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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 49, United States Code, to clarify the preemption of State laws requiring a human occupant in an automated driving systems-equipped commercial motor vehicle, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FONG introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 49, United States Code, to clarify the preemption of State laws requiring a human occupant in an automated driving systems-equipped commercial motor vehicle, 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 “Autonomous Mobility
5 Ensuring Regulation, Innovation, Commerce, and Ad-
6 vancement Driving Reliability in Vehicle Efficiency and
7 Safety Act” or the “AMERICA DRIVES Act”.

1 **SEC. 2. PREEMPTION OF STATE LAWS REQUIRING A HUMAN**
2 **OCCUPANT IN AN AUTOMATED DRIVING SYS-**
3 **TEMS-EQUIPPED COMMERCIAL MOTOR VEHI-**
4 **CLE.**

5 (a) ADS-EQUIPPED COMMERCIAL MOTOR VEHICLE
6 OPERATION.—

7 (1) IN GENERAL.—Subchapter III of chapter
8 311 of title 49, United States Code, is amended by
9 inserting after section 31139 the following:

10 **“§ 31140. ADS-equipped commercial motor vehicle op-**
11 **eration**

12 “(a) IN GENERAL.—A commercial motor vehicle
13 equipped with a Level 4 or Level 5 ADS may be operated
14 in interstate commerce without—

15 “(1) a human driver on board such vehicle; or

16 “(2) a remote human driver.

17 “(b) REGULATIONS.—The Secretary of Transpor-
18 tation shall issue regulations as necessary to implement
19 this section.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this
21 subsection shall be construed to require a commercial
22 motor vehicle to be equipped with an ADS.”.

23 (2) CLERICAL AMENDMENT.—The analysis for
24 chapter 311 of title 49, United States Code, is

1 amended by inserting after section 31139 the fol-
2 lowing:

“31140. ADS-equipped commercial motor vehicle operation.”.

3 (b) DEFINITIONS.—Section 31132 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(12) ‘ADS-equipped vehicle’ means a motor
7 vehicle equipped with an automated driving system.

8 “(13) ‘Automated driving system’ or ‘ADS’
9 means—

10 “(A) hardware and software that are col-
11 lectively capable of performing the entire dy-
12 namic driving task on a sustained basis, regard-
13 less of whether such hardware or software is
14 limited to a specific operational design domain;

15 “(B) includes only systems that meet the
16 definition of automation levels 3, 4, or 5 under
17 SAE International’s J3016 recommended prac-
18 tice titled ‘Taxonomy and Definitions for Terms
19 Related to Driving Automation Systems for On-
20 Road Motor Vehicles’, or subsequent editions of
21 J3016 adopted by the Secretary; and

22 “(C) does not include systems that provide
23 only assistance to a human driver.

24 “(14) ‘Level 4’ has the meaning of that term as
25 provided in the April 2021 edition of SAE Inter-

1 national’s J3016 recommended practice titled ‘Tax-
2 onomy and Definitions for Terms Related to Driving
3 Automation Systems for On-Road Motor Vehicles’,
4 or subsequent editions of J3016 adopted by the Sec-
5 retary and refers to an ADS that is capable of pro-
6 viding full driving automation under defined condi-
7 tions with no need for human intervention.

8 “(15) ‘Level 5’ has the meaning of that term as
9 provided in the April 2021 edition of SAE Inter-
10 national’s J3016 recommended practice titled ‘Tax-
11 onomy and Definitions for Terms Related to Driving
12 Automation Systems for On-Road Motor Vehicles’,
13 or subsequent editions of J3016 adopted by the Sec-
14 retary and refers to an ADS that is capable of pro-
15 viding full driving automation under all conditions
16 with no need for human intervention.”.

17 **SEC. 3. REDUCING REGULATORY OBSTACLES TO SAFE IN-**
18 **TEGRATION OF AUTOMATED DRIVING SYS-**
19 **TEMS-EQUIPPED COMMERCIAL MOTOR VEHI-**
20 **CLES.**

21 (a) STREAMLINING REGULATIONS.—Not later than
22 September 30, 2027, the Secretary of Transportation shall
23 address the applicability of sections 350 through 399 of
24 title 49, Code of Federal Regulations to ADS-equipped
25 commercial motor vehicles based on the advance notice of

1 proposed rulemaking published on May 28, 2019 (84 Fed.
2 Reg. 24449) that—

3 (1) amends such sections to provide for the in-
4 tegration of automated driving systems into commer-
5 cial vehicle operations, including updating any such
6 sections that reasonably apply only to a human driv-
7 er to clarify such regulations do not apply to an
8 ADS or to an ADS-equipped vehicles operating with
9 an ADS engaged and without a human driver on
10 board, including hours of service, drug testing, elec-
11 tronic logging devices, commercial driver’s license,
12 and physical qualification requirements; and

13 (2) define the terms remote driver and remote
14 assistance as follows:

15 (A) The term “remote driver” means a
16 driver who is not seated in a position to manu-
17 ally exercise in-vehicle braking, accelerating,
18 steering, and transmission gear selection input
19 devices (if any), but is able to operate the vehi-
20 cle.

21 (B) The term “remote assistance” means
22 event-driven provision, by a remotely located
23 human, of information or advice to an
24 AD2202S-equipped vehicle in driverless oper-
25 ation in order to facilitate trip continuation

1 when the automated driving system encounters
2 a situation where remote assistance could pro-
3 vide clarity.

4 (b) ENSURING REGULATORY PARITY FOR COMMER-
5 CIAL MOTOR VEHICLES.—The Secretary may not issue a
6 regulation that unduly burdens motor carriers operating
7 ADS-equipped vehicles or discriminates against an ADS-
8 equipped vehicle relative to other commercial motor vehi-
9 cles.

10 (c) ENSURING REGULATORY FLEXIBILITY FOR
11 SAFETY TECHNOLOGIES.—Section 31113 of title 49,
12 United States Code, is amended—

13 (1) by redesignating subsections (c), (d), and
14 (e) as subsections (d), (e), and (f), respectively; and

15 (2) by inserting the following after subsection
16 (b):

17 “(c) EXCLUSION OF AUTOMATED DRIVING TECH-
18 NOLOGIES AND EQUIPMENT.—Width calculated under this
19 section does not include automated driving system tech-
20 nologies or equipment.”.

21 (d) DEFINITIONS.—The terms defined in section
22 31132 of title 49, United States Code, apply to this sec-
23 tion.

1 **SEC. 4. REGULATORY INTERPRETATIONS.**

2 Sections 392.22 and 393.95(f) of title 49, Code of
3 Federal Regulations, and any related regulations shall be
4 applied as if to include cab-mounted warning beacons as
5 a permissible warning device, as proposed by the Exemp-
6 tion Application published on March 3, 2023 (88 Fed.
7 Reg. 14665, Docket No. FMCSA–2023–0071).