



Impaired Driving Prevention Technology – Advance Notice of Proposed Rulemaking

Background

The Honoring the Abbas Family Legacy to Terminate (HALT) Drunk Driving Act is a provision that was included in the 2021 Bipartisan Infrastructure Investment and Jobs Act (IIJA) that requires auto manufacturers to implement drunk driving prevention technology in new vehicles as early as 2026. The legislation directs the National Highway Traffic Safety Administration (NHTSA) to initiate the rulemaking process and set the final standard within three years for impaired driving prevention technology on all new vehicles. NHTSA will evaluate technologies that may include:

- Driving assistance systems – technology designed for the car to take action such as lane-keeping assistance and collision avoidance intervention.
- Driver monitoring systems – utilizing cameras or other sensors that identify signs of driver impairment.
- Passive alcohol detection systems – determine whether a driver is drunk, and then prevent the vehicle from moving.

Once NHTSA completes the rulemaking process, automakers are given two to three years to integrate the safety equipment into all new vehicles.

The Rulemaking Process

What is federal rulemaking?

According to Regulations.gov, rulemaking is the policy-making process for Executive and Independent agencies of the federal government, in this case NHTSA under the U.S. Department of Transportation (DOT). Agencies use this process to develop and issue rules (also referred to as “regulations”).

The process is governed by laws including but not limited to the Administrative Procedure Act (APA) ([5 U.S.C. Chapter 5](#)), Congressional Review Act, Paperwork Reduction Act, Regulatory Flexibility Act and can lead to a new rule, an amendment to an existing rule, or the repeal of an existing rule.

Why is a rule needed for the HALT Act?

The rulemaking process is needed because NHTSA and DOT must ensure that the law is implemented in a way that is practical and makes administrative sense, while protecting the intent of the law. The law seeks to ensure the prevention of impaired driving fatalities and injuries by implementing advanced drunk and impaired driving prevention technology. The law defines these measures as passively monitoring the performance of a driver and preventing or limiting motor vehicle operation if impairment is detected. The rulemaking process determines which technologies will be implemented to prevent drunk and impaired driving and creates a Federal Motor Vehicle Safety Standard (FMVSS).

What is an Advance Notice of Proposed Rulemaking (ANPRM)?

An ANPRM is issued by NHTSA to gather information and data and ask questions, both technical and policy related, to determine how to develop the regulation. There is a public comment period in which information is submitted, and it helps the government make an informed decision on how best to implement a law such as the HALT Act. Mothers Against Drunk Driving (MADD) will be submitting comments to inform the rulemaking process and encourage the public and stakeholders to comment as well.

When is an ANPRM expected to be released regarding advanced impaired driving prevention technology?

As of January 5, 2024, the public comment period is open on Regulations.gov for 60 days. The comment period closes on March 5, 2024. You can [comment here](#).

How long do we have to submit comments?

All parties will have 60 days to comment to inform the creation of an FMVSS rule. NHTSA is looking for input from the public, victims and survivors, auto companies, auto suppliers, non-profits, public health, traffic safety groups, insurance industry, interlock industry, alcohol industry, and other stakeholders interested in ending impaired driving. The goal is for NHTSA to create an FMVSS for all new cars to have impaired driving prevention technology. It is critical that victims' and survivors' voices are heard by NHTSA that this rule is imperative and needed immediately to prevent more deaths and injuries.

What happens next?

Proposed Rule Stage

Once NHTSA has had time to research and review the ANPRM public comments, the next step is to propose a regulation, known as Notice of Proposed Rulemaking (NPRM). The notice will be posted in the Federal Register and made publicly available.

NHTSA will open another public comment period on the proposed rule. All of the relevant rulemaking materials can be found in the [rulemaking docket](#) (docket folder on Regulations.gov), which includes hearing notices, supporting documents, studies and other references, and all public comments.

Final Rule Stage

After the NPRM comment period closes, NHTSA will review all comments received and conduct a comment analysis. The agency will decide whether to proceed with the NPRM or issue a new or modified proposal.

NHTSA will prepare a Final Rule and publish it in the Federal Register to make it publicly available. The Final Rule becomes effective at least 30 days after its publication date.

The stages of the rulemaking process can be found at [regulations.gov/learn](https://www.regulations.gov/learn).