119TH CONGRESS
1ST SESSION

S. _____

To require the Secretary of Transportation to issue rules relating to the testing procedures used under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER (for herself, Mrs. MURRAY, Mrs. BLACKBURN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Secretary of Transportation to issue rules relating to the testing procedures used under the New Car Assessment Program of the National Highway Traffic Safety Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''She Develops Regulations In Vehicle Equality and Safety Act'' or the ''She DRIVES Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CRASHWORTHINESS.—The term ''crashworthiness'' has the meaning given the term in section 32301 of title 49, United States Code.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(3) TESTING DEVICE.—The term ''testing device'' means a testing device used for compliance testing of motor vehicles and motor vehicle equipment with respect to Federal motor vehicle safety standards that is described in part 572 of title 49, Code of Federal Regulations (or successor regulations).

SEC. 3. FEDERAL MOTOR VEHICLE SAFETY STANDARDS UPDATES.

(a) FRONT IMPACTS.—

(1) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary shall revise parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations), to include the following:

(A) 50th percentile adult male Test Device for Human Occupant Restraint (THOR) frontal impact testing device.

(B) 5th percentile adult female Test Device for Human Occupant Restraint (THOR) front impact testing device.

(2) FRONT IMPACT FINAL RULES.—

(A) IN GENERAL.—

(i) THOR-50M.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a final rule to require the use of the testing device described in paragraph (1)(A) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

(ii) THOR-05F.—

(I) PROPOSED RULEMAKING.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require the use of the testing device described in paragraph (1)(B) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

(II) FINAL RULE.—Not later than 120 days after the date of enactment of this Act, the Secretary shall

issue a final rule to require the use of the testing device described in paragraph (1)(B) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

(B) REQUIREMENTS.—In issuing the final rules under clauses (i) and (ii)(II) of subparagraph (A), the Secretary shall—

(i) establish or update the injury criteria, including the head, neck, chest, abdomen, pelvis, upper leg, and lower leg injury criteria, for the testing devices described in subparagraphs (A) and (B) of paragraph (1) based on real world injuries and the greatest potential to increase safety; and

(ii) establish crashworthiness frontal impact tests with those testing devices for adult female occupants in all designated front seating positions tested, as of the date of enactment of this Act, for adult male occupants.

(C) NEW CAR ASSESSMENT PROGRAM UPDATE.—

(i) IN GENERAL.—The Secretary shall promulgate a final decision notice to update the testing procedures used to test the crashworthiness of passenger motor vehicles under the New Car Assessment Program of the National Highway Traffic Safety Administration to require the use of the testing devices described in subparagraphs (A) and (B) of paragraph (1).

(ii) TIMING.—

(I) IN GENERAL.—The final decision notice required under clause (i) shall be promulgated concurrently with the issuance of the final rule required under subparagraph (A)(i) if the Secretary determines that promulgating the final decision notice concurrently with the final rule required under that subparagraph does not delay issuance of that final rule.

(II) DELAY.—If the Secretary determines under subclause (I) that promulgating the final decision notice concurrently with the final rule required under subparagraph (A)(i)

would delay the issuance of that final rule, the Secretary shall issue that final rule before promulgating the final decision notice required under this subparagraph.

(b) SIDE IMPACTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall revise parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations), to include the following:

(A) 50th percentile adult male Worldwide Harmonized Side Impact Dummy side impact testing device.

(B) 5th percentile adult female Worldwide Harmonized Side Impact Dummy side impact testing device.

(2) SIDE IMPACT FINAL RULE.—

(A) IN GENERAL.—

(i) PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking to require the use of the testing devices described in subparagraphs (A) and (B) of paragraph

(1) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

(ii) FINAL RULE.—Not later than 30 months after the date of enactment of this Act, the Secretary shall issue a final rule to require the use of the testing devices described in subparagraphs (A) and (B) of paragraph (1) into parts 571 and 572 of title 49, Code of Federal Regulations (or successor regulations).

(B) REQUIREMENTS.—In issuing the final rule under subparagraph (A)(ii), the Secretary shall—

(i) establish or update the injury criteria, including the head, neck, chest, abdomen, pelvis, and upper leg criteria, for the testing devices described in subparagraphs (A) and (B) of paragraph (1) based on real world injuries and the greatest potential to increase safety; and

(ii) establish front seat crashworthiness side impact tests with those testing devices for adult female occupants in all designated front seating positions

tested, as of the date of enactment of this Act, for adult male occupants.

(C) NEW CAR ASSESSMENT PROGRAM UPDATE.—

(i) IN GENERAL.—The Secretary shall promulgate a final decision notice to update the testing procedures used to test the crashworthiness of passenger motor vehicles under the New Car Assessment Program of the National Highway Traffic Safety Administration to require the use of the testing devices described in subparagraphs (A) and (B) of paragraph (1).

(ii) TIMING.—

(I) IN GENERAL.—The final decision notice required under clause (i) shall be promulgated concurrently with the issuance of the final rule required under subparagraph (A)(ii) if the Secretary determines that promulgating the final decision notice concurrently with the final rule required under that subparagraph does not delay issuance of that final rule.

(II) DELAY.—If the Secretary determines under subclause (I) that promulgating the final decision notice concurrently with the final rule required under subparagraph (A)(ii) would delay the issuance of that final rule, the Secretary shall issue that final rule before promulgating the final decision notice required under this subparagraph.

SEC. 4. TESTING DEVICES ROADMAP.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(A) identifies timelines for the Secretary to incorporate testing devices, other than the testing devices described in subparagraphs (A) and (B) of section 3(a)(1) and subparagraphs (A) and (B) of section 3(b)(1), that the Secretary is researching, as of the date of enactment of this Act, into the regulations contained in parts

571 and 572 of title 49, Code of Federal Regulations (or successor regulations);

(B) identifies testing devices used for similar crashworthiness standards in other countries that are more advanced than the testing devices required or being researched by the Secretary; and

(C) subject to paragraph (2), describes a process for the Secretary to update the testing devices required in the United States under regulations in effect on the date of enactment of this Act, including whether the Secretary can adopt more advanced testing devices already used for compliance in other countries, such as testing devices in use or being considered as part of the European New Car Assessment Programme.

(2) NO UPDATE NEEDED.—If the Secretary determines that testing devices used in the United States as of the date of enactment of this Act do not need to be updated, the Secretary shall include in the report required under paragraph (1) a description for why the Secretary believes those testing devices do not need to be updated, including by providing a description for each testing device described

in part 572 of title 49, Code of Federal Regulations (or successor regulations), that the Secretary determines does not need to be updated.

(b) FOLLOW-UP REPORT.—Not later than 5 years after the date on which the Secretary submits the report required under subsection (a), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) describes whether the Secretary has met the timelines described in subsection (a)(1)(A); and

(2) identifies any new testing devices used in other countries that are more advanced than the testing devices required or being research by the Secretary as of the date of enactment of this Act.