



## Congress Moving into the Driver's Seat for Autonomous Vehicles

On July 19, 2017, the first federal draft bill that addresses developing autonomous vehicle technology advanced to the full U.S. House of Representatives Committee on Energy and Commerce ("Committee"). On autonomous vehicles, the bipartisan bill:

- Clarifies the roles of federal and state regulations, with express preemption of state laws relating to vehicle design, construction, and systems, while preserving state laws relating to vehicle registration, licensing, insurance, inspections, and traffic;
- Requires manufacturers to submit safety assessment letters to the National Highway Traffic Safety Administration ("NHTSA") and, after a rulemaking, to submit safety assessment certifications;
- Requires vehicle manufacturers to develop a cybersecurity plan;
- Institutes a review and eventual update to Federal Motor Vehicle Safety Standards;
- Requires NHTSA to publish a rulemaking and safety priority plan;
- Creates a framework for NHTSA to exempt autonomous vehicles from current Federal Motor Vehicle Safety Standards that apply to cars with drivers, as long as there is no reduction in safety;
- Allows certain parts manufacturers to perform testing, whereas current law allows testing only by vehicle manufacturers;
- Bars the Department of Transportation from requiring preapproval or precertification before implementation of these developing technologies; and
- Establishes an advisory council within NHTSA, with subcommittees to address issues of cybersecurity, sharing of situational testing information, access for individuals with disabilities and senior citizens, and consumer privacy and security.

The full Committee has not yet scheduled a hearing on the bill, but has indicated that it is open to suggestions. This is not a hollow invitation, as the subcommittee made multiple revisions to the bill after a June 27, 2017, hearing. For example, the earlier draft had stronger confidentiality protection for information submitted by manufacturers to NHTSA.

This first step toward creating a federal framework for autonomous vehicles is worth monitoring closely, along with potential legislation that the Senate Commerce, Science, and Transportation Committee has indicated it could introduce as early as August.

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