January 12, 2026

The Honorable Gus Bilirakis, Chair
The Honorable Jan Schakowsky, Ranking Member
Committee on Energy and Commerce
Subcommittee on Commerce, Manufacturing, and Trade
United States House of Representatives
Washington, D.C. 20510

RE: Disregard for consumer safety, state and local law, and civil justice in the SELF DRIVE Act

Dear Chair Bilirakis and Ranking Member Schakowsky:

We the undersigned, on behalf of the members of each of our groups individually, and all drivers, passengers, pedestrians and other road users nationwide, write today with grave concerns about the broad and unnecessary assertion of federal authority and omission of vital consumer protections by the proposed SELF DRIVE Act.

Amongst a host of provisions that would degrade consumer safety, the vague and incredibly broad preemption clause in the proposed language would have wide ranging consequences on state and local laws crafted to ensure the responsible introduction of novel autonomous vehicles (AVs) into the varying transportation ecosystems of US cities. Additionally, at a time when so much is unknown about the safety performance of these vehicles in the real world, there is no provision which prohibits the inclusion of a mandatory arbitration clause into contracts with consumers using AVs, which would sequester consumer claims in secretive courts of arbitration that are ultimately designed to protect companies from legal scrutiny and accountability.

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 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 ensure consistent national performance standards to help ensure vehicle safety.

The proposed act's 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 consumer protections. Not only does the preemption provision prevent state law enforcement from enforcing the rules of the road, it prevents them from even *investigating* a crash. The bill prohibits states from requiring manufacturers to provide video crash data for any serious crash. Critically, the proposed preemption language would also threaten state negligence and product liability laws as they would apply 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 gras 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 subpoenaed by NHTSA pursuant to an investigation. The safety case is essentially a quiz that the manufacturers write themselves, grade themselves, and never have to turn in—and if they say they did it, 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. But the proposed SELF DRIVE Act contains no language that would stop the proliferation of mandatory arbitration clauses across the AV landscape.

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 absent a legislative prohibition, 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.

Arbitration, when voluntarily consented to by both parties post-dispute is a fine dispute resolution mechanism. Yet, the use of binding arbitration clauses continues to proliferate. Waymo's partnership with Uber to provide autonomous rideshare raises significant questions in this area, since Uber has zealously defended binding arbitration clauses at the expense of consumers for many years now, and Waymo currently uses forced arbitration as well. Future self-driving vehicles may be purchased or leased directly by consumers from multi-national manufacturers, creating an even greater power imbalance than when buying from a local dealership, enabling foreign manufacturers to insert forced arbitration provisions directly into consumer sales contracts.

This moment presents an opportunity to ensure that a practice designed to deprive consumers of their constitutional rights not be allowed to continue into the next generation of vehicles. Importantly, there is precedent in the area of forced arbitration and cars:15 U.S.C. § 1226, the Motor Vehicle Franchise Contract Dispute Resolution Process Act. Passed into law in 2002, this law prevents auto manufacturers from forcing arbitration clauses on their franchisees, without consent. Consumers deserve the same rights when it comes to driverless vehicles.

In another blow to accountability and safety, the legislation itself defines the automated driving system itself—hardware and software—as the "driver." This provision alone would effectively exempt automated vehicle manufacturers from thousands of state laws regulating the driver of a motor vehicle. The ADS can't be ticketed, can't have its license suspended, and can't be held responsible when it runs a red light or ignores a school crossing guard or interferes with emergency vehicles. Similarly, the ADS can't be held responsible in court or in arbitration for negligence that causes injury or death. Only a person or a company can be held accountable for safe driving and following the rules of the road – not a hardware and software system. The bill must be changed to provide that the driver of the AV is the *manufacturer* of the ADS, not the ADS itself.

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 ultimately 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 AV safety. These local authorities would also be prohibited from current or future regulation of AVs in the large range of other concern areas where states and cities have long 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.

Thank you for your attention to this important matter,

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