

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7390
OFFERED BY MRS. DINGELL OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SEC. 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.
- Sec. 7. Definitions.

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 30122,
14 30131, 30132, and 30133:

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 within the
20 operational design domain of the vehicle.

21 “(B) ADS-EQUIPPED VEHICLE.—The term
22 ‘ADS-equipped vehicle’ means any motor vehicle
23 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 DDT to
20 achieve an MRC; or

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

23 “(E) DYNAMIC DRIVING TASK; DDT.—The
24 terms ‘dynamic driving task’ and ‘DDT’—

1 “(i) mean each real-time operational
2 and tactical function required to operate a
3 vehicle in on-road traffic;

4 “(ii) exclude any strategic function,
5 such as trip scheduling and selection of a
6 destination or waypoint; and

7 “(iii) include without limitation—

8 “(I) lateral vehicle motion control
9 through steering;

10 “(II) longitudinal motion control
11 through acceleration and deceleration;

12 “(III) monitoring the driving en-
13 vironment through object and event
14 detection, recognition, classification,
15 and response preparation;

16 “(IV) object and event response
17 execution;

18 “(V) maneuver planning; and

19 “(VI) enhancing conspicuity
20 through lighting, sounding the horn,
21 signaling, gesturing, or other indi-
22 cator.

23 “(F) FALLBACK-READY USER.—The term
24 ‘fallback-ready user’ means an in-vehicle fall-
25 back-ready user of a vehicle equipped with an

1 engaged Level 3 ADS feature who is properly
2 qualified and able to operate the vehicle and is
3 receptive to ADS-issued requests to intervene
4 and to evident DDT performance-relevant sys-
5 tem failures in the vehicle compelling the user
6 to perform the DDT fallback.

7 “(G) IN VEHICLE FALLBACK READY
8 USER.—The term ‘in-vehicle fallback-ready
9 user’ means a fallback ready user of a conven-
10 tional vehicle with an engaged Level 3 ADS fea-
11 ture who is seated in the driver’s seat.

12 “(H) LEVEL 3.—The term ‘Level 3’ has
13 the meaning given that term in the April 2021
14 edition of the J3016 recommended practice of
15 SAE International, ‘Taxonomy and Definitions
16 for Terms Related to Driving Automation Sys-
17 tems for On-Road Motor Vehicles’.

18 “(I) LEVEL 4.—The term ‘Level 4’ has the
19 meaning given that term in the April 2021 edi-
20 tion of the J3016 recommended practice of
21 SAE International, ‘Taxonomy and Definitions
22 for Terms Related to Driving Automation Sys-
23 tems for On-Road Motor Vehicles’.

24 “(J) LEVEL 5.—The term ‘Level 5’ has
25 the meaning given that term in the April 2021

1 edition of the J3016 recommended practice of
2 SAE International, ‘Taxonomy and Definitions
3 for Terms Related to Driving Automation Sys-
4 tems for On-Road Motor Vehicles’.

5 “(K) MINIMAL RISK CONDITION; MRC.—
6 The terms ‘minimal risk condition’ and ‘MRC’
7 mean a stable, stopped condition to which an
8 in-vehicle fallback-ready user or an ADS may
9 bring a vehicle after performing the DDT fall-
10 back in order to reduce the risk of a crash when
11 a trip cannot or should not be continued.

12 “(L) OPERATIONAL DESIGN DOMAIN;
13 ODD.—The terms ‘operational design domain’
14 and ‘ODD’ mean the operating conditions
15 under which an ADS, or feature thereof, is spe-
16 cifically designed to function, including any en-
17 vironmental, geographical, and time-of-day re-
18 striction, or the requisite presence or absence of
19 certain traffic or roadway characteristics.

20 “(M) SYSTEM FAILURE.—The term ‘sys-
21 tem failure’ means a malfunction in an ADS,
22 other vehicle system, or both that prevents the
23 ADS from reliably performing the DDT on a
24 sustained basis.

1 “(N) VULNERABLE ROAD USER.—The
2 term ‘vulnerable road user’—

3 “(i) means an individual who is not
4 an occupant of a motor vehicle with more
5 than three wheels; and

6 “(ii) includes a pedestrian, bicyclist,
7 motorecyclist, individual in a wheelchair,
8 and a rider or occupant of any other trans-
9 port vehicle that is not a motor vehicle,
10 such as an all-terrain vehicle or tractor.

