

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3360  
OFFERED BY MR. KEAN OF NEW JERSEY**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Driver Technology and  
3 Pedestrian Safety Act of 2026”.

**4 SEC. 2. DRIVER-CONTROLLED TECHNOLOGY SAFETY  
5 STUDY.**

6 (a) DRIVER-CONTROLLED TECHNOLOGY SAFETY  
7 STUDY AGREEMENT.—Subject to the availability of appro-  
8 priations, not later than 3 months after the date of the  
9 enactment of this Act, the Secretary of Transportation  
10 shall seek to enter into an agreement with the National  
11 Academies of Sciences, Engineering, and Medicine—

12 (1) to conduct a study on the effect of driver-  
13 controlled technology with respect to severe traffic  
14 injuries and traffic fatalities, including severe inju-  
15 ries and fatalities of pedestrians, bicyclists, and  
16 other vulnerable road users; and

17 (2) to prepare the recommendations as de-  
18 scribed in section 3(b).

1 (b) PERIOD OF TIME TO BE STUDIED.—The Sec-  
2 retary of Transportation shall determine the period of  
3 time to be studied under subsection (a), which shall be  
4 a period of time that begins not later than 10 years before  
5 the date on which the Secretary enters into the agreement  
6 described in subsection (a).

7 (c) INFORMATION.—The study required by subsection  
8 (a)(1) shall include information relating to the following:

9 (1) The prevalence and characteristics of touch  
10 screen-based systems in passenger motor vehicles.

11 (2) The impact on driver distraction, property  
12 damage, severe traffic injuries, and traffic fatalities  
13 as a result of the following:

14 (A) Replacing tactile passenger motor vehi-  
15 cle controls with touch screen-based systems.

16 (B) The characteristics of such systems,  
17 including brightness and size.

18 (C) Driver-controlled technology that is not  
19 a touch screen-based system.

20 (3) The user interface designs of touch screen-  
21 based systems and other driver-controlled tech-  
22 nology, and the effect of those designs on driver be-  
23 havior.

1           (4) A comparison that takes into account dif-  
2           ferent levels of driver experience and driver age  
3           ranges, of—

4                   (A) the extent to which viewing or manipu-  
5                   lating a touch screen-based system while driving  
6                   a passenger motor vehicle results in a severe  
7                   traffic injury or a traffic fatality; and

8                   (B) the extent to which viewing or manipu-  
9                   lating a smartphone, other than a smartphone  
10                  that is projecting a user interface to a touch  
11                  screen-based system, while driving a passenger  
12                  motor vehicle results in a severe traffic injury  
13                  or a traffic fatality.

14           (5) Whether the time of day and other road  
15           conditions (including traffic, weather, the number of  
16           passenger motor vehicles on a road, and the number  
17           of commercial motor vehicles on a road) have a sig-  
18           nificant effect on the incidence of severe traffic inju-  
19           ries and traffic fatalities, the extent of any such ef-  
20           fect, the likely reasons for any such effect, whether  
21           any such effect varies between the United States  
22           and other countries, and any changes to touch  
23           screen-based systems and other driver-controlled  
24           technology that may help mitigate any such effect.

1           (6) Any other information that is relevant to  
2           the study, which may include a previous study or  
3           other relevant resources.

4 **SEC. 3. REPORT AND RECOMMENDATIONS.**

5           (a) REPORT.—Not later than 2 years after the date  
6           on which the Secretary of Transportation enters into an  
7           agreement described in section 2(a), the Secretary shall—

8                   (1) submit to Congress a report that includes  
9                   the findings of the study required by section 2(a)(1);  
10                  and

11                   (2) publish the report on the public website of  
12                  the Department of Transportation.

