

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 572 (Gonzalez)
Version: March 26, 2025
Hearing Date: April 29, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Vehicles: advanced driver assistance system: crash reports

DIGEST

This bill requires a manufacturer of a Level 2 advanced driver assistance system (ADAS) to report a crash involving its Level 2 ADAS vehicle to the Department of Motor Vehicles (DMV) within one or five days of the crash if certain conditions pertaining to the crash exist. The bill imposes a civil penalty of \$26,315 per violation per day on a manufacturer that fails to report a crash. The bill's proposed reporting requirement would only be operative if certain conditions are met, including that federal General Order 2021-01 issued by the National Highway Traffic Safety Administration (NHTSA) is repealed.

EXECUTIVE SUMMARY

Reports have indicated that the Trump administration may end the reporting to the NHTSA of car crashes for Level 2 ADAS vehicles under General Order 2021-01. This crash reporting data provides important consumer protections by allowing the NHTSA to detect crash patterns, which helps to inform investigations and safety recalls. The author seeks to ensure that, should the federal reporting requirement be weakened, California will still get the same data currently reported to the NHTSA under General Order 2021-01. The bill is author sponsored. The bill is supported by various consumer safety and protection organizations. The Committee received no timely opposition. The bill passed the Senate Transportation Committee on a vote of 11 to 1.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Sets Federal Motor Vehicle Safety Standards (FVSS). (49 C.F.R. Part 571.)

- 2) Requires manufacturers of Level 2 ADAS systems and manufacturers and operators of automated driving systems (ADS) to report any crashes in which the technology was engaged during the 30 seconds prior to the crash and that resulted in a fatality, resulted in a person being transported to the hospital, or involved a vulnerable road user, such as a pedestrian, within one day and other crashes involving a vehicle tow-away or airbag deployment within five days.
 - a) Additionally, manufacturers and operators of ADS must report all other crashes in which the ADS was engaged during the 30 seconds prior to the crash occurring on public roads by the fifteenth day of the month following the month in which they receive notice of the crash. (Standing General Order 2021-01)

Existing state law:

- 3) Authorizes the operation of an autonomous vehicle (AV) on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle operated, if specified requirements are satisfied. (Veh. Code § 38750(b).)
- 4) Defines “autonomous vehicle” to mean a vehicle equipped with technology that makes it capable of operation that meets the definition of Levels 3, 4, or 5 of the Society of Automotive Engineers (SAE) International's Taxonomy and Testing of Autonomous Vehicles Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APR 2021). (Veh. Code § 38750(a)(2).)
- 5) Requires the DMV to adopt regulations providing requirements for submitting evidence of insurance, surety bond, or self-insurance requirements, submitting and approving an application to operate an autonomous vehicle, and processes related to notices of autonomous vehicle noncompliance. (Veh. Code § 38750(d)(1).)
 - a) Authorizes the DMV to establish additional requirement through regulations that the DMV determines, in consultation with the Department of the California Highway Patrol, are necessary to ensure the safe operation of autonomous vehicles on public roads. (Veh. Code § 38750(d)(3).)

This bill:

- 1) Requires a manufacturer of a level 2 ADAS vehicle to report an accident involving a level 2 ADAS vehicle to the DMV no later than one calendar day upon receipt of notice of the accident, and further provide the DMV with an updated report no later than 10 calendar days upon notice of receipt if the accident met all of the following conditions:
 - a) is on a publicly accessible road in California;
 - b) the level 2 ADAS feature was engaged any time 30 seconds prior to accident, as provided;