11 “(2) UPDATE TO DEFINITIONS.—

12 “(A) USE OF SAE INTERNATIONAL’S TAX-
13 ONOMY AND DEFINITIONS.—The Secretary shall
14 use the taxonomy and definitions set forth in
15 April 2021 edition of the J3016 recommended
16 practice of SAE International, ‘Taxonomy and
17 Definitions for Terms Related to Driving Auto-
18 mation Systems for On-Road Motor Vehicles’
19 for any term defined in paragraph (1).

20 “(B) REVIEW.—

21 “(i) IN GENERAL.—The Secretary—

22 “(I) shall review the taxonomy
23 and definitions for automated driving
24 systems set forth by SAE Inter-
25 national to ensure that such taxonomy

1 and definitions are clear and objective;
2 and

3 “(II) may provide feedback to
4 SAE International for potential up-
5 dates.

6 “(ii) USE OF REVISED STANDARD.—

7 “(I) DETERMINATION.—Not
8 later than 120 days after the date on
9 which SAE International revises the
10 taxonomy and definitions referred to
11 in subparagraph (A), the Secretary,
12 after publishing notice of the revision
13 in the Federal Register, shall deter-
14 mine whether to redefine any term de-
15 fined in paragraph (1).

16 “(II) EFFECT OF DECISION NOT
17 TO ADOPT THE REVISED TAXONOMY
18 AND DEFINITIONS.—If the Secretary
19 decides not to adopt the revised tax-
20 onomy and definitions—

21 “(aa) the Secretary shall no-
22 tify SAE International of the
23 Secretary’s decision; and

1 “(bb) the definitions re-
2 ferred to in subparagraph (A)
3 shall remain in effect.

4 “(b) AUTOMATED DRIVING SYSTEM REQUIRE-
5 MENTS.—

6 “(1) IN GENERAL.—

7 “(A) SAFETY CASE REQUIRED.—A manu-
8 facturer may not manufacture for sale, sell,
9 offer for sale, introduce or deliver for introduc-
10 tion into interstate commerce, or import into
11 the United States, any automated driving sys-
12 tem or ADS-equipped vehicle unless the manu-
13 facturer has developed a safety case for the
14 automated driving system or ADS-equipped ve-
15 hicle that meets the requirements of paragraph
16 (3).

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

21 “(i) objective content requirements for
22 a safety case; and

23 “(ii) procedures for manufacturers to
24 certify the completion of a safety case and

1 provide the safety case to the Secretary
2 upon request under section 30166.

3 “(C) MODIFICATION OF ADS COM-
4 PETENCIES BY SECRETARY.—The Secretary
5 may prescribe motor vehicle safety standards
6 that define, modify, or interpret the ADS com-
7 petencies described in paragraph (5).

8 “(2) SAFETY STANDARD TO REQUIRE SAFETY
9 CASE.—

10 “(A) SAFETY STANDARD.—Not later than
11 September 30, 2027, the Secretary of Trans-
12 portation shall issue a final rule that prescribes
13 a motor vehicle safety standard under section
14 30111 that requires each manufacturer that
15 manufactures for sale, sells, offers for sale, in-
16 troduces or delivers for introduction in inter-
17 state commerce, or imports into the United
18 States an ADS-equipped vehicle or an auto-
19 mated driving system intended for installation
20 in a vehicle not originally equipped with such
21 system, to complete a safety case described in
22 paragraph (3) for each ADS version produced
23 by a manufacturer that meets the requirements
24 of this section and provide the safety case to

1 the Secretary upon request under section
2 30166.

3 “(B) DEADLINE.—If the Secretary does
4 not meet the deadline described in subpara-
5 graph (A), the Secretary shall submit to the
6 Committee on Energy and Commerce of the
7 House of Representatives and the Committee
8 on Commerce, Science, and Transportation of
9 the Senate a report that describes the reasons
10 why the deadline was not met, including a tar-
11 get date for issuing the final rule required pur-
12 suant to subparagraph (A).

