

115TH CONGRESS  
1ST SESSION

# H. R. 3412

To amend section 30103 of title 49, United States Code, to establish sole authority for the National Highway Traffic Safety Administration over the regulation of highly automated vehicles, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Mr. MULLIN introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend section 30103 of title 49, United States Code, to establish sole authority for the National Highway Traffic Safety Administration over the regulation of highly automated vehicles, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Let NHTSA Enforce  
5       Automated Vehicle Driving Regulations Act” or the  
6       “LEAD’R Act”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to memorialize the Federal  
3 role in ensuring the safety of highly automated vehicles  
4 as it relates to design, construction, and performance, by  
5 encouraging the testing and deployment of such vehicles.

6 **SEC. 3. NHTSA AUTHORITY AND STATE PREEMPTION FOR**  
7 **AUTONOMOUS MOTOR VEHICLES.**

8       (a) RELATIONSHIP TO OTHER LAWS.—Section  
9 30103 of title 49, United States Code, is amended—

10           (1) by amending subsection (b) to read as fol-  
11 lows:

12       “(b) PREEMPTION.—

13           “(1) HIGHLY AUTOMATED VEHICLES.—No  
14 State or political subdivision of a State may main-  
15 tain, enforce, prescribe, or continue in effect any law  
16 or regulation regarding the design, construction, or  
17 performance of highly automated vehicles, auto-  
18 mated driving systems, or components of automated  
19 driving systems unless such law or regulation is  
20 identical to a standard prescribed under this chap-  
21 ter.

22           “(2) MOTOR VEHICLE STANDARD.—When a  
23 motor vehicle safety standard is in effect under this  
24 chapter a State or political subdivision of a State  
25 may prescribe or continue in effect a standard appli-  
26 cable to the same aspect of performance of a motor

1 vehicle or motor vehicle equipment only if the stand-  
2 ard is identical to the standard prescribed under this  
3 chapter.

4 “(3) RULES OF CONSTRUCTION.—

5 “(A) IN GENERAL.—Nothing in this sub-  
6 section may be construed to prohibit a State or  
7 a political subdivision of a State from maintain-  
8 ing, enforcing, prescribing, or continuing in ef-  
9 fect any law or regulation regarding registra-  
10 tion, licensing, driving education and training,  
11 insurance, law enforcement, crash investiga-  
12 tions, safety and emission inspections, conges-  
13 tion management of vehicles on the street with-  
14 in a State or political subdivision of a State, or  
15 traffic unless the law or regulation is an unrea-  
16 sonable restriction on the design, construction,  
17 or performance of highly automated vehicles,  
18 automated driving systems, or components of  
19 automated driving systems.

20 “(B) MOTOR VEHICLE DEALERS.—Nothing  
21 in this subsection may be construed to prohibit  
22 a State or political subdivision of a State from  
23 maintaining, enforcing, prescribing, or con-  
24 tinuing in effect any law or regulation regard-  
25 ing the sale, distribution, repair, or service of

1 highly automated vehicles, automated driving  
2 systems, or components of automated driving  
3 systems by a dealer, manufacturer, or dis-  
4 tributor.

5 “(C) CONFORMITY WITH FEDERAL LAW.—

6 Nothing in this subsection shall be construed to  
7 preempt, restrict, or limit a State or political  
8 subdivision of a State from acting in accordance  
9 with any other Federal law.

10 “(4) HIGHER PERFORMANCE REQUIREMENT.—

11 However, the United States Government, a State, or  
12 a political subdivision of a State may prescribe a  
13 standard for a motor vehicle, motor vehicle equip-  
14 ment, highly automated vehicle, or automated driv-  
15 ing system obtained for its own use that imposes a  
16 higher performance requirement than that required  
17 by the otherwise applicable standard under this  
18 chapter.

19 “(5) STATE ENFORCEMENT.—A State may en-  
20 force a standard that is identical to a standard pre-  
21 scribed under this chapter.”; and

22 (2) by amending subsection (e) to read as fol-  
23 lows:

24 “(e) COMMON LAW LIABILITY.—

1           “(1) IN GENERAL.—Compliance with a motor  
2           vehicle safety standard prescribed under this chapter  
3           does not exempt a person from liability at common  
4           law.

