



House Committee on Energy and Commerce

Subcommittee on Commerce, Manufacturing, and Trade

January 13, 2026

HEARING: Examining Legislative Options to Strengthen Motor Vehicle Safety, Ensure Consumer Choice and Affordability, and Cement U.S. Automotive Leadership

Good morning. Thank you, Chairman Bilirakis and Ranking Member Schakowsky for holding this important hearing today. My name is Michael Brooks, and I am the Executive Director of the Center for Auto Safety. Since 1970, the Center has been the nation's premier member-supported, independent, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy for all drivers, passengers, and pedestrians.

For fifty-six years, the Center for Auto Safety has advocated for the speedy introduction of proven vehicle safety technology into the nation's fleet as soon as possible, in order to protect everyone inside and outside vehicles. Today's hearing focuses on a range of legislative proposals, the bulk of which are connected to the deployment of new technologies by the automotive and autonomous vehicle (AV) industry.

While some of the legislative options presented would undoubtedly increase the safety and security provided by vehicles on American roads, other proposals are more accurately described as anti-consumer gifts to industry that would degrade current federal safety authorities and eliminate state and local consumer laws that have long served to

protect road users in our communities. In a time where the United States is lagging far behind other developed countries in terms of fatality rates on our roads, legislation that would cripple the ability of federal and state regulators to react and respond to safety threats posed by unproven and unregulated technology is unacceptable.

And while the auto industry is abuzz with the introduction of technology geared to increase driving convenience and access to creature comfort features, as well as highly aspirational but unproven claims about the future of automated vehicle utility and safety, automakers continue to drag their collective feet when it comes to the introduction of proven safety technology that could dramatically decrease the carnage on our nation's roads in the immediate future.

The industry continues to push for delays in the regulation and mandate of Automatic Emergency Braking (AEB) systems which would ensure that all consumers are afforded a minimum capability and performance to address common and risky crash situations such as those with other vehicles and pedestrians. Despite speed being a factor in almost one-third of the nation's crashes, automakers have steadfastly resisted efforts to include effective speeding prevention tech in the US fleet. Even though driver impairment is a factor in one-third of the fatal crashes in the US, industry continues to resist the issuance of rules mandating impairment detection technology that could play a major role in ending the scourge of alcohol related tragedies inflicted upon Americans.

Instead of legislative actions that seek to eliminate consumer safety protections at the behest of the automotive and autonomous vehicle industries, legislation that mandates inclusion of available safety technologies in the vehicles that Americans will be using

today, tomorrow, and for many decades ahead should be the aim to reduce fatality and injury rates on our roads.

There must be federal government involvement to create rules and oversight fostering an environment that can iteratively introduce innovative vehicle technology safely to the market thus laying the groundwork for consumer confidence. Creating and enforcing safety standards is one of the most useful tools at the federal government's disposal to assist in achieving the Department of Transportation (DOT) and National Highway Traffic Safety Administration's (NHTSA) core mission of saving lives, preventing injuries, and reducing economic costs due to road traffic crashes. By writing minimum performance standards for vehicles and components, NHTSA can provide a baseline on which both manufacturers and consumers know they can rely. Further, automotive history has repeatedly shown that absent regulation requiring the adoption of life-saving technology, safety is typically only available for an additional price – a price frequently paid by everyone on the road.

The promise of such technology, in combination with smarter infrastructure, and a dedication to consumer rights, is a safer world for all starting right now. The perils are our continued acceptance of more than 100 deaths a day each year and trying to explain to our grandchildren why we ignored a public health crisis for which solutions were readily available.

SELF DRIVE Act

We have grave concerns about the broad and unnecessary assertion of federal authority, elimination of accountability to state and local governments, and omission of vital consumer and safety protections by the Discussion Draft of the SELF DRIVE Act.

The proposed language of the SELF DRIVE Act would allow for commercial deployment without any notice to the public or even minimal safety evaluation by federal authorities. It provides for less extensive crash reporting than that which NHTSA is already conducting on vehicles at SAE Level 3 and above, allows manufacturers to hide the details of crashes occurring on public roads, and would limit reporting to crashes rather than providing federal regulators insight into AV disengagements and other non-crash incidents that could be used to prevent tragedies before they occur..