13 “(C) SPECIAL RULE.—Any motor vehicle
14 safety standard issued under this paragraph su-
15 persedes any conflicting requirements under
16 paragraph (1).

17 “(3) REQUIREMENTS FOR SAFETY CASE.—A
18 safety case shall provide claims, supported by argu-
19 ments and evidence, that supports the conclusion of
20 the manufacturer that the design, construction, and
21 performance of the automated driving system or
22 ADS-equipped vehicle meets the needs for motor ve-
23 hicle safety, including the following:

1 “(A) A description of each hardware and
2 software element of the ADS that includes the
3 following:

4 “(i) Braking, steering, propulsion, and
5 computing capability.

6 “(ii) Redundancies.

7 “(iii) Each capability of the suite of
8 sensors of the ADS.

9 “(iv) The integration of the ADS into
10 the vehicle platform.

11 “(B) A complete description of the ODD of
12 the ADS and how the ADS performs each ele-
13 ment of the DDT within the ODD of the ADS.

14 “(C) Each engineering methodology, in-
15 cluding each hazard analysis and associated
16 verification and validation process, used to de-
17 sign and assess the performance of the ADS
18 and ensure motor vehicle safety.

19 “(D) The ADS that uses the methodology
20 described in subparagraph (C), including com-
21 petencies in normal driving and crash avoidance
22 capability and the acceptance criteria used by
23 the manufacturer in assessing that perform-
24 ance.

1 “(E) An explanation of how the ADS an-
2 ticipates and responds to potential crashes.

3 “(F) A description of any vehicle-inte-
4 grated system that provides visual or digital
5 hazard alerting to a nearby road user when the
6 vehicle executes or enters a minimal risk condi-
7 tion, including any system that automatically
8 activates high-conspicuity lighting patterns,
9 transmits digital hazard messages, or both, to
10 connected vehicles and roadway infrastructure.

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

14 “(4) OPTIONAL REQUIREMENTS FOR A SAFETY
15 CASE.—A safety case completed under this sub-
16 section may include the following:

17 “(A) A description of the safety manage-
18 ment system of the manufacturer, including or-
19 ganizational roles and responsibilities, and each
20 process used to systematically address and
21 audit safety throughout the design, testing, de-
22 ployment, and operation of the automated driv-
23 ing system.

24 “(B) An explanation of the configuration
25 and change management procedures employed

1 to ensure that any hardware or software up-
2 date, modification, or configuration change is
3 tracked and assessed for safety impacts prior to
4 release, including contingency and rollback pro-
5 cedures where necessary.

6 “(C) A description of the in-use safety
7 monitoring processes, including safety perform-
8 ance indicators, thresholds for intervention, and
9 procedures for investigating and addressing
10 safety-relevant incidents and near-misses.

11 “(D) A description of how the manufac-
12 turer incorporates lessons learned from in-serv-
13 ice operations, including feedback loops from in-
14 cidents and safety-critical scenarios into the de-
15 sign and validation of the ADS, to ensure con-
16 tinuous improvement of motor vehicle safety.

17 “(5) ADS COMPETENCIES.—The competencies
18 in this paragraph are the following:

19 “(A) An ADS can perform the entire DDT
20 within the ODD of the ADS and is able to rec-
21 ognize the boundaries of an ODD.

22 “(B) An ADS can detect and respond ap-
23 propriately to any vulnerable road user likely to
24 be present and in proximity to the ADS in the
25 relevant ODD.

1 “(C) In the case of a Level 3 ADS, the
2 ability to clearly and unambiguously commu-
3 nicate ADS status and user role and, during
4 any transfer of control to the fallback-ready
5 user, provide sufficient lead time for the fall-
6 back-ready user to safely assume the DDT, and
7 safely maintain vehicle control until the fall-
8 back-user has assumed control and the transfer
9 is completed.

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

13 “(E) An ADS can detect the limits of the
14 ODD of the ADS and respond appropriately
15 when one or more conditions of the ODD are
16 no longer met, whether by achieving an MRC
17 or, in the case of a Level 3 ADS, alerting the
18 fallback ready user to intervene and assume
19 control of the DDT.

