

# PUBLIC COMMENT

National Highway Traffic Safety Administration

**Docket: NHTSA-2026-0529 | Doc: NHTSA-2026-0529-0001**

*Incident Reporting Requirements for Automated Driving Systems and Level 2 Advanced Driver Assistance Systems*

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**Location:** Overland Park, Kansas

**Date:** March 25, 2026

**Subject:** The Critical Need for Mandatory Independent Verification Requirements in Level 2 ADAS Reporting — With Reference to CPUC Confirmation of Tesla's Regulatory Classification (March 25, 2026)

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## I. INTRODUCTION AND INTEREST OF COMMENTER

PrimeVitas AI (PURUS VITAS LLC) is a technology company developing independent, real-time AI output verification infrastructure. Our core product, PRIME21, is a deterministic verification system purpose-built to intercept, validate, and gate AI-generated outputs before they reach real-world systems — including autonomous vehicle platforms, medical devices, financial execution engines, and other safety-critical applications.

We submit this comment in strong support of NHTSA's proposed rulemaking under Docket NHTSA-2026-0529 to establish mandatory incident reporting requirements for Level 2 Advanced Driver Assistance Systems (ADAS). We further urge NHTSA to expand the scope of this rulemaking to address a structural gap that today's events have made undeniable: companies operating Level 2 ADAS systems as commercial ride-hailing services on public roads — while marketing those services as "autonomous" — face zero safety reporting obligations. This gap must be closed.

## II. THE REGULATORY GAP: A CASE STUDY IN REAL TIME

On March 25, 2026, California Public Utilities Commission (CPUC) Deputy Executive Director Pat Tsen confirmed on record that Tesla is not operating an autonomous vehicle service in California. Specifically:

- Tesla's ride-hailing operation holds a charter party carrier (TCP) permit — the same authorization issued to limousine companies.
- Tesla's Full Self-Driving (FSD) system is classified as SAE Level 2. The human in the driver's seat is legally the driver, not a safety monitor.
- As a result, Tesla is expressly not subject to California's autonomous vehicle reporting requirements — despite operating a paid commercial ride-hailing service marketed to consumers as a "Robotaxi."

- No per-trip data is submitted. No stoppage events are reported. No independent audit exists.

By contrast, Waymo and Zoox — classified as Level 4 AV operators — submit detailed quarterly data covering vehicle miles traveled, passenger interactions, idling time, and incidents requiring remote intervention. This data is published publicly and subject to independent scrutiny.

**The consequence is asymmetric accountability:** operators with the strongest safety records bear the heaviest reporting burden, while operators marketing unverified AI systems to the public bear none.

### III. THE BOEING PARALLEL — SELF-CERTIFICATION IS NOT SAFETY

The Federal Aviation Administration allowed Boeing to self-certify approximately 96% of the safety systems on the 737 MAX. The result was 346 fatalities across two crashes rooted in a single unverified AI-generated output — MCAS — that activated erroneously and was never independently validated in real-world edge conditions.

Today, multiple Level 2 ADAS operators are certifying their own safety data. They control what is measured, what is reported, and what is disclosed. NHTSA has no independent ground truth against which to validate these claims. The market structure of autonomous vehicle deployment in 2026 mirrors the Boeing self-certification model precisely.

**NHTSA should not wait for the 346 equivalent.** The time to require independent verification of AI output accuracy — before incidents occur — is now, while the commercial deployment framework is still being written.

## IV. SPECIFIC RECOMMENDATIONS

### A. Extend Incident Reporting to All Commercial Level 2 ADAS Operations on Public Roads

Any company that (a) deploys a Level 2 ADAS system, (b) collects commercial fares from passengers, and (c) operates on public roads should be subject to the same incident reporting obligations currently applied to Level 4 AV operators. The commercial context — not the SAE classification — should trigger reporting requirements.