Furthermore, the proposed SELF DRIVE Act would require NHTSA to adopt the SAE J3016 Levels of Automation as the de facto federal classification system for automated vehicles. We have significant concerns about this adoption given that the proposed legislation neglects to regulate partially automated SAE Level 2 vehicles, applying only to automations at SAE Level 3 and above. This formulation would federalize the Level 2 Loophole, which has allowed manufacturers like Tesla to skirt regulation and deploy partially automated vehicles lacking necessary safeguards around driver engagement and permitted operating conditions.

We strongly suggest that partially automated vehicles qualifying as SAE Level 2 should be incorporated into the federal automated vehicle safety programs. Level 2 vehicles share significant commonalities with vehicles classified at SAE Level 3, most importantly the fact that a human operator must be available to fully assume vehicle operation within a matter of seconds when necessary. Vehicles with Level 2 partial automations have been implicated in significantly more deaths and injuries on US roads in the past decade than Levels 3, 4, and 5 combined, and will continue to have tragic impacts until effective driver monitoring and seamless human takeover functions are required.

In the absence of these necessary safeguards, multiple automakers have now announced plans or are poised to follow Tesla down the path of making vague promises to drivers around automated operations of SAE Level 2 vehicles. Fundamental changes in the federal approach to these partially automated vehicles need to be made immediately. Until that takes place, drivers, passengers and anyone sharing the road with these vehicles is effectively a human test subject in an experiment that prioritizes one driver's convenience over public safety. And when the inevitable tragedies take place, automakers selling this perceived convenience will no doubt continue to refuse to take legal responsibility for predictable failures in these partially automated systems.

Beyond the types of automation covered, the proposed SELF DRIVE Act also contains unprecedented language that would devastate state and local consumer protection and safety law. The vague and incredibly broad preemption clause in the proposed language would have wide ranging consequences on state and local authorities necessary to

promote the responsible introduction of novel autonomous vehicles into the varying transportation ecosystems of US cities.

States and their political subdivisions are already preempted from exercising their powers in the area of motor vehicle performance to ensure that Federal Motor Vehicle Safety Standards (FMVSS) and other safety rules administered by the National Highway Traffic Safety Administration (NHTSA) are the law of the land. However, the broad reach of the preemption clause in the proposed SELF DRIVE Act extends far beyond the federal government's traditional authority to regulate vehicle performance and promulgate consistent national performance standards to ensure minimum vehicle safety requirements.

The proposed preemption language would infringe on traditional state and local authorities to regulate traffic law, auto dealers, insurance, registration, licensing, crash investigation, safety and emissions inspections, congestion management, environmental laws, and various additional consumer protections. Critically, the proposed preemption language would also threaten the application of state negligence and product liability laws to AVs, given the extremely ambiguous language in the savings clause.

Ultimately, the preemption scheme envisioned by the proposed SELF DRIVE Act would act to ensure that local authorities are powerless to protect citizens while weakening those citizens' ability to pursue effective claims against irresponsible AV companies. Federal preemption is traditionally used as a tool for ensuring that federal statutes or regulations,

once enacted, are able to operate without conflict across the country. But the proposed SELF DRIVE Act's preemption scheme turns this model on its head, ensuring that even in the absence of federal safety regulations governing AV performance or safety, consumers will have nowhere to turn when the inevitable problems raise their head.

The coup de grace is that the proposed SELF DRIVE Act neither proposes nor mandates ANY federal safety regulations that would ensure autonomous vehicle safety. The only thing the proposed language requires is that AV companies produce a "safety case" in order to trigger this massive preemptive effect. Safety cases would be retained internally by manufacturers with no submission to DOT required, hidden from the public, and unavailable to federal regulators unless demanded by NHTSA pursuant to a crash investigation or formally demanded by the DOT Secretary. The safety case is effectively a quiz that the manufacturers write themselves, grade themselves, and never have to turn in - and if AV companies say their work is complete, then states and individuals can't hold them accountable when AVs break the rules of the road and hurt someone.