20 “(F) An ADS is capable of detecting and
21 responding to any object or event, including
22 emergency vehicles and personnel, and school
23 buses likely to be present and in proximity to
24 the ADS in the relevant ODD and relevant to
25 the driving decisions of the ADS.

1 “(G) An ADS can comply with applicable
2 local traffic laws and laws relevant to the per-
3 formance of the DDT.

4 “(H) For a case in which Level 4 or Level
5 5 ADS is undergoing testing or evaluation or
6 for a case in which a vehicle has human con-
7 trols, Level 4 or Level 5 capabilities, and is
8 being operated manually, the ability to clearly
9 and unambiguously communicate ADS status
10 and user role, and safely maintain vehicle con-
11 trol until the user has assumed control and the
12 transfer is completed.

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

21 “(J) A description of the cybersecurity
22 plan that includes a written cybersecurity policy
23 with respect to the practices of the manufac-
24 turer to detect and respond to cyber attacks,

1 unauthorized intrusions, and false vehicle con-
2 trol commands that includes—

3 “(i) a process to identify, assess, and
4 mitigate reasonably foreseeable cyber risks
5 related to motor vehicle safety from cyber
6 attacks or unauthorized intrusions, includ-
7 ing false and malicious vehicle control com-
8 mands; and

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

20 “(c) MANUAL CONTROLS.—

21 “(1) REQUIREMENTS.—A manufacturer may
22 not sell, offer for sale, introduce or deliver for intro-
23 duction into commerce, or import into the United
24 States, any ADS-dedicated vehicle that is configured

1 or subsequently altered to carry one or more occu-
2 pants, unless the vehicle is equipped to—

3 “(A) provide an occupant inside of the ve-
4 hicle with the means from within the vehicle to
5 command that the ADS safely achieve an MRC;
6 and

7 “(B) after the vehicle has achieved an
8 MRC, allow the occupant to safely exit the vehi-
9 cle.

10 “(2) EXEMPTION FROM MOTOR VEHICLE SAFE-
11 TY STANDARDS.—Provided the vehicle is equipped
12 with the system described in paragraph (1), a motor
13 vehicle safety standard issued under section 30111
14 may not be applied to requiring the manufacturer to
15 equip the vehicle with manually operated controls
16 and equipment intended only to support a human
17 driver in an ADS-dedicated vehicle.

18 “(3) A motor vehicle safety standard issued
19 under section 30111 may not be applied to require
20 a manufacturer of an ADS-dedicated vehicle config-
21 ured solely to carry property and not one or more
22 occupants to comply with the standard by equipping
23 the vehicle with manually operated controls and
24 equipment intended only to support a human driver
25 in an ADS-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 resulted in a per-
10 son being transported from the scene to a
11 hospital for medical treatment;

12 “(iii) an airbag deployment;

13 “(iv) a strike of a vulnerable road
14 user;

15 “(v) a police report; or

16 “(vi) the towing of a vehicle; and

17 “(B) in which the automated driving sys-
18 tem was engaged at any time during the period
19 from 30 seconds immediately prior to the com-
20 mencement of the crash through the conclusion
21 of the crash.

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

25 “(3) STATE TRANSPORTATION REGULATORY
26 AGENCY.—The term ‘State transportation regulatory

1 agency’ means a Department of Motor Vehicles, De-
2 partment of Transportation, or equivalent State or
3 local agency.

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

7 “(1) The establishment of a National Auto-
8 mated Vehicle Safety Data Repository to receive and
9 store data from a covered crash described in para-
10 graph (2) from manufacturers of automated driving
11 systems and from manufacturers of ADS-equipped
12 vehicles.

13 “(2) A requirement, stated in objective terms,
14 for such manufacturers to report to the Secretary
15 for inclusion in the repository, within 20 days after
16 the date on which a covered crash occurs or 7 days
17 after notice of such crash, whichever is later, speci-
18 fied information known to the manufacturer con-
19 cerning the crash including the time and location,
20 the vehicles involved, whether vulnerable road users
21 were involved, each injury that resulted from the
22 crash, whether the vehicle had engaged its DDT-fall-
23 back procedures, whether local authorities inves-
24 tigated the crash, a summary of the circumstances

1 surrounding the crash, and if the vehicle was oper-
2 ating outside of the ODD.

