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U.S. House Subcommittee Moves Autonomous Vehicles Legislation

The United States House of Representatives Digital Commerce and Consumer Protection Subcommittee held a [hearing](#) on their draft autonomous vehicles legislation. Subcommittee Chairman Robert Latta (R-OH) offered a bipartisan [amendment](#) in the nature of a substitute that replaced previous versions of the legislation being considered by the Subcommittee.

Of particular interest to AAMVA is Section 2 – NHTSA Authority and State Preemption for Autonomous Motor Vehicles – which seeks to preempt state authority to regulate autonomous vehicles, stating that “No state or political subdivision State may adopt, maintain, enforce, impose, or continue in effect any law, rule, regulation, duty, requirement, standard, or other provision having the force and effect of law related to the design, construction, mechanical systems, hardware and software systems, or communications systems of highly automated vehicles or automated driving system equipment unless such law, rule, regulation, duty, requirement, standard, or other provision having the force and effect of law is identical to a standard prescribed under this chapter.” This language precludes a state from regulating the vehicle safety components of a motor vehicle. At issue is how this language affects regulation of the operational driving task, and whether states are precluded from regulating the operational safety of the vehicles in general.

Subsequent Section 3 intends to preserve state authority, but may actually confuse rather than clarify a state’s role. It states, “(3) Rule of Construction – Nothing in this subsection may be construed to prohibit a State from prescribing a law or regulation regarding any registration, licensing, liability, driving education and training, insurance, safety inspections, or traffic law or regulation unless the law or regulation is an unreasonable restriction on the design, construction, mechanical systems, hardware and software systems, or communications systems of highly automated vehicles.” This language could be considered at odds with the preemptive language as to what constitutes “an unreasonable restriction on the design, construction, mechanical systems, hardware and software systems” given that these components of the vehicle will be responsible for navigating the entire dynamic driving task.

AAMVA has advised the Committee on the need to separate and clarify the vehicle design safety process attributed to the federal government from the operational safety oversight needs of states. AAMVA has been working collaboratively with key stakeholders, including with the National Governors Association (NGA), the National Conference of State Legislatures (NCSL), the Governors Highway Safety Association (GHSA) and the American Association State Highway Transportation Officials (AASHTO) to make these similar concerns known to the Committee.

Committee members indicated that these sections are still under bipartisan

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review. With assurances that the Committee will proceed in negotiations in a bipartisan manner, the Subcommittee passed the language by voice vote. While minority members expressed the need to proceed carefully in developing the full bill, the Subcommittee Chairman indicated that the full Energy and Commerce Committee could mark up the legislation as early as next week.



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