In the absence of any federal safety regulations geared to ensure that AVs don't kill and injure road users, and a preemption scheme that prevents state authorities from stepping up to the plate to protect residents, injured parties would typically be able to turn to the civil justice system as a last resort. At a time when so much is unknown about the safety performance of these vehicles in the real world, there is no provision in the SELF DRIVE Act prohibiting the inclusion of mandatory arbitration clauses into contracts with consumers using AVs. This means that consumer claims will be sequestered in secretive

courts of arbitration that are ultimately designed to protect companies from legal scrutiny and accountability, not to provide consumers with adequate redress.

Whether they are in the terms of service of autonomous vehicle rideshare companies or those that will surely reside in future potential ownership or leasing agreements, mandatory arbitration clauses should not be allowed as a means to shield irresponsible AV companies from civil claims.

As you know, forced arbitration contract terms require consumers to adjudicate claims in forums that do not have the protections of the legal system—the rules of evidence and discovery do not apply, there is no requirement that arbitrators follow the law, there are no juries, and there is little to no opportunity for witness depositions. Moreover, arbitration proceedings are secretive, and the findings of arbitrators are seldom appealable. Additionally, because arbitration firms rely on repeat customers for their profits, it is unlikely that arbitrators will find for a consumer over the corporation likely to provide additional business in the future.

The potential for inserting forced arbitration clauses into a contract between an AV operator or manufacturer and an individual consumer is ever present and creates an alternate system of justice when the inevitable defects in new technology occur. Such a result would create yet another incentive for unscrupulous manufacturers to put shareholders' interests ahead of safety concerns.

For years now the auto industry has been emboldened by the intrusion of forced arbitration in other fields. As a result, it is all too common for consumers to be deprived of their federal and state rights by contracts conditioned on acceptance of forced arbitration as a means to resolve disputes. We have long believed that when a company makes a defective vehicle, they should use their engineers to build a better vehicle, and not their lawyers to find a legal loophole to avoid responsibility. To be clear, forced arbitration has no place in rideshare agreements or in the sale or lease of automobiles, be they used or new, human driven or autonomous.

Together the preemption language and lack of a prohibition on mandatory arbitration in the proposed SELF DRIVE Act would leave consumers without access to the civil justice system, unable to turn to state and local authorities to address the many negative consequences that AVs have and will continue to bring to our cities, and ultimately relying on a federal authority that has no plans to issue comprehensive AV safety regulations.

Under the proposed bill, consumers and localities would be forced to rely on the DOT's limited and oftentimes incredibly slow and ineffective defect enforcement authority to address safety issues after they occur, while local authorities would be prohibited from regulating any AV impacts that threaten safety. These local authorities would also be prohibited from current or future regulation of AVs in the broad range of areas where states and cities have historically used their authorities to minimize the negative impact of automobiles. This arrangement is unacceptable, and this moment presents an

opportunity to ensure that consumers remain the highest priority as autonomous travel continues to develop.

We believe the time for Congressional leadership that gives the best chance for the safe development of AV technology is now. The timing for such action - before the public decides all this talk of driverless cars is just more misleading advertising by the auto and tech industry – is critical. If Congress chooses to allow the market to figure it out on its own, today's outlandish "Full Self Driving" and "Autopilot" claims by companies like Tesla may soon seem tame. Worse still, the generational opportunity to change transportation safety for everyone on the road will be inevitably delayed by legitimate public fear.

Hyperbolic claims by some auto manufacturers and their new Silicon Valley partners aside, most drivers do not routinely kill their fellow motorists and pedestrians. The reality is that technological changes to design and safety features, in combination with holding irresponsible manufacturers liable for dangerous products; educational and legal efforts to reduce distracted, drowsy, drunk, and drugged driving; and significant and periodic improvements in required minimum vehicle performance standards have saved hundreds of thousands of lives and can save even more. The idea that tens of thousands of unproven and unregulated AVs deployed quickly and without oversight, or a significant upgrade in highway and road infrastructure, will automatically be safer than what we have now may make for a good talking point in a quarterly earnings report – but is not good transportation policy.

