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Key House Panel Takes First Step Toward Passing Landmark Automated Vehicle Legislation

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Slightly over a month after the Senate Committee on Commerce, Science, and Transportation issued and discussed bipartisan principles for self-driving vehicles legislation, the House Subcommittee on Digital Commerce and Consumer Protection approved legislation that clarifies the roles of the federal and state governments in regulating Highly Automated Vehicles (HAVs). With this legislation, the House has taken action to encourage HAV testing, development, and ultimately deployment in the United States.

This first significant legislative step in the House creates requirements and exemptions both for industry participants – manufacturers and suppliers – as well as for the National Highway Traffic Safety Administration (NHTSA).

For manufacturers and suppliers, this legislation includes:

- Requirements to submit a safety assessment and safety certification;
- Requirements to create a written cybersecurity plan highlighting vulnerability detection and vulnerability response protocols;
- A requirement to employ a cybersecurity manager;
- The mandated creation of an automated driving systems access-control process; and
- The mandate to establish overall employee training and oversight.

For NHTSA, this legislation includes:

- A mandate to publish rules regarding HAVs and consumer HAV education;

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- Broader authority to approve Federal Motor Vehicle Safety Standard (FMVSS) exemptions; and
- The creation of a Federal Advisory Committee to review mobility, transportation, cybersecurity, product development, environmental, data-security, and labor issues resulting from Autonomous Vehicle deployment.

Other effects of this legislation include:

- Modifications to the FAST (Fixing America's Surface Transportation) Act, to include additional eligible entities;
- A mandate to NHTSA (unrelated to Autonomous Vehicles) to issue new vehicle safety rules, specifically with respect to enhancements of occupant-sensor and notification systems in passenger vehicles and headlamp system performance improvements.

While the Senate took steps in June to discuss the basic principles being considered in self-driving legislation, the House appears to be moving ahead with legislation to put a similar set of principles in action. Congressman Upton, of Michigan, and Congressman Harper, of Mississippi, highlighted the role that vehicle manufacturers and suppliers will play in not only the future of the (autonomous) automotive industry, but also the impact that this legislation is likely to have throughout the economy and society.

Additionally, Congresswoman Clarke, of New York, and Congressman McKinley West Virginia highlighted the importance of protecting transportation, licensing, and franchising laws that historically have fallen under state control. Given the Democratic and Republican members sponsored amendments that were included in the package, the legislation appears to have bipartisan support. Final consideration by the full Committee is likely to take place in August, prior to the House of Representatives' summer break.

Butzel Long continues to track, analyze, and advise on the variety of issues surrounding this rapidly evolving technology and regulatory framework. Your Butzel attorneys have focused specialties and expertise that cover the broad scope of industries and issues that were addressed by the Subcommittee in drafting this legislation. These specialties will be ever-important as Congress, regulatory agencies and the states develop the rules to govern autonomous and connected vehicles.

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