

6 “(2) A requirement, stated in objective terms,
7 for such manufacturers to report to the Secretary
8 for inclusion in the repository, not later than 30
9 days after the date on which a covered crash occurs
10 or 10 days after the date on which a manufacturer
11 receives notice of such crash, whichever is later, spe-
12 cific information known to the manufacturer about
13 the crash that includes the following:

14 “(A) The time and location.

15 “(B) Each vehicle involved.

16 “(C) Whether a vulnerable road user was
17 involved.

18 “(D) Any injury that resulted from the
19 crash.

20 “(E) Whether any local authority inves-
21 tigated the crash.

22 “(F) A summary of the circumstances sur-
23 rounding the crash.

24 “(G) Whether the vehicle was operating
25 outside of the ODD.

1 “(3) A requirement for such manufacturers to
2 submit to the Secretary, on a quarterly basis, a re-
3 port on the total miles traveled with the ADS en-
4 gaged of the ADS-equipped vehicles of the manufac-
5 turer during the previous quarter, including the total
6 miles traveled in revenue service during commercial
7 operations.

8 “(4) A process for a relevant State transpor-
9 tation regulatory agency to access information from
10 a covered crash described in paragraph (2) in a
11 timely manner.

12 “(5) A requirement that—

13 “(A) any information shared with a rel-
14 evant State or local transportation regulatory
15 agency is protected by the confidential business
16 information protections and procedures estab-
17 lished in part 512 of title 49, Code of Federal
18 Regulations, and is exempt from disclosure
19 under sections 552(b)(3) and section 552a of
20 title 5; and

21 “(B) any such relevant State or local
22 transportation regulatory agency is subject to
23 the same confidential business information pro-
24 tections and procedures established in such part
25 512.

1 “(6) The establishment of a system to publicly
2 share the data collected for the repository, subject to
3 the confidential business information protections and
4 procedures established in part 512 of title 49, Code
5 of Federal Regulations.

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

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

14 “(c) SUNSET FOR QUARTERLY MILEAGE RE-
15 PORTS.—

16 “(1) TOTAL MILES TRAVELED.—Except as pro-
17 vided in paragraph (2), the requirement described in
18 subsection (b)(3) does not apply beginning on the
19 date that is 5 years after the date on which a final
20 rule is issued pursuant to subsection (b).

21 “(2) EXTENSION OF TIME PERIOD FOR RE-
22 PORTS.—Notwithstanding paragraph (1), the Sec-
23 retary may extend the requirement described in sub-
24 section (b)(3) for an additional 2 years after the ex-
25 piration of the requirement described in paragraph

1 (1) if the Secretary determines an extension is nec-
2 essary to meet the need for motor vehicle safety.

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

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

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

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

14 (c) ENFORCEMENT AUTHORITY.—Section
15 30165(a)(1) of title 49, United States Code, is amended
16 by inserting “30130, 30131,” after “30127,”.

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

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

22 “(A) IN GENERAL.—Except as provided in sub-
23 paragraph (B), a State, or political subdivision of a
24 State, may not maintain, enforce, prescribe, or con-

1 tinue in effect any law, rule, regulation, requirement,
2 standard, or other provision having the force and ef-
3 fect of law of the State, or political subdivision of
4 the State, that—

5 “(i) prohibits in whole or in part a manu-
6 facturer from manufacturing for sale, selling,
7 offering for sale, introducing or delivering for
8 introduction into interstate commerce, or im-
9 porting into the United States any automated
10 driving system or ADS-equipped vehicle if the
11 manufacturer develops a safety case described
12 in section 30130(b)(3) for the automated driv-
13 ing system or ADS-equipped vehicle; or

14 “(ii) requires manufacturers of automated
15 driving systems and manufacturers of ADS-
16 equipped vehicles to report information about a
17 covered crash to a State or a political subdivi-
18 sion of a State.

19 “(B) EXCEPTIONS.—Notwithstanding subpara-
20 graph (A)—

21 “(i) a State may enforce a law or require-
22 ment that is identical to a law or requirement
23 under subparagraphs (A) or (B) of section
24 30130(b)(1) or section 30131; and

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

5 “(C) RULE OF CONSTRUCTION ON STATE
6 LAW.—Nothing in this paragraph may be construed
7 to prohibit a State, or political subdivision of a
8 State, from maintaining, enforcing, prescribing, or
9 continuing in effect any law, rule, regulation, re-
10 quirement, standard, or other provision having the
11 force and effect of law of the State, or political sub-
12 division of the State, that relates to any of the fol-
13 lowing:

14 “(i) Traffic laws.

15 “(ii) Motor vehicle registration.

16 “(iii) Safety and emissions inspections.

17 “(iv) Congestion management of vehicles
18 operating within the relevant State or political
19 subdivision of the State.

20 “(v) Insurance.

21 “(vi) Generally applicable consumer protec-
22 tion laws.

23 “(vii) Environmental laws or regulations.

1 “(viii) Dealer franchise laws, including pro-
2 hibitions on the direct sale of motor vehicles by
3 manufacturers.

4 “(ix) Authorities exercised over the oper-
5 ation of a motor vehicle by State or political
6 subdivision of a State unrelated to the design,
7 construction, or performance of an automated
8 driving system or an ADS-equipped vehicles.

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

17 **SEC. 363. MOTOR VEHICLE TESTING OR EVALUATION.**

18 Section 30112 of title 49, United States Code, is
19 amended—

20 (1) in subsection (b)(10)—

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

23 (B) by redesignating subparagraphs (A)
24 through (C) as clauses (i) through (iii), respec-

1 tively, and moving their margins 2 ems to the
2 right;

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

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

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

14 “(B) a manufacturer of an automated driv-
15 ing system or ADS-equipped vehicle (as such
16 terms are defined in section 30130(a)) or any
17 component of such automated driving system or
18 ADS-equipped vehicle that agrees not to sell or
19 lease or offer for sale or lease the automated
20 driving system, ADS-equipped vehicle, or com-
21 ponent used for testing or evaluation at the
22 conclusion of the testing or evaluation.”; and

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

1 “(c) COMMERCIAL OPERATIONS PERMITTED FOR
2 TESTING OR EVALUATION FOR ADS-EQUIPPED VEHI-
3 CLES.—

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

12 “(2) CONSIDERATION FOR EVALUATION.—Any
13 limited commercial operation authorized by the Sec-
14 retary pursuant to paragraph (1) shall consider the
15 operational use case of the manufacturer, the objec-
16 tives of the manufacturer for the testing or evalua-
17 tion, and be subject to limitations established by the
18 Secretary based on the operational use case to en-
19 sure that the testing or evaluation under this sub-
20 section does not constitute de facto deployment of a
21 non-compliant ADS-equipped vehicle, which may in-
22 clude—

23 “(A) reasonable limitations (on a jurisdic-
24 tion-by-jurisdiction basis) on the number of
25 participating ADS-equipped vehicles, mileage,

1 revenue generation, or duration of deployment;
2 and

3 “(B) any additional oversight and trans-
4 parency requirements determined by the Sec-
5 retary consistent with the authority of the Sec-
6 retary described elsewhere in this chapter.”.

7 **SEC. 364. MAKE INOPERATIVE.**

8 Section 30122(b) of title 49, United States Code, is
9 amended—

10 (1) by inserting “(1) IN GENERAL.” before “A
11 manufacturer”; and

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

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

