

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 13, 2022

AMENDED IN SENATE MAY 2, 2022

AMENDED IN SENATE MARCH 14, 2022

SENATE BILL

No. 1398

Introduced by Senator Gonzalez

February 18, 2022

An act to add Section 24011.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1398, as amended, Gonzalez. Vehicles: consumer notices.

Existing law requires any new motor vehicles sold in the state to have certain notices to the consumer either affixed to the vehicle or provided to the buyer.

Existing law regulates autonomous vehicles equipped with technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator. Under existing law, this does not include collision avoidance systems, including, but not limited to, electronic blind spot assistance, automated emergency braking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, traffic jam and queuing assist, or other similar systems that enhance safety or provide driver assistance, but are not capable, collectively or singularly, of driving the vehicle without the active control or monitoring of a human operator.

This bill would require a dealer or manufacturer that sells any new passenger vehicle that is equipped with a partial driving automation feature, as defined, or that provides any software update or vehicle

upgrade that adds a partial driving automation feature, to provide the buyer or owner with a consumer notice that describes the functions and limitations of those features.

Any violation of these requirements would be punishable as an infraction.

The bill would additionally prohibit a manufacturer or dealer from deceptively ~~naming, describing in writing,~~ *naming* or marketing these features, as specified.

By creating a new infraction, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 24011.5 is added to the Vehicle Code,
- 2 to read:
- 3 24011.5. (a) A dealer or manufacturer shall not sell any new
- 4 passenger vehicle that is equipped with any partial driving
- 5 automation feature, or provide any software update or other vehicle
- 6 upgrade that adds any partial driving automation feature, without,
- 7 at the time of delivering or upgrading the vehicle, providing the
- 8 buyer or owner with a distinct notice that provides the name of the
- 9 feature and clearly describes the functions and limitations of the
- 10 feature.
- 11 (b) A manufacturer or dealer shall not name any partial driving
- 12 automation feature, or describe any partial driving automation
- 13 feature in ~~written~~ marketing materials, using language that implies
- 14 or would otherwise lead a reasonable person to believe, that the
- 15 feature allows the vehicle to function as an autonomous vehicle,
- 16 as defined in Section 38750, or otherwise has functionality not
- 17 actually included in the feature. A violation of this subdivision
- 18 shall be considered a misleading advertisement for the purposes
- 19 of Section 11713.

1 (c) As used in this section, “partial driving automation feature”
2 has the same meaning as “Level 2 partial driving automation” in
3 the Society of Automotive Engineers (SAE) Standard J3016 (April
4 2021).

5 ~~(d) Nothing in this section shall be construed to Compliance~~
6 ~~with this section shall not~~ alter any existing duty of care or limit
7 the civil liability of a manufacturer or dealer. ~~Compliance with~~
8 ~~this section shall not be construed as a defense in any claim of~~
9 ~~negligence or product defect arising from the use of a partial~~
10 ~~driving automation feature. dealer, including, but not limited to,~~
11 ~~claims for negligence or product defect.~~

12 (e) Before delivering a passenger vehicle equipped with a partial
13 driving automation feature to a dealer, a manufacturer shall provide
14 information to enable the dealer to comply with subdivision (a).
15 This information shall include specific language recommended
16 for the notice required in that subdivision. A dealer may reasonably
17 rely on the information provided by the manufacturer and a dealer
18 shall not be held in violation of subdivision (a) if the manufacturer
19 fails to provide this information *to the dealer* or if the information
20 provided is deemed to be not in compliance with this section.

21 *(f) A manufacturer shall not be held in violation of subdivision*
22 *(a) if the manufacturer provides a dealer with the information*
23 *required under subdivision (e) and the dealer fails to provide the*
24 *required notice to the buyer or owner.*

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.