NHTSA should specifically require:

- Miles traveled per vehicle per month, disaggregated by FSD/ADAS-engaged vs. driver-controlled segments
- All incidents in which the ADAS system issued a control output that was overridden by the driver within 500ms
- All disengagement events, including remote operator interventions
- Consumer-facing marketing language used during the reporting period, cross-referenced against the vehicle's SAE classification

### B. Mandate Independent Third-Party Verification of AI Output Accuracy

NHTSA's proposed AV STEP framework (RIN 2127-AM60) already contemplates third-party assessors for ADS review. We urge NHTSA to extend this principle into the mandatory reporting framework: AI-generated outputs that trigger vehicle control actions should be subject to real-time independent verification, not solely post-hoc incident reporting.

Independent verification infrastructure is available, deployable at sub-millisecond latency, and capable of producing a forensic audit trail of every AI control decision — without slowing down vehicle operations. NHTSA should establish performance standards for such systems and make independent verification a condition of commercial ADAS operation.

### **C. Prohibit Consumer-Facing Marketing That Overstates SAE Classification**

The CPUC finding confirms that Tesla currently retains the right — under its own filing — to market its Level 2 service using terms including "driverless," "self-driving," and "Robotaxi." These terms have defined meanings within the SAE taxonomy that are materially inconsistent with Level 2 operation.

NHTSA should exercise its authority under the Safety Act to prohibit consumer-facing marketing materials that misrepresent the autonomy level of ADAS-equipped vehicles. Consumers making safety decisions — including passengers in commercial ride-hailing vehicles — are entitled to accurate information about who, or what, is controlling the vehicle.

### **D. Require a Machine-Readable Audit Ledger for All ADAS Control Decisions**

Incident reporting that relies on operator self-submission is structurally insufficient. NHTSA should require that all commercial Level 2 ADAS deployments maintain a tamper-evident, machine-readable audit ledger of all AI control outputs — with cryptographic integrity protection — that is accessible to NHTSA investigators in the event of an incident or investigation.

This requirement mirrors existing black-box standards in aviation and achieves the same purpose: independent reconstruction of the AI's decision chain, without relying on the operator's own records.

## **V. THE MARKET IS ALREADY IDENTIFYING THIS GAP**

Independent AI verification is not a theoretical concept. Commercial-grade systems exist today capable of:

- Processing AI outputs and returning verified results in sub-millisecond latency
- Achieving verified accuracy rates across domain-specific validation modules
- Generating tamper-evident forensic audit trails for every AI decision in real time
- Operating as a deterministic gate layer — not an AI/ML system — thereby remaining outside the regulatory scope of AI rulemaking while providing safety assurance for AI systems

The infrastructure exists. What is missing is a regulatory framework that makes its deployment a condition of commercial operation. NHTSA has the authority and the mandate to provide that framework under this rulemaking.

## VI. CONCLUSION

The CPUC confirmation released today is not an isolated regulatory finding. It is a signal of a systemic gap in the federal framework for commercial ADAS deployment: companies can collect fares, market AI control systems as autonomous, and bear zero reporting obligations — because their vehicle's SAE classification falls below the threshold that triggers oversight.

NHTSA has a narrow window — while the AV framework is actively being written — to close this gap before it produces the kind of catastrophic outcome that the Boeing parallel makes vividly foreseeable. We urge the agency to:

- Extend incident reporting to all commercial Level 2 ADAS deployments
- Mandate independent third-party verification of AI control outputs
- Prohibit consumer-facing marketing that overstates SAE classification
- Require tamper-evident audit ledgers for all AI control decisions

We are prepared to provide technical briefings, demonstration systems, and additional supporting data to assist NHTSA's rulemaking process. We thank the agency for this opportunity to comment.

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**Respectfully submitted,**

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*Note: This comment describes verified performance outcomes and regulatory observations only. No proprietary architecture, implementation details, or trade secrets of PrimeVitas AI are disclosed herein.*