- c) the accident results in a fatality, an individual being hospitalized, or involves a vulnerable road user; and
 - d) the accident occurs 10 or more calendar days from the enactment of this bill.
- 2) Requires a manufacturer of a level 2 ADAS vehicle to report an accident involving a level 2 ADAS vehicle to the DMV no later than five calendar day upon receipt of notice of the accident if the accident meets all of the following conditions:
 - a) is on a publicly accessible road in California;
 - b) the level 2 ADAS feature was engaged any time 30 seconds prior to accident, as provided;
 - c) the accident results in a vehicle being towed or the air bags are deployed, and it does not result in a fatality or serious injury, as specified; and
 - d) the accident occurs 10 or more calendar days from the enactment of this bill.
- 3) Requires the reports submitted to the DMV pursuant to 1) and 2), above, to provide all applicable information consistent with the requirements of General Order 2021-01.
- 4) Requires a manufacturer of a level 2 ADAS vehicle to provide the DMV with a monthly report consistent with the requirements specified in General Order 2021-01.
- 5) Requires the DMV to post accident reporting data onto the DMV's website and update the data on a bimonthly basis, as provided. Requires the DMV to submit the received accident data to NHTSA and the National Transportation Safety Board on a bimonthly basis.
- 6) Imposes a civil penalty on a manufacturer for failing to report an accident as required under 1) or 2), above, in an amount of \$26,315 per violation per day.
- 7) Provides that the reporting provisions in the bill become operative only if General Order 2021-01 is repealed and not replaced with a similar order, statute, or regulation, as specified, or is substantially amended or ceases to be enforced, as specified.

COMMENTS

1. Stated need for the bill

The author writes:

Officials within the federal government have signaled they may consider ending the National Highway Traffic Safety Administration's (NHTSA) requirement that manufacturers report collisions involving Level 2 advanced driver assistance system (ADAS) vehicles and Level 3-5 autonomous vehicles. California has more Level 2

ADAS vehicles – which are vehicles that have driver support features including lane centering and adaptive cruise control but require a driver at all times – than any other state, as well as the most collisions involving these vehicles. While the DMV is already pursuing regulations for autonomous vehicles, there is currently no state reporting requirement for Level 2 ADAS vehicles. Without NHTSA's data, California will be left in the dark about the potential dangers of driver support technologies. We must establish safeguards to ensure that if the federal government vacates their responsibility to regulate road and vehicle safety, California consumers, regulators, and public safety officials will maintain access to this critical data. SB 572 will require manufacturers of Level 2 ADAS vehicles to report collisions involving these vehicles to the DMV, and require the DMV to post this information on their website should the federal government stop collecting this data. This will provide the transparency and accountability from manufacturers that Californians deserve as vehicle technologies advance.

2. Advanced driver assistance system (ADAS)

The Senate Transportation Committee analysis of this bill provides useful background on AVs, ADAS, and General Order 2021-01:

NHTSA provides a variety of regulations and policy guidance pertaining to AVs. First, [federal vehicle safety standards] FVSS applies to all manufacturers and vehicles to provide across the board consistency and direction on vehicle specifications and safety standards. Additionally, NHTSA provides / offers guidance for AVs and AV manufacturers including, but not limited to, standardized levels of automation, an automated vehicle safety framework, and the ADS-equipped Vehicle Safety, Transparency, and Evaluation (AV STEP) Program. With respects to level of vehicle autonomy, NHTSA and DMV utilize the same SAE standards (i.e. Level 0-Level 5) with California statutes and regulations considering an AV levels 3 through 5.

Under SAE AV definitions, there are key differences between each level of vehicular autonomy. Levels 1 and 2 provide ADAS features that offer assistance to a human driver such as lane-keeping assistance, adaptive cruise control, and automatic emergency braking. Ultimately, under levels 0-2, these technologies are intended to assist the human driver, require human supervision, and the driver remains responsible for vehicle operation. Under existing law and regulations, levels 0-2 vehicles are not considered AVs. On the other hand, automated driving systems (ADS) are technologies designed to perform the entire dynamic driving task without a human driver. ADS equipped vehicles can operate autonomously under a variety of conditions and are considered vehicles in levels 3 through level 5. Under levels 3 through 5, the ADS system takes full control of the vehicle and the human(s) in the vehicle is / are not responsible for the operation of the vehicle.

