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U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Submitted via *regulations.gov*

**Comments of Consumer Reports to the
National Highway Traffic Safety Administration on the
Notice of Proposed Rulemaking; Federal Motor Vehicle Safety Standards; Modernization of
FMVSS No. 103 and FMVSS No. 104 To Accommodate ADS-Equipped Vehicles;
Incorporation by Reference
Docket No. NHTSA-2026-0629**

Consumer Reports (CR), the independent, nonprofit, and nonpartisan member organization,¹ welcomes the opportunity to comment on the National Highway Traffic Safety Administration's (NHTSA) notice of proposed rulemaking to amend Federal Motor Vehicle Safety Standards (FMVSS) No. 103, "Windshield defrosting and defogging systems," and FMVSS No. 104, "Windshield wiping and washing systems." The proposed modifications would except from these standards vehicles equipped with automated driving systems (ADS) that do not have manually operated driving controls.

CR understands the rationale for this proposal. FMVSS Nos. 103 and 104 were developed to ensure that a human driver can maintain sufficient visibility through the windshield to operate the vehicle safely. For ADS-equipped vehicles without manually operated driving controls, that specific human-driver rationale may not apply in the same way. To that extent, the proposal appears to reflect a reasonable effort to modernize standards that were written with an assumption of conventional vehicle design.

At the same time, the absence of a human driver does not eliminate the underlying safety problem that these standards were intended to address; instead, it shifts that problem. If an ADS-equipped vehicle will operate without a human driver who can see through the windshield and control the vehicle safely in various environmental conditions, then the vehicle's own sensing and perception systems must be able to detect and respond safely to pedestrians, other vehicles, and objects despite conditions that may impair visibility or sensor performance, be it fog, rain, snow,

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to five million members across the United States.

frost, or dirt. Removing FMVSS Nos. 103 and 104 requirements for ADS-equipped vehicles must not be understood as reducing the importance of visibility-related safety performance.

When the ADS is engaged, the system assumes the role of the driver and should therefore be subject to demonstrable, enforceable safety standards. Consumer expectations are aligned with that principle. According to a December 2024 Consumer Reports [nationally representative survey](#) of 2,130 U.S. adults, two out of three (68%) said they think vehicle safety standards should be stricter for AVs than those for traditional passenger vehicles, while just 3% think they should be less strict. The same survey found that about six in ten (59%) strongly support a federal “vision test” requirement for AVs that would ensure they can detect and respond to other vehicles, people, and objects on the road as well as a human driver would, with an additional 20% somewhat supporting such a requirement.²

A vision test concept is particularly relevant because the current proposal would remove windshield/visibility-related requirements without yet identifying an ADS-specific substitute that would establish enforceable benchmarks for the reliable perception of the driving environment under varying and sometimes challenging environmental conditions. The proposal appropriately recognizes that exempting ADS-equipped vehicles from FMVSS Nos. 103 and 104 does not eliminate the need for safe perception and operation under these types of conditions, but that recognition should not stop at a general statement of manufacturer responsibility to ensure their vehicles are free of unreasonable safety risks. It should, instead, lead to specific, objective federal performance requirements for ADS perception and sensing that fit within a broader framework for the safety of AVs—one that reflects the need for safety to be addressed through standards appropriate to ADS operation.

NHTSA’s proposal would also harmonize FMVSS Nos. 103 and 104 with current industry standards through incorporations by reference. To the extent these updates reflect current industry best practices while preserving the underlying safety function of FMVSS Nos. 103 and 104, CR supports harmonization with the SAE International recommended practices.

Consumer Reports looks forward to continued engagement with NHTSA as the agency considers how to ensure ADS-equipped vehicles are deployed safely and responsibly on public roads.

Respectfully submitted,

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² Consumer Reports, nationally representative American Experiences Survey of 2,130 U.S. adults (Dec. 2024) (online at: article.images.consumerreports.org/image/upload/v1736806650/prod/content/dam/surveys/Consumer_Reports_AES_December_2024.pdf).