3 “(3) A requirement for such manufacturers to
4 submit to the Secretary on a quarterly basis, for the
5 previous quarter, a report on the total miles traveled
6 with the ADS engaged of the ADS-equipped vehicles
7 of the manufacturer, including the total miles trav-
8 eled in revenue service during commercial oper-
9 ations.

10 “(4) A process for a relevant State or local
11 transportation regulatory agency to access data from
12 a covered crash described in paragraph (2) in a
13 timely manner.

14 “(5) A requirement that—

15 “(A) any information shared with a rel-
16 evant State transportation regulatory agency is
17 protected by the confidential business informa-
18 tion protections and procedures established in
19 part 512 of title 49, Code of Federal Regula-
20 tions, and is exempt from disclosure under sec-
21 tions 552(b)(3) and section 552a of title 5; and

22 “(B) any such relevant State transpor-
23 tation regulatory agency is subject to the same
24 confidential business information protections
25 and procedures established in such part 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 duplicating
7 data from a covered crash described in paragraph
8 (2) and any other publicly reported data in the re-
9 pository.

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) shall no longer apply on and after
19 the date that is 5 years after the date on which a
20 final 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 two additional years after the expi-
25 ration of the requirement described in paragraph (1)

1 if the Secretary determines an extension is necessary
2 to meet the need for motor vehicle safety.

3 “(d) REPEAL.—The applicability of Standing General
4 Order 2021–01 shall no longer apply to ADS-equipped ve-
5 hicles on the compliance date of the final rule issued pur-
6 suant to subsection (b).

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

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

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

16 (d) RELATIONSHIP TO OTHER LAWS.—Section
17 30103(b) is amended by adding at the end the following:

18 “(3) FEDERAL PREEMPTION FOR AUTOMATED
19 DRIVING SYSTEMS.—

20 “(A) IN GENERAL.—A State, or political
21 subdivision of a State, may not maintain, en-
22 force, prescribe, or continue in effect any law,
23 rule, regulation, requirement, standard, or other
24 provision having the force and effect of law of

1 the State, or political subdivision of the State,
2 that—

3 “(i) prohibits in whole or in part a
4 manufacturer from manufacturing for sale,
5 selling, offering for sale, introducing or de-
6 livering for introduction into interstate
7 commerce, or importing into the United
8 States, any automated driving system or
9 ADS-equipped vehicle if the manufacturer
10 develops a safety case described in section
11 30130(b)(3) for the automated driving sys-
12 tem or ADS-equipped vehicle; or

13 “(ii) requires manufacturers of auto-
14 mated driving systems and manufacturers
15 of ADS-equipped vehicles to report covered
16 crash data to a State or a political subdivi-
17 sion of a State.

18 “(B) EXCEPTIONS.—Notwithstanding sub-
19 paragraph (A)—

20 “(i) a State may enforce a law or re-
21 quirement that is identical to a law or re-
22 quirement prescribed under subparagraphs
23 (A) or (B) of section 30130(b)(1) or sec-
24 tion 30131; and

1 “(ii) compliance with subparagraphs
2 (A) or (B) of section 30130(b)(1) or sec-
3 tion 30131 does not exempt a person from
4 liability at common law.”.

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

6 Section 30112 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b)(10)—

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

11 (B) by redesignating subparagraphs (A)
12 through (C) as clauses (i) through (iii), respec-
13 tively, and moving their margins 2 ems to the
14 right;

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

21 “(A) a manufacturer that agrees not to sell
22 or lease or offer for sale or lease the motor ve-
23 hicle used for testing or evaluation at the con-
24 clusion of the testing or evaluation and that—
25 ”; and

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

2 “(B) a manufacturer of automated driving
3 systems or ADS-equipped vehicles (as such
4 terms are defined in section 30130(a)) or any
5 component of such automated driving systems,
6 that agrees not to sell or lease or offer for sale
7 or lease the automated driving systems, auto-
8 mated driving system-equipped vehicles, or com-
9 ponents of automated driving systems used for
10 testing or evaluation at the conclusion of the
11 testing or evaluation.”; and

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

13 “(c) COMMERCIAL OPERATIONS PERMITTED FOR
14 TESTING OR EVALUATION.—

15 “(1) Subject to paragraph (2), the Secretary
16 may authorize a manufacturer that conducts testing
17 or evaluation under subsection (b)(10) of section
18 30112 of title 49, United States Code, to undertake
19 limited commercial operations, including the car-
20 rying of members of the public as passengers and
21 transporting freight as part of the testing or evalua-
22 tion.

