



SELF DRIVE Act Cruises from Committee to Full House

On July 27, 2017 the first federal bill that addresses autonomous vehicle technology advanced to the full U.S. House of Representatives. Only eight days after advancing out of a subcommittee, the House Energy and Commerce Committee unanimously approved H.R. 3388—the "Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act" ("SELF DRIVE Act")—with four noteworthy changes from the [subcommittee's draft](#).

Privacy

The bill now addresses privacy directly, requiring each highly automated vehicle ("HAV") manufacturer to give consumers notice of its practices to gather and use information about vehicle owners or occupants. It does not apply to anonymized or encrypted occupant information.

Preemption

The bill continues to expressly preempt state laws relating to vehicle design, construction, and performance, while preserving state laws in traditional areas like vehicle registration and licensing. The bill now also preserves state regulation of motor vehicle dealers for HAVs, allows states to impose higher performance requirements for their own use of HAVs, and clarifies that compliance with HAV standards is not an exemption from common law liability.

Exemption

The bill continues to allow exemptions for autonomous vehicles from Federal Motor Vehicle Safety Standards ("FMVSS") that apply to cars with drivers, as long as there is no reduction in safety. Where the draft bill allowed exemptions of up to 100,000 vehicles per manufacturer each year for three years, however, the current bill provides for a gradual increase in exempt vehicles from 25,000 in year one to 50,000 in year two to 100,000 in years three and four.

HAV Rules and Standards

The bill establishes new timelines for the Department of Transportation and National Highway Traffic Safety Administration to create HAV rules and standards. This includes safety assessment certifications for HAV vehicle and systems developers and a rulemaking and safety priority plan to guide review and issuance of HAV-specific FMVSS.

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This bipartisan 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 2017.

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