NHTSA's General Order 2021-01 (Order herein through) establishes mandatory accident (vehicular crashes) reporting requirements for vehicles equipped with ADS or level 2 ADAS. Specifically, the Order requires manufacturers and operators to report vehicular accidents involving ADS or level 2 ADAS technologies to NHTSA. For example, for ADS-equipped vehicles involved in an accident, the manufacturer / operator is required to be reported if ADS was active within 30 seconds of the incident and resulted in property damage or injury. For level 2 ADAS, manufacturers / operators must report vehicles involved in accidents if ADAS was active within 30 seconds and involved a vulnerable user, a fatality occurred, a passenger was hospitalized, the vehicle was towed off, or an airbag was deployed.¹

3. Issue this bill seeks to address

Reports have indicated that the Trump administration may end the reporting of car crashes to the NHTSA under General Order 2021-01. Reuters reported in December 2024 that ending this disclosure "would particularly benefit Tesla, which has reported most of the crashes – more than 1,500 – to federal safety regulators under the program. Tesla has been targeted in National Highway Traffic Safety Administration (NHTSA) investigations, including three stemming from the data."² This crash reporting data serves a crucial consumer protection function as the data has allowed the NHTSA to "detect crash patterns" and pursue investigations and safety recalls.³ "NHTSA said it has received and analyzed data on more than 2,700 crashes since the agency established the rule in 2021. The data has influenced 10 investigations into six companies, NHTSA said, as well as nine safety recalls involving four different companies."⁴

This bill seeks to ensure that the reporting requirements under General Order 2021-01 would still remain in place if the federal reporting standards are weakened. The bill seeks to have the same data reported to NHTSA under General Order 2021-01 reported to the DMV.

The bill provides that its provisions only become operative if any of the following occur:

- General Order 2021-01 is repealed and not replaced with another general order, a federal statute, or a federal regulation that is consistent with the policy goals of General Order 2021-01 as of December 31, 2024, as determined by the Director of Motor Vehicles.

¹ Sen. Trans. Comm. analysis SB 572 (2025-26 reg. sess.) as amended Mar. 26, 2025 at p. 4.

² Renshaw, Levey & Kirkham, Reuters, *Exclusive: Trump team wants to scrap car-crash reporting rule that Tesla opposes*, (Dec. 17, 2024), available at <https://www.reuters.com/business/autos-transportation/trump-transition-recommends-scraping-car-crash-reporting-requirement-opposed-by-2024-12-13/>.

³ *Ibid.*

⁴ *Ibid.*

- General Order 2021-01 is substantially amended in a manner that it is inconsistent with the policy goals of General Order 2021-01 as of December 31, 2024, as determined by the Director of Motor Vehicles.
- The National Highway Traffic Safety Administration ceases enforcing General Order 2021-01 or ceases updating its internet website in a manner that is consistent with the policy goals of General Order 2021-01, as of December 31, 2024, as determined by the Director of Motor Vehicles.

The Director of Motor Vehicles is required to inform the Legislature if they make a determination pursuant to the above.

a. Civil Penalty

The bill provides for enforcement in the same manner as the federal government, which is a civil penalty. (49 U.S.C. § 578.6(a)(1); 30165(a)(1).) The bill sets the civil penalty at \$26,315 per violation per day, which is the max penalty per violation per day the federal government can assess.(*Ibid.*)

b. Confidentiality concerns

The bill requires the DMV to post crash data submitted on its website every month. Concerns have been raised about the posting requirement not including any protections for proprietary business information or personally identifying information, which are provided at the federal level. To address this issue the author may wish to amend the bill to specifically provide that the DMV is prohibited from publically disclosing any proprietary business information or trade secrets. Additionally, the author may wish to amend the bill to specify that the posted data cannot disclose any personally identifying information about any individuals.