As Congress undertakes the vital task of writing our nation's first autonomous vehicle law, we urge this Subcommittee to keep in mind the need to protect consumers in order to successfully move the needle forward for AV safety and deployment in the decades ahead. In addition to the criteria mentioned above, such as mandatory standards, data collection, and required independent review, any AV legislation must include cyber security standards, a vision test, updated occupant protection standards, pedestrian and other vulnerable road user protection standards, and accessibility for people with differing disabilities, while maintaining current state, local, and common law rights and authorities. AV legislation must also address the significant safety concerns arising from remote operation of these vehicles.

It is vital that an AV law does not preempt protections provided by state and local rules of the road regarding the operation of vehicles on their streets. Access to courts, for innocent victims killed by an experiment for which they did not volunteer, remain the final consumer protection backstop in an unregulated environment. Further, as it remains likely that AV companies will treat contracts involving automated technology like software or smartphone agreements, binding arbitration must be forbidden in direct-to-consumer contracts.

Finally, some have suggested a preference for voluntary, industry written, standards. Following a voluntary standard model for AVs is a fool's errand. Industry voluntary standards, created for commercial purposes, can be a nice benchmark but can also be easily ignored or subverted at any time by any participant. Voluntary standards for AVs

are not an acceptable substitute for stringent mandatory minimum performance standards which allow for innovation while protecting populations.

Motor Vehicle Modernization Act

The proposed Motor Vehicle Modernization Act is a mixed bag of provisions, some of which could improve NHTSA's efforts, while others could have deleterious impacts on vehicle safety.

As discussed above in relation to the SELF DRIVE Act, Section 2 of the MVMA aligns NHTSA's classification of automated vehicles with that proposed by SAE J3016. This poses a significant barrier to ensuring the safety of vehicles with automated features that can be classified as Level 2 automations while avoiding current state and potential future federal regulations that only apply to Level 3 and above vehicles.

Section 5 of the MVMA seeks to improve NHTSA's New Car Assessment program activities but contains a provision that would allow manufacturers to submit their own test results in place of NHTSA testing. We would strongly urge the removal of this provision, as manufacturers should not be permitted to grade their own performance. What has long made NCAP extraordinarily successful (prior to the program upgrade and enhancement delays we've seen in recent years) is that poorly performing manufacturers are incentivized to improve vehicle safety based on the results of independent NCAP testing by NHTSA. Automakers cannot be trusted to report testing outcomes that would deprive their vehicles of the coveted NCAP five star ratings, which are widely used in marketing and advertising to promote sales of vehicles. Additionally, NHTSA uses safety

failures noted during NCAP testing to inform compliance and defect enforcement activities. Manufacturers cannot be trusted to report test results that show compliance problems or potential defects, resulting in NHTSA losing an important component of its safety enforcement efforts.

Section 9 of the MVMA would significantly increase the prevalence of vehicles on our roads that cannot meet federal safety standards. The proposal dramatically expands the number of exempted vehicles that manufacturers would be allowed to deploy, from 2,500 to 90,000, and increases five-fold the maximum period of exemption available to applicants from 1 year to 5 years. Additionally, this section provides for automatic approval of exemption applications based solely on NHTSA's failure to make a decision on the application within 1 year, regardless of whether the manufacturer can demonstrate that the exempted vehicles would maintain the safety levels of vehicles that meet FMVSS.

Other Notable Legislative Options

The **AV Safety Data Act** would codify and improve NHTSA's Standing General Order (SGO), to ensure that data on crashes and other incidents involving Level 2 and above partially and fully automated vehicles is available to federal decisionmakers as well as the public. The current SGO, while proving to be a powerful tool in NHTSA's enforcement efforts, is subject to frequent modifications that threaten long term data integrity, and allows broad redactions of data by manufacturers without any reasonable assertion of business confidentiality. As an administrative order, the SGO carries the risk that the data collection could be revoked at any time, which the proposed legislation would correct. Importantly, the AV Safety Data Act would expand collection of data beyond crashes and

to incidents that could inform the agency in time to detect defects and respond before tragedies occur.

The **Safety is Not for Sale Act of 2026** would ensure that vehicle safety features are available for purchase separately from packages containing convenience and luxury features. This proposal would eliminate price barriers that slow the adoption of optional safety equipment. It would also ensure consumer access to less expensive options to protect themselves, as buyers won't be required to waste money on unneeded features in order equip their vehicle with safety features.