23 “(2) Any evaluation by the Secretary shall con-
24 sider the manufacturer’s operational use case, the
25 objectives of the manufacturer for the testing or

1 evaluation, and be subject to limitations established
2 by the Secretary based on the operational use case
3 to ensure that the testing or evaluation under this
4 subsection does not constitute de facto deployment
5 for non-compliant vehicles, that may include—

6 “(A) reasonable limitations on a jurisdic-
7 tion-by-jurisdiction basis, on the number of par-
8 ticipating vehicles, mileage, revenue generation,
9 or duration of deployment; and

10 “(B) any additional oversight and trans-
11 parency requirements determined by the Sec-
12 retary and is consistent with Secretary’s exist-
13 ing authority in chapter 301, title 49.”.

14 **SEC. 5. MAKE INOPERATIVE.**

15 Section 30122(b) of title 49, United States Code, is
16 amended—

17 (1) by inserting “(1) IN GENERAL.” before “A
18 manufacturer”; and

19 (2) by adding at the end, the following:

20 “(2) EXCEPTION.—Paragraph (1) does not
21 apply in a case in which a manufacturer inten-
22 tionally causes a device or element of a design relat-
23 ing to the performance of the dynamic driving task
24 by a human driver to be temporarily disabled or al-
25 tered in their functionality for safety reasons during

1 the time that an automated driving system is en-
2 gaged and capable of performing the entire dynamic
3 driving task if the system is also capable of being
4 made operative in a manner that would allow a
5 human driver to rapidly regain control over the dy-
6 namic driving task.

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

11 **SEC. 6. PROTECTING THE SECURITY OF CONNECTED VEHI-**
12 **CLES.**

13 (a) REVIEW.—Not later than one year after the date
14 of the enactment of this Act, the Secretary of Commerce,
15 in consultation with the head of any relevant Federal
16 agency, shall review the implementation of the final rule
17 Securing the Information and Communications Tech-
18 nology and Services Supply Chain: Connected Vehicles (90
19 Fed. Reg. 5360).

20 (b) BRIEFING.—No later than 60 days after the com-
21 pletion of the review described in subsection (a), the Sec-
22 retary of Commerce shall provide a briefing on implemen-
23 tation of the final rule for the Committees on Energy and
24 Commerce and Foreign Affairs of the House of Represent-

1 atives and the Committees on Commerce, Science, and
2 Transportation and Foreign Relations of the Senate.

3 **SEC. 7. DEFINITIONS.**

4 In this Act:

5 (1) ADS; ADS-DEDICATED VEHICLE; ADS-
6 EQUIPPED VEHICLE; AUTOMATED DRIVING SYSTEM;
7 DYNAMIC DRIVING TASK; LEVEL 4; LEVEL 5.—The
8 terms “ADS”, “ADS-dedicated vehicle”, “ADS-
9 equipped vehicle”, “automated driving system”, “dy-
10 namic driving task”, “Level 4”, and “Level 5” have
11 the meaning given those terms in section 30130 of
12 title 49, United States Code, as added by section 3.

13 (2) COVERED CRASH; REPOSITORY.—The terms
14 “covered crash” and “repository” have the meanings
15 given those terms in section 30131(a), as added by
16 section 3(a).

17 (3) FOREIGN ADVERSARY.—The term “foreign
18 adversary” means any foreign government or foreign
19 non-government person listed in section 791.4(a) of
20 title 15, Code of Federal Regulations.

21 (4) MOTOR VEHICLE.—The term “motor vehi-
22 cle” has the meaning given that term in section
23 30102 of title 49, United States Code.

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of Transportation.

1 (6) STATE.—The term “State” means a State
2 of the United States, the District of Columbia, Puer-
3 to Rico, the Northern Mariana Islands, Guam,
4 American Samoa, and the Virgin Islands.

