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## United States Senate Introduces Autonomous Vehicles Legislation

The United States Senate has introduced its autonomous vehicles legislation, entitled the "American Vision for Safer Transportation through Advancement of Revolutionary Technologies ([AV START](#))" Act (S. 1885).

The most important provisions of the AV START Act preempt state and local authority as detailed in Section 3. Upon introduction, the Senate has decided to replace its initial discussion draft preemption language with the House's preemption language. The House language left a state's authority over the operational safety of autonomous vehicles unclear. That language states that:

"No State, political subdivision of a State may adopt, maintain, enforce, prescribe, or continue in effect any law or regulation regarding the design, construction, or performance of highly automated vehicles, automated driving systems, or components of automated driving systems unless such law or regulation is identical to a standard prescribed under this chapter."

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.

Additional language in the Rule of Construction intends to preserve state authority, but may actually confuse rather than clarify a state's role. That language states:

"Rule of Construction – Nothing in this subsection may be construed to prohibit a State or political subdivision of a State from maintaining, enforcing, prescribing, or continuing in effect any law or regulation regarding registration, licensing, driving education and training, insurance, law enforcement, crash investigations, safety and emissions inspections, congestion management of vehicles on the street within a State or political subdivision of a State, or traffic unless the law or regulation is an unreasonable restriction on the design, construction, or performance of highly automated vehicles, automated driving systems, or components of automated driving systems."

This language could be considered at odds with the preemptive language as to what constitutes "an unreasonable restriction on the design, construction, or performance of highly automated vehicles, automated driving systems, or components of automated driving systems" given that these components of the vehicle will be responsible for navigating the entire dynamic driving task.

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The AV START Act's definition of a "Highly Automated Vehicle" currently caps the gross vehicle weight at 10,000 pounds or less. That language would currently exclude commercial motor vehicles as applicable to the AV START Act. The House passed bill also excluded consideration of commercial vehicles.

**Section 3(b)** includes provisions regarding licensing, specifically that "a state may not issue a motor vehicle operator's license for the operation or use of a dedicated highly automated vehicle in a manner that discriminates on the basis of disability." AAMVA mentions this because it directly references the licensing functions its members are responsible for. Further, the language conveys that licensing for dedicated (SAE levels 4 and 5) highly autonomous vehicles may require different considerations regarding medical fitness than current licensing practice.

**Section 6** of the AV START Act includes numerous provisions regarding exceptions to applicable federal motor vehicle safety standards if the vehicle "includes any feature that enables a highly automated vehicle or an automated driving system, regardless of whether an exemption has already been granted for a similar feature on another model or models." For highly automated vehicles, the Secretary may grant exemptions of up to 50,000 vehicles to be sold or introduced into interstate commerce in the 12-month period following enactment, 75,000 vehicles in the year following, and 100,000 vehicles in any year following.

**Section 9** details requirements for the submission of a mandatory safety evaluation report to be submitted to the Secretary of Transportation.

**Section 10** establishes a Highly Automated Vehicles Technical Safety Committee. Membership in this Committee includes consideration of "state and local government organizations directly or indirectly impacted by NHTSA regulations." Membership on the Committee is especially important as the recommendations from the Committee may establish the foundation for future autonomous vehicles regulations. However, given that the legislation caps representation at 15 voting members, inclusion of all listed interests will be competitive.

The [Senate Commerce Committee](#) will mark up the AV START Act at its next markup scheduled for October 4<sup>th</sup>. AAMVA continues to work in concert with the National Governors Association (NGA), the National Conference of State Legislatures (NCSL), the American Association of State and Highway Transportation Officials (AASHTO) and the Governors Highway Safety Association (GHSA) on this important issue.



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