The **Know Before You Drive Act** prohibits misleading claims by manufacturers related to partially automated vehicles and ensures that consumers are provided with accurate information on partial automation features at the time of sale. This proposal directs the Federal Trade Commission to treat misleading claims of autonomy as an unfair or deceptive act or practice. Such language is a welcome addition to federal law as it would prohibit companies like Tesla from using language like "Autopilot" that confuses drivers and result in deadly crashes. The proposal would also serve as a warning to other players in the automotive industry that they must use specific and responsible messaging when describing complex safety critical equipment that relies on drivers to continually monitor the vehicle and road environment.

The **Safe Streets for Everyone Act** would extend the protections afforded by the federal Automatic Emergency Braking standard to other vulnerable road users including bicyclists and motorcyclists, as well as people using wheelchairs, tractors, ATV's and other conveyances that don't qualify as motor vehicles under the Safety Act. The proposed

language would also require AEB that protects pedestrians at higher speeds than were included in the original FMVSS 127. Improvements to the accuracy of AEB systems in low visibility conditions and in reference to different human appearances are also included in the proposed language.

The **Securing Accessible Functional Emergency (SAFE) Exit Act** addresses a critical absence of federal safety requirements for electric doors. Emergency personnel and good samaritans have experienced profound difficulty accessing the vehicle compartment to rescue occupants when power-operated doors lose the ability to function after a crash or due to battery failures. Occupants of these vehicles find themselves trapped in burning vehicles unable to figure out how to open the doors due to interior manual releases that may be hidden or unavailable. Parents and caregivers are frequently locked out of these vehicles with no way to extract children from the vehicle interior. The SAFE Exit Act would upgrade FMVSS 206 to address these problems by improving the vehicle manual emergency egress features.

The **Driver Technology and Pedestrian Safety Act of 2025** instructs the DOT Secretary to engage the National Academy of Sciences in research around driver operation of touchscreen features in modern cars. Touchscreens and similar user interfaces have been widely deployed in vehicles despite concerns that they might increase driver distraction, obstruct operation of vehicle controls, and contribute to the historically high number of pedestrian and vulnerable road users killed in crashes. This study is necessary to inform NHTSA on potential safety standards needed to address any identified risks of driver controlled in-vehicle technology.

Unlike the other legislative proposals in this section, we note the **No Kill Switches in Cars Act** due to the immensely negative impact it would have on efforts to eliminate impaired driving. The bill is a cynical proposal that would repeal the 2021 bipartisan Congressional mandate to introduce impaired driving prevention technology into American cars. The introduction of impaired driving prevention technology represents our best hope at stemming the tide of alcohol related crashes accounting for one-third of all motor vehicle fatalities and hundreds of thousands of injuries every year.

We thank this Subcommittee for your ongoing focus on vehicle safety, an issue that impacts every single American. On behalf of our members, the Center for Auto Safety stands ready to assist however we can to support the cause of safety on our roads.

Summary of Major Points

1. The legislative options presented are a mixed bag, some would no doubt improve consumer safety on US roads, but other proposals are little more than handouts to the automotive and autonomous vehicle industries at the expense of safety.
2. Consumer safety is better served by mandating the adoption of technologies that are ready to save lives today, but the introduction of such technologies is significantly delayed.
3. Improved federal regulation and oversight of automakers introducing innovative vehicle technology is necessary if we are to maintain safe practices across the industry that preserve consumer confidence.
4. We have grave concerns about the broad and unnecessary assertion of federal authority, elimination of accountability to state and local governments, and omission of vital consumer and safety protections by the Discussion Draft of the SELF DRIVE Act.
5. The Motor Vehicle Modernization Act of 2025 could force improvements on NHTSA that would be positive, but other provisions of the Act would have significant and negative implications for safety.
6. The AV Safety Data Act, Safety is Not for Sale Act of 2026, Know Before You Drive Act, Safe Streets for Everyone Act, Securing Accessible Functional Emergency (SAFE) Exit Act, and Driver Technology and Pedestrian Safety Act of 2025 are timely legislative proposals that would improve vehicle safety.
7. The No Kill Switches in Cars Act would eliminate efforts to introduce critical impaired driving protections.