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Mobility Legal Updates

February 23, 2026

LIN's Mobility Team monitors legal and regulatory trends in the automotive industry and periodically sends newsletters to our clients.

Mobility Team at LIN LLC monitors trends in technology, legislation, and regulation related to the automotive and future mobility industries to provide summaries of key issues.

Over the past month, the United States and China have continued efforts to reorganize their laws and institutions with a view toward the commercialization of autonomous driving technology. In the U.S., discussions have resumed regarding the enactment of a federal-level framework for autonomous driving, while in China, a draft of national standards for automated driving systems has been released for public consultation. Both countries are demonstrating a trend aimed at embodying safety standards and supervisory systems at the design stage through legislation and national standards.

This newsletter summarizes recent regulatory trends focusing on the resumption of discussions on the U.S. SELF DRIVE Act and the release of China's draft safety

standards for automated driving.

U.S. House of Representatives Commences Review of the SELF DRIVE Act of 2026

Attempts to Legislate Autonomous Driving Safety Standards at the Federal Level

The SELF DRIVE Act of 2026 (*Safely Ensuring Lives Future Deployment and Research In Vehicle Evolution Act of 2026*, H.R. 7390), which may be regarded as the foundational federal regulatory act for autonomous driving in the United States, was referred to the U.S. House of Representatives on February 5, 2026. The primary substance of the bill involves defining Automated Driving Systems (ADS) as distinct from the traditional concept of a human driver and refining how the Federal Motor Vehicle Safety Standards (FMVSS) apply to autonomous vehicles.

In terms of key details, the bill first defines an Automated Driving System (ADS) as a system that performs the entire Dynamic Driving Task (DDT) by replacing a human driver. This appears to be an effort to establish a legal definition suited to autonomous driving technology, given that the existing automotive safety legal framework was designed on the premise that vehicles are operated by human drivers.

Furthermore, the bill allows for exemptions from certain FMVSS requirements under specific conditions to address structural conflicts between autonomous vehicles and existing federal safety standards. This is believed to facilitate unique vehicle designs for ADS, such as those without steering wheels or brake pedals.

Additionally, the role of the National Highway Traffic Safety Administration (NHTSA) under the Department of Transportation will be reorganized. The bill includes provisions to clarify the legal basis for the NHTSA to establish reporting systems related to the safety assessment of autonomous vehicles and to exercise supervisory

authority.

Provisions are also being discussed to establish federal preemption ensuring that federal standards take precedence regarding vehicle design and performance criteria. The goal is to prevent manufacturers from facing redundant regulations due to differing technical standards set by individual States, although licensing, insurance, and traffic rules will still be governed by State laws.

The bill is currently under deliberation, and its specific details and final passage will be determined during the legislative process.

China Releases Draft Safety Standards for Autonomous Driving

Specification of Driver Obligations and System Requirements

In February 2026, China's Ministry of Industry and Information Technology (MIIT) released a draft of "Intelligent and connected vehicle — Safety requirements for automated driving system" for public comments. This document is a draft premised on the enactment of national standards and stipulates the design and safety requirements for automated driving systems.

Regarding its primary contents, the draft stipulates overall safety requirements for driving functions performed by automated driving systems. The safety objective for ADS presented in this draft is to ensure that the system achieves a level of safety equivalent to that of a "competent and careful driver." In other words, the general safety level of a human driver is to be used as the benchmark during the design and verification process of automated driving systems.

Concerning the relationship between the driver and the system, the automated driving function must be designed to be activated only when the driver has completed relevant

education or training, and if the system requests a transition of control to the driver, the transfer must be implemented safely. Furthermore, in cases where the automated driving function is terminated or abnormally disengaged, control of the vehicle must be safely transferred to the driver, and in the event of a system failure, the vehicle is required to be transitioned to a state that minimizes risk.

Additionally, the draft includes requirements for clearly setting the Operational Design Domain (ODD), self-check functions before operation, and requirements for recording and storing driving data. If finalized as a national standard, this regulation is likely to function as the technical criteria that must be complied with during the design and certification processes of automated vehicles. The draft is currently open for public comments and will be finalized after being revised and supplemented following the conclusion of the feedback period.

LIN LLC has extensive experience in providing advisory and litigation services in the mobility industry, particularly in areas such as administrative regulations, and patent and trade secret disputes related to motor vehicles. Our Mobility Team consists of attorneys and experts with a distinctive interest and passion for automobiles.

Should you wish to learn more about this newsletter or have any other inquiries, please do not hesitate to contact **LIN's Mobility Team**.

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