



SB 1398 (Gonzalez) Vehicles: Consumer Notices.

SUMMARY

Senate Bill (SB) 1398 increases consumer safety by requiring dealers and manufacturers that sell new passenger vehicles equipped with a semiautonomous driving assistance feature or provides any software update or vehicle upgrade that adds a semiautonomous driver assistance feature to give a clear description of the functions and limitations of those features. Further, SB 1398 prohibits a manufacturer or dealer from deceptively naming, referring to, or marketing these features.

BACKGROUND/PROBLEM

California is at the forefront of innovation in developing and pioneering semiautonomous and autonomous vehicles. As dealers and manufacturers across the state continue to innovate in this new space, we must ensure that safety and consumer protection are not being compromised.

California's current autonomous vehicle regulations define an autonomous vehicle as any vehicle equipped with technology that meets the definition of Levels 3, 4, or 5, as prescribed by the Society of Automotive Engineers (SAE).¹ These vehicles can perform dynamic driving tasks without the active physical control or monitoring of a human operator. Unlike Levels 3, 4, and 5, Level 2 vehicles require a human operator's active and continuous monitoring of the vehicle and require the operator to detect any situations on the roadway

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[https://govt.westlaw.com/calregs/Document/I720F15D6CD7E40EFA5B2DAF3B85AC783?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I720F15D6CD7E40EFA5B2DAF3B85AC783?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

requiring the operator to intervene.² Level 2 vehicles are considered semiautonomous. The Department of Motor Vehicles (DMV) regulates automated driving systems designed to operate at Level 3 or higher and evaluates the description of the technology pursuant to the levels of automation. However, the DMV does not regulate Level 2 vehicles or their descriptions. Thus, there is little oversight on the naming, marketing, and/or description of these features. Many manufacturers offer level 2 features and promote them as a selling point. Hence, it is easy for the average consumer to believe that based on unclear naming, advertising, or marketing, they are purchasing a vehicle with fully autonomous features when the vehicle can only perform functions similar to autopilot or cruise control.

When a consumer purchases a vehicle, vehicle upgrade, or software update they believe is changing the automation level of their vehicle, the consumer may pay less attention to monitoring the vehicle while operating or may use the feature in an unsafe and unintended way. This can have dangerous consequences, including increased accidents on California roads or death.

SOLUTION

SB 1398 requires automobile dealers and manufacturers to ensure that consumers know and understand the technology they are purchasing and the capability and limitations of those technologies. SB 1398 will apply to all feature updates and vehicle upgrades to prevent driver confusion and provides that a violation of these notices be punishable as an infraction.

2 <https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety>

SB 1398 balances consumer protection with technological innovation. California is, and will remain, at the forefront of innovation but must ensure consumers are fully informed of the technology they purchase and its functions. An informed consumer leads to safer driving, which leads to safer California roads.

SUPPORT

None at this time.

CONTACT

Katie Bonin, Consultant
(916) 651-4121
Katie.Bonin@sen.ca.gov