These amendments will act as a limitation on the access to public records pursuant to the California Public Records Act. California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.⁵ At the same time, the state recognizes that this right must be balanced against the right to privacy.⁶ The general right of access to public records may, therefore, be limited when records include personal information or proprietary business information. In order to balance the need for consumer protection against protecting the privacy of proprietary business information and personally identifying information contained in crash report data, limiting access to public records in this instance seems warranted.

⁵ Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

⁶ Cal. Const., art. I, § 1.

4. Amendment

The specific amendment to address the issues raised above regarding privacy and confidentiality of proprietary business information and personally identifying information that may be contained in the data provided to the DMV is below. Additionally, the author has proposed making some clarifying changes to terms used in the bill – changing “incident” to “crash” – and specifies that the Director of DMV is to report to the Chair of the Senate Transportation Committee and the Chair of the Assembly Transportation Committee in writing, instead of the Legislature, regarding the Director’s determination if the bill’s provision have become operative.

The specific amendments are:⁷

SECTION 1. Division 16.65 (commencing with Section 38800) of the Vehicle Code is amended to read:

DIVISION 16.65. Advanced Driver Assistance System

38800. (a) (1) (A) A manufacturer of a Level 2 ADAS vehicle shall report a crash involving its Level 2 ADAS vehicle to the Department of Motor Vehicles not later than one calendar day after receipt of notice of ~~an incident~~ *a crash* and an updated report on the 10th calendar day after receipt of notice of the ~~incident~~, *crash*, if the ~~incident~~ *crash* meets all of the following conditions:

(i) The Level 2 ADAS vehicle is involved in a crash on a publicly accessible road in California.

(ii) The Level 2 ADAS in the vehicle was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash.

(iii) The crash results in a fatality or any individual being transported to a hospital for medical treatment, or involves a vulnerable road user.

(iv) The notice of the crash is received 10 calendar days or more after this section becomes operational.

(B) A manufacturer of a Level 2 ADAS vehicle shall report a crash involving its Level 2 ADAS vehicle to the Department of Motor Vehicles not later than five calendar days after receipt of notice of ~~an incident~~, *a crash* if the ~~incident~~ *crash* meets all of the following conditions:

⁷ The amendments may also include technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

(i) The Level 2 ADAS vehicle is involved in a crash on a publicly accessible road in California.

(ii) The Level 2 ADAS in the vehicle was engaged at any time during the period from 30 seconds immediately prior to the commencement of the crash through the conclusion of the crash.

(iii) The crash results in a vehicle tow-away or an airbag deployment but does not result in a fatality or any individual being transported to a hospital for medical treatment and does not involve a vulnerable road user.

(iv) The notice of the crash is received 10 calendar days or more after this section becomes operational.

(C) The report shall contain all of the applicable information that is requested in the Second Amended Standing General Order 2021-01 (General Order 2021-01) issued by the National Highway Traffic Safety Administration (NHTSA) as of December 31, 2024.

(D) The report shall be submitted in a format consistent with the requirements of General Order 2021-01.

(2) A manufacturer of a Level 2 ADAS vehicle shall provide a monthly report to the department pursuant to, and in a format consistent with the requirements of, General Order 2021-01.

(3) (A) A manufacturer that reported a crash pursuant to subparagraph (A) or (B) of paragraph (1) shall provide an updated report by the 15th calendar day of the month following any calendar month in which notice of any new or materially different information about the ~~incident~~ *crash* is received.

(B) In the absence of an updated report pursuant to subparagraph (A) or any new or materially different information related to a crash reported pursuant to subparagraph (A) or (B) of paragraph (1), the manufacturer shall submit a report by the 15th calendar day of each month confirming the lack of any reportable information during the previous calendar month, beginning the calendar month after this section became operational.

(b) (1) The department shall post on its internet website the crash data submitted pursuant to this section and update this data every other month. The department shall transmit this data to the National Highway Traffic Safety Administration and the National Transportation Safety Board every other month.

