



NHTSA issues Standing General Order requiring incident reporting for ADS and ADAS

July 1, 2021

The National Highway Traffic and Safety Administration (NHTSA) issued a Standing General Order on June 29, 2021, requiring manufacturers and operators of vehicles equipped with Level 2 advanced driver assistance systems (ADAS) and Levels 3-5 automated driving systems (ADS) to report crashes. The Order indicates NHTSA's interest in providing oversight to the automotive industry to ensure that defects and safety issues are identified as early as possible.

[Standing General Order 2021-01: Incident Reporting for Automated Driving Systems \(ADS\) and Level 2 Advanced Driver Assistance Systems \(ADAS\)](#) requires manufacturers and operators to report certain crashes that occur while ADS or Level 2 ADAS is engaged or immediately after it is in use. For the purposes of the Order, a manufacturer is a person who is developing, fabricating, manufacturing, assembling, or importing motor vehicles or equipment. An operator is an entity operating a motor vehicle equipped with ADS on a publicly accessible road. A copy of the Order is being served to each manufacturer and operator identified on the Order's Service List, which includes more than 100 manufacturers and operators. All reporting obligations become effective ten calendar days after being served with the Order and continue for three years from the date of the Order.

The Order requires two types of incident reporting for manufacturers and operators on the Service List. Manufacturers and Operators not identified on the Order's Service List and served with the Order do not need to submit Incident Reports. Incident Reports are only required if notice of the crash is received ten calendar days or more after manufacturers and operators are served with the Order. Notice includes information received from any internal or external source in any form (electronic, written, verbal, or otherwise) regarding an incident that occurred or is alleged to have occurred, including vehicle reports, test reports, crash reports, media reports, consumer or customer reports, claims, demands, and lawsuits. Pursuant to the Order, "a manufacturer or operator has notice of a crash or a specified reporting criterion (i.e., a resulting hospital-treated injury, fatality, vehicle tow-away, air bag deployment, or the involvement of a vulnerable road user) when it has notice of facts or alleged facts sufficient to meet the definition of a crash or a specified reporting criterion, regardless of whether the manufacturer has verified those facts."

The two different Incident Reports are:

- **One-Day Incident Reports.** For certain incidents that meet the three criteria described below, an Incident Report must be submitted no later than one calendar day after notice of

the incident. An updated Incident Report must be submitted on the tenth calendar day after notice of the incident. Incidents that meet the following criteria are subject to the one-day reporting timeline: (1) the vehicle involved in the crash is on publicly accessible roads in the U.S.; (2) the ADS or Level 2 ADAS is engaged for any amount of time during the period from 30 seconds immediately prior to the crash through the conclusion of the crash; (3) the crash results in an individual being transported to the hospital for medical treatment, a fatality, an airbag deployment, or involves a vulnerable road user (such as a pedestrian or bicyclist).

- **Monthly Incident Reports.** Incidents that do not meet the criteria for the One-Day Incident Reports must be reported in a Monthly Incident Report submitted on the fifteenth calendar day of the month following the calendar month in which notice of the incident was received. All incidents being reported in the Monthly Incident Report must meet the following criteria: (1) the vehicle involved in the crash is on public accessible roads in the U.S.; (2) the ADS or Level 2 ADAS is engaged for any amount of time during the period from 30 seconds immediately prior to the crash through the conclusion of the crash.

For incidents previously reported in a One-Day Incident Report or a Monthly Incident Report, manufacturers or operators must submit an updated Incident Report on the fifteenth calendar day of the month following the calendar month in which notice of any materially new or different information is received. Manufacturers and operators that have no new incidents or updates to report must submit an Incident Report confirming a lack of any reportable information. The Incident Report is an interactive PDF form that is available on the Safety Recall Dashboard. All Incident Reports must be submitted in an electronic format submitted on the [NHTSA Manufacturer Recalls Portal](#).

The Order states that the information required by the Incident Reports generally does not include potentially confidential business information exempt from public disclosure, but identifies three exceptions. Specifically, NHTSA indicates that manufacturers and operators may claim the following three fields on the Incident Report as confidential business information, where appropriate and supported: (1) the version of the ADAS/ADS the vehicle is equipped with; (2) whether the vehicle was within its operational design domain at the time of the incident; (3) the narrative description of the incident. Importantly, to make a request for confidential treatment, each report must indicate that it contains confidential business information when it is submitted on the online portal and a separate confidentiality request must be submitted to NHTSA's Office of Chief Counsel in support of the CBI claim. NHTSA intends to make publicly available all information not considered confidential.

NHTSA's Order highlights the agency's enhanced focus on scrutinizing vehicle incidents, and improving its understanding of ADS and ADAS technology. According to NHTSA, the goal of all reporting required by the Order is to help the agency quickly identify safety issues that emerge and also allow the agency to identify common patterns or systemic problems in autonomous technology operation. As a result of the Order, NHTSA will receive additional data on incidents involving ADS and ADAS equipped vehicles that can be compared across manufacturers and enable NHTSA to force manufacturers to recall autonomous vehicles based on identified unreasonable risks to motor vehicle safety in certain cases. Manufacturers and operators will need to devote resources to collecting and reporting such data in order to avoid the substantial civil penalties associated with noncompliance with these requirements.

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