



# NHTSA

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

---

*Jonathan Morrison*  
*Chief Counsel*

12.04.2020



# NHTSA's Mission

---

*Save lives, prevent injuries, and reduce economic costs due to road traffic crashes, through education, research, safety standards, and enforcement activity.*







# Vehicle Safety Act - Key Statutory Provisions



## Statute

### Purpose and Policy:

- Reduce traffic accidents and deaths and injuries resulting from traffic accidents. 49 U.S.C. § 30101

### Federal Motor Vehicle Safety Standards:

- NHTSA's authorities demand that the agency prescribe motor vehicle safety standards that are practicable, meet the need for motor vehicle safety, and stated in objective terms. 49 U.S.C. § 30111

### Manufacturer obligations:

- Manufacturers are prohibited from manufacturing for sale, selling, offering for sale, introducing or delivering in interstate commerce, or importing vehicles that do not comply with the FMVSS or contain a safety-related defect. 49 U.S.C. § 30112

### Motor vehicle safety defined:

- Motor vehicle safety means the performance of a motor vehicle in a way that protects the public against an unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident. 49 U.S.C. § 30102



# Federal Motor Vehicle Safety Standards (FMVSS)

---

- FMVSS are rigorous and robust – must be objective, practicable, and meet the need for motor vehicle safety.
- FMVSS prescribe performance requirements for safety systems and components on motor vehicles.
- Data-driven, transparent process to develop regulations for motor vehicle safety.



# Self-Certification

---

- Manufacturers certify that vehicles comply with all FMVSS at the time of production
- Manufacturers must exercise reasonable care when certifying compliance
- Affix permanent placard to all vehicles certifying compliance
- Manufacturers maintain supporting data, available upon request



# Compliance Oversight

---

- Strong compliance oversight through post-market purchasing and testing by NHTSA.
- Encourages robust safety margins for automotive products.
- Diligent enforcement for products found non-compliant, including authority to require recalls of non-complaint vehicles and equipment.



# Defect Investigation

---

- Even absent a regulation, NHTSA can require recalls for products that pose an unreasonable risk to safety.
- Safety-related defects are those relating to design, manufacturing, or performance that pose an unreasonable risk of accidents occurring or death or injury in case of an accident
- The Safety Act treats vehicles with a safety-related defect the same way as it treats non-compliant vehicles, requiring recall and remedy to be carried out by the manufacturer.





# Defect Investigation

---

- NHTSA checks for defects through active monitoring of on-road safety via multiple channels:
  - Consumer complaints
  - OEM notices and bulletins
  - Warranty claim
  - Foreign recalls
  - Fatalities and crash data
- Effective identification and investigation of safety problems early in the process is important



# Enforcement

---

- There are consequences for putting unsafe or non-compliant vehicles or equipment on the road.
- In addition to vehicle or equipment recalls, manufactures may be subject to penalties for failure to certify, fraudulent certification, failure to report a defect, or failure to report in a timely manner.
- Penalties are assessed up to \$22,329 per violation, with a maximum penalty for a related series of violations of \$111,642,265.



# Automated Driving Systems



# Automated Driving Systems

---

## *Principles guiding the Department's work:*

1. Prioritize safety
2. Remain technology neutral
3. Modernize regulations to be more performance-based
4. Encourage regulatory consistency with States
5. Facilitate the safe integration of vehicles with automated driving systems
6. Promote choice in mobility



# Guidance Documents

- Automated Driving Systems (ADS) 2.0:  
A Vision for Safety
  - Focuses on SAE International Levels of Automation 3-5;
  - Encouraged developers to ensure appropriate treatment of critical safety elements in specific areas of design, and make public these efforts;
  - Clarifies that entities do not need to wait to test or deploy their ADS;
  - Aligns Federal Guidance with developments and industry terminology; and
  - Clarifies Federal and State roles.
- AV 3.0 and 4.0





# Risk-Managed Exemptions

- NHTSA's Statutory Authorities provide the ability to provide limited exemptions to allow operations of non-compliant vehicles on public roads:
  - Research and Demonstration
  - Deployment Exemptions (2,500/year)
- These authorities provide the agency with discretion to impose appropriate terms on potential exemptions.





# Ongoing Regulatory Efforts

---

**Nine ADS-Related Rulemakings in Progress,  
including priority rulemakings for 2020:**

- Removing Unintended and Unnecessary Regulatory Barriers in the Federal Motor Vehicle Safety Standards
- Safety Principles for Automated Driving Systems