(2)(A) The department shall not publish any proprietary business information, including trade secrets as defined in Section 3426.1 of the Civil Code, when posting the data on its internet website under paragraph (1).

(B) The department shall ensure that the data posted under paragraph (1) does not include any personally identifying information.

(3) The information in paragraph (2) is confidential and is not be subject to disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(c) A manufacturer that fails to report a crash pursuant to this section to the department shall be liable for a civil penalty of twenty six thousand three hundred fifteen dollars (\$26,315) per violation per day.

(d) (1) “ADAS” means advanced driver assistance system.

(2) “Crash” means any physical impact between the vehicle and another road user, including, but not limited to, a vehicle, pedestrian, or cyclist, or property that results or allegedly results in any property damage, injury, or fatality. The vehicle is involved in a crash if it physically impacts another road user or if it contributes or is alleged to contribute, by steering, braking, acceleration, or other operational performance, to another vehicle’s physical impact with another road user or property involved in that crash.

(3) “Level 2 ADAS” means “Level or Category 2 - Partial Driving Automation” in SAE International’s Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles, standard J3016 (APRL2021).

(4) “Manufacturer” means a person developing, fabricating, manufacturing, assembling, or importing motor vehicles or motor vehicle equipment, including preproduction and prototype motor vehicles and equipment. A manufacturer may also be an operator.

(5) “Motor vehicle” means any preproduction, prototype, or production vehicle driven or drawn by mechanical power and being developed or manufactured primarily for use on public roads.

(6) “Motor vehicle equipment” includes any preproduction, prototype, or production Level 2 ADAS, including software or any other component of such system, that is installed on a motor vehicle, or used to control or operate a motor vehicle.

(7) "Person" means corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.

(8) "Vulnerable road user" means any person who is not an occupant of a motor vehicle with more than three wheels. This definition includes, but is not limited to, pedestrians, persons traveling in wheelchairs, bicyclists, motorcyclists, and riders or occupants of other transport vehicles that are not motor vehicles, including, but not limited to, all-terrain vehicles and tractors.

(e) (1) This section shall become operative only if any of the following occur:

(A) General Order 2021-01 is repealed and not replaced with another general order, a federal statute, or a federal regulation that is consistent with the policy goals of General Order 2021-01 as of December 31, 2024, as determined by the Director of Motor Vehicles.

(B) General Order 2021-01 is substantially amended in a manner that it is inconsistent with the policy goals of General Order 2021-01 as of December 31, 2024, as determined by the Director of Motor Vehicles.

(C) The National Highway Traffic Safety Administration ceases enforcing General Order 2021-01 or ceases updating its internet website in a manner that is consistent with the policy goals of General Order 2021-01, as of December 31, 2024, as determined by the Director of Motor Vehicles.

(2) The director shall inform the ~~Legislature~~ Chair of the Senate Transportation Committee and the Chair of the Assembly Transportation Committee of the determination made by the director pursuant to this subdivision.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 38800 of the Vehicle Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to balance the need for consumer protection against protecting the privacy of proprietary business information and personally identifying information contained in crash report data, it is necessary to limit access to these records.

~~SEC. 2.~~ 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes

the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SUPPORT

California Bicycle Coalition
California Walks
Center for Auto Safety
Consumer Attorneys of California
Consumer Watchdog
Streets for All

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1777 (Ting, Ch. 682, Stats. 2024) placed various safety requirements on manufacturers of AVs by July 1, 2026, and authorized a peace officer to issue a "notice of autonomous vehicle noncompliance" for a violation of the Vehicle Code or a local traffic ordinance to an AV manufacturer.

SB 1298 (Padilla, Ch. 570, Stats. 2012) established standards and regulations for the operation of AVs upon public roadways, as specified.

PRIOR VOTES:

Seante Transportation Committee (11 Ayes, 1 Noes)