13           (b) RECOMMENDATIONS.—Not later than 60 days  
14           after the date on which the Secretary of Transportation  
15           satisfies the requirements of subsection (a), the Secretary  
16           shall submit to Congress recommendations that are based  
17           on the findings of the study under section 2, which may  
18           include recommendations—

19                   (1) to reduce severe traffic injuries and traffic  
20                  fatalities;

21                   (2) to change the Fatality Analysis Reporting  
22                  System, the National Occupant Protection Use Sur-  
23                  veys, and the Model Minimum Uniform Crash Cri-  
24                  teria of the National Highway Traffic Safety Admin-  
25                  istration, or another set of Federal surveys, to col-

1 lect as much data as practicable with respect to the  
2 use of a touch screen-based system while driving a  
3 passenger motor vehicle and the use of a smartphone  
4 while driving a passenger motor vehicle, given the  
5 variation in the methods of data collection by States  
6 and units of local government; and

7 (3) that are otherwise based on the findings of  
8 the study.

9 (c) CATEGORIES.—In submitting the recommenda-  
10 tions required by subsection (b), the Secretary of Trans-  
11 portation shall divide the recommendations into the fol-  
12 lowing categories:

13 (1) Any recommendation that a department or  
14 agency of the Federal Government, including the  
15 National Highway Traffic Safety Administration,  
16 may implement under the existing authority of the  
17 department or agency, including any authority of the  
18 department or agency to develop or update guidance  
19 or standards on technology related to passenger  
20 motor vehicles that is not already implemented or  
21 planned to be implemented otherwise.

22 (2) Any recommendation that would require the  
23 enactment of Federal law for a department or agen-  
24 cy of the Federal Government, including the Na-

1 tional Highway Traffic Safety Administration, to im-  
2 plement.

3 (3) Any other category the Secretary deter-  
4 mines to be necessary to satisfy the requirements of  
5 this section.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) **COMMERCIAL MOTOR VEHICLE.**—The term  
9 “commercial motor vehicle” means any of the fol-  
10 lowing:

11 (A) A commercial motor vehicle (as defined  
12 in section 31132 of title 49, United States  
13 Code).

14 (B) A vehicle owned or operated by a  
15 transportation company (as defined in section  
16 346 of the National Defense Authorization Act  
17 for Fiscal Year 2017 (Public Law 114–328; 10  
18 U.S.C. 113 note)).

19 (2) **DRIVER-CONTROLLED TECHNOLOGY.**—The  
20 term “driver-controlled technology”—

21 (A) means the controls and functions of a  
22 motor vehicle that are engaged at the option of  
23 a driver of the motor vehicle;

24 (B) includes—

25 (i) the functions that—

- 1 (I) are related to driving;
- 2 (II) are not related to the safe
- 3 operation of the motor vehicle; and
- 4 (III) do not involve the use of a
- 5 system that is required by law; and
- 6 (ii) a touch screen-based system; and
- 7 (C) does not include any controls or func-
- 8 tions that are engaged by default as the motor
- 9 vehicle is driven, such as automatic braking,
- 10 cameras, and dynamic lighting.

11 (3) PASSENGER MOTOR VEHICLE.—The term

12 “passenger motor vehicle” has the meaning given

13 the term in section 32101 of title 49, United States

14 Code.

15 (4) TACTILE PASSENGER MOTOR VEHICLE CON-

16 TROL.—The term “tactile passenger motor vehicle

17 control” means a knob, a switch, a trackpad, or an-

18 other physical control that is in a passenger motor

19 vehicle and is not a touch screen.

20 (5) TOUCH SCREEN-BASED SYSTEM.—The term

21 “touch screen-based system” means a computer

22 that—

23 (A) is in a motor vehicle;

1           (B) controls the functions of the motor ve-  
2           hicle, including the infotainment functions of  
3           the motor vehicle;

4           (C) has a primary user interface that con-  
5           sists of a touch screen and on-screen software  
6           controls; and

7           (D) may be able to—

8           (i) be manipulated by tactile pas-  
9           senger motor vehicle controls; and

10          (ii) display a user interface that is  
11          projected from a smartphone.