5           “(2) RULE OF CONSTRUCTION.—Nothing in  
6           this section shall be construed to preempt common  
7           law claims.”.

8           (b) DEFINITIONS.—Section 30102 of title 49, United  
9           States Code, is amended—

10           (1) in subsection (a)—

11                   (A) by redesignating paragraphs (1)  
12                   through (13) as paragraphs (2), (3), (4), (5),  
13                   (8), (9), (10), (11), (12), (13), (15), (16), and  
14                   (17), respectively;

15                   (B) by inserting before paragraph (2) (as  
16                   so redesignated) the following:

17                   “(1) ‘automated driving system’ means the  
18                   hardware and software that are collectively capable  
19                   of performing the entire dynamic driving task on a  
20                   sustained basis, regardless of whether such system is  
21                   limited to a specific operational design domain.”;

22                   (C) by inserting after paragraph (5) (as so  
23                   redesignated) the following:

24                   “(6) ‘dynamic driving task’ means all of the  
25                   real time operational and tactical functions required

1 to operate a vehicle in on-road traffic, excluding the  
2 strategic functions such as trip scheduling and selec-  
3 tion of destinations and waypoints, and including—

4 “(A) lateral vehicle motion control via  
5 steering;

6 “(B) longitudinal vehicle motion control  
7 via acceleration and deceleration;

8 “(C) monitoring the driving environment  
9 via object and event detection, recognition, clas-  
10 sification, and response preparation;

11 “(D) object and event response execution;

12 “(E) maneuver planning; and

13 “(F) enhancing conspicuity via lighting,  
14 signaling, and gesturing.

15 “(7) ‘highly automated vehicle’—

16 “(A) means a motor vehicle equipped with  
17 an automated driving system; and

18 “(B) does not include a commercial motor  
19 vehicle (as defined in section 31101).”; and

20 (D) by inserting after paragraph (13) (as  
21 so redesignated) the following:

22 “(14) ‘operational design domain’ means the  
23 specific conditions under which a given driving auto-  
24 mation system or feature thereof is designed to func-  
25 tion.”; and

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

2 “(c) REVISIONS TO CERTAIN DEFINITIONS.—

3 “(1) If SAE International (or its successor or-  
4 ganization) revises the definition of any of the terms  
5 defined in paragraph (1), (6), or (14) of subsection  
6 (a) in Recommended Practice Report J3016, it shall  
7 notify the Secretary of the revision. The Secretary  
8 shall publish a notice in the Federal Register to in-  
9 form the public of the new definition unless, within  
10 90 days after receiving notice of the new definition  
11 and after opening a period for public comment on  
12 the new definition, the Secretary notifies SAE Inter-  
13 national (or its successor organization) that the Sec-  
14 retary has determined that the new definition does  
15 not meet the need for motor vehicle safety, or is oth-  
16 erwise inconsistent with the purposes of this chapter.  
17 If the Secretary so notifies SAE International (or its  
18 successor organization), the existing definition in  
19 subsection (a) shall remain in effect.

20 “(2) If the Secretary does not reject a defini-  
21 tion revised by SAE International (or its successor  
22 organization) as described in paragraph (1), the Sec-  
23 retary shall promptly make any conforming amend-  
24 ments to the regulations and standards of the Sec-  
25 retary that are necessary. The revised definition

1 shall apply for purposes of this chapter. The require-  
2 ments of section 553 of title 5 shall not apply to the  
3 making of any such conforming amendments.

4 “(3) Pursuant to section 553 of title 5, the Sec-  
5 retary may update any of the definitions in para-  
6 graph (1), (6), or (14) of subsection (a) if the Sec-  
7 retary determines that materially changed cir-  
8 cumstances regarding highly automated vehicles  
9 have impacted motor vehicle safety such that the  
10 definitions need to be updated to reflect such cir-  
11 cumstances.”.

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