



## National Conference of State Legislatures Office of State-Federal Relations

### House Passes Autonomous Vehicle Bill Expanding Federal Pre-emption

Sept. 6, 2017

On Sept. 6, the House passed the SELF Drive Act ([H.R. 3388](#)) that aims to make several changes to federal law impacting autonomous vehicles. NCSL, along with a number of state groups including the National Governors Association (NGA), American Association of State Highway and Transportation Officials (AASHTO), American Association of Motor Vehicle Administrators (AAMVA) and the Governors Highway Safety Association (GHSA) issued two letters as the bill made its way through the House.

- [Sept. 5 Letter](#)
- [July 26 Letter](#)

The bill includes four main sections: expansion of federal preemption, updates to federal motor vehicle safety standards (FMVSS), exemptions from FMVSS and a federal automated vehicles advisory council.

#### **Expansion of Federal Pre-emption**

The bill would expand sole federal jurisdiction beyond the traditional role of motor vehicle safety to encompass motor vehicle operations. Historically, states have been responsible for assessing the competency of the motor vehicle operator (i.e. driver licensing). However, the house bill would prohibit states from regulating the operator of a highly-automated vehicle.

#### **Updating FMVSS**

The bill begins the process of updating vehicle safety standards to take in to account a new type of motor vehicle. While the bill does not mandate or prescribe any specific safety standard, it does require the National Highway and Traffic Safety Administration (NHTSA) to begin studying certain standards that may be necessary. Additionally, the bill would require those companies developing autonomous vehicles to submit a safety assurance letter to NHTSA.

#### **FMVSS Exemptions**

The third section of the bill provides updates on how the federal government will provide exemptions from certain safety standards for those companies wishing to unveil autonomous

vehicles. Current exemptions from safety standards are limited to 2,500 per year although the bill will gradually raise this to 100,000.

### **Advisory Council**

The final section of bill establishes a highly-automated vehicle advisory council to help guide and provide recommendations to DOT on highly automated vehicles. Although no specific members are included in the legislation, the bill notes that states are among possible members.

On the other side of Capitol Hill, the Senate is expected to introduce a bill in the near future, although it is likely to include a number of differences from the House bill. Additionally, NHTSA is likely to release an updated version of the [Federal Automated Vehicle Policy](#) later this month.

If there are any questions or further concerns on the bill of autonomous vehicles, please contact NCSL staff [Ben Husch](#) (202-624-7779) or [Amanda Essex](#) (303-856-1369).