

111TH CONGRESS
2^D SESSION

H. R. 5381

To require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2010

Mr. WAXMAN (for himself, Mr. RUSH, Mr. DINGELL, Mr. STUPAK, and Mr. BRALEY of Iowa) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Motor Vehicle Safety Act of 2010”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

Sec. 101. Electronics and engineering expertise.
 Sec. 102. Brake override standard.
 Sec. 103. Accelerator control systems.
 Sec. 104. Pedal placement standard.
 Sec. 105. Electronic systems performance standard.
 Sec. 106. Push-button ignition systems standard.
 Sec. 107. Transmission configuration standard.
 Sec. 108. Vehicle event data recorders.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY

Sec. 201. Public availability of early warning data.
 Sec. 202. Improved NHTSA vehicle safety database.
 Sec. 203. Promotion of vehicle defect reporting.
 Sec. 204. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
 Sec. 205. Corporate responsibility for NHTSA reports.
 Sec. 206. Appeal of defect petition rejection.
 Sec. 207. Deadlines for rulemaking.
 Sec. 208. Reports to Congress.

TITLE III—FUNDING

Sec. 301. Vehicle safety user fee.
 Sec. 302. Authorization of appropriations.

TITLE IV—ENHANCED SAFETY AUTHORITIES

Sec. 401. Civil penalties.
 Sec. 402. Imminent hazard authority.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act, the following definitions apply:

3 (1) The term “passenger motor vehicle” means
 4 a motor vehicle (as defined in section 30102(a)(6) of
 5 title 49, United States Code) that is rated at less
 6 than 10,000 pounds gross vehicular weight. Such
 7 term does not include—

8 (A) a motorcycle;

9 (B) a trailer; or

1 (C) a low speed vehicle (as defined in sec-
 2 tion 571.3 in title 49, Code of Federal Regula-
 3 tions).

4 (2) The term “Secretary” means the Secretary
 5 of Transportation, acting through the Administrator
 6 of the National Highway Traffic Safety Administra-
 7 tion.

8 **TITLE I—VEHICLE ELEC-**
 9 **TRONICS AND SAFETY STAND-**
 10 **ARDS**

11 **SEC. 101. ELECTRONICS AND ENGINEERING EXPERTISE.**

12 (a) CENTER FOR VEHICLE ELECTRONICS AND
 13 EMERGING TECHNOLOGIES.—The Secretary shall estab-
 14 lish, within the National Highway Traffic Safety Adminis-
 15 tration, a Center for Vehicle Electronics and Emerging
 16 Technologies to build, integrate, and aggregate the agen-
 17 cy’s expertise in vehicle electronics and other new and
 18 emerging technologies. The center shall coordinate with all
 19 components of the agency responsible for vehicle safety,
 20 including research and development, rulemaking, and de-
 21 fects investigation.

22 (b) HONORS RECRUITMENT PROGRAM.—

23 (1) ESTABLISHMENT.—The Secretary shall es-
 24 tablish, within the National Highway Traffic Safety
 25 Administration, an honors program for engineering

1 students and other students interested in vehicle
2 safety that will enable them to train with engineers
3 and other safety officials for a career in vehicle safe-
4 ty. The Secretary is authorized to provide a stipend
5 to students during their participation in the pro-
6 gram.

7 (2) TARGETED STUDENT.—The Secretary shall
8 develop a plan to target and make an aggressive out-
9 reach to recruit the top 10 percent of science, tech-
10 nology, engineering and mathematics students at-
11 tending—

12 (A) 1890 Land Grant Institutions (as de-
13 fined in section 2 of the Agricultural Research,
14 Extension, and Education Reform Act of 1998
15 (7 U.S.C. 7061));

16 (B) Predominantly Black Institutions (as
17 defined in section 318 of the Higher Education
18 Act of 1965 (20 U.S.C. 1059e));

19 (C) Tribal Colleges or Universities (as de-
20 fined in section 316(b) of the Higher Education
21 Act of 1965 (20 U.S.C. 1059c(b)); and

22 (D) Hispanic Serving Institutions (as de-
23 fined in section 318 of the Higher Education
24 Act of 1965 (20 U.S.C. 059e)).

1 **SEC. 102. BRAKE OVERRIDE STANDARD.**

2 (a) UNINTENDED ACCELERATION.—The Secretary
3 shall initiate a rulemaking proceeding pursuant to section
4 30111 of title 49, United States Code, to prescribe or
5 amend a Federal motor vehicle safety standard that would
6 mitigate unintended acceleration in passenger motor vehi-
7 cles. The standard—

8 (1) shall establish performance requirements
9 that enable a driver to bring a passenger motor vehi-
10 cle safely to a full stop by normal braking applica-
11 tion even if the vehicle is simultaneously receiving
12 accelerator input signals;

13 (2) may permit compliance with such require-
14 ments through a smart pedal system that requires
15 brake pedal application, after a period of time deter-
16 mined by the Secretary, to override an accelerator
17 input signal in order to stop the vehicle; and

18 (3) may permit vehicles to incorporate a means
19 by which the driver would be able to temporarily dis-
20 engage the technology or mechanism required under
21 paragraph (1) to facilitate operations, such as ma-
22 neuvering trailers, or other operating conditions,
23 that may require the simultaneous operation of the
24 service brake and accelerator pedal.

1 (b) DEADLINE.—The Secretary shall issue a final
2 rule under subsection (a) within 1 year after the date of
3 enactment of this Act.

4 **SEC. 103. ACCELERATOR CONTROL SYSTEMS.**

5 (a) IN GENERAL.—The Secretary shall initiate a
6 rulemaking proceeding to amend Federal motor vehicle
7 safety standard 124 to require that at least 1 redundant
8 circuit or other mechanism be built into accelerator control
9 systems, including systems controlled by electronic throt-
10 tle, to maintain vehicle control in the event of failure or
11 malfunction in the accelerator control system.

12 (b) DEADLINE.—The Secretary shall issue a final
13 rule under subsection (a) within 2 years after the date
14 of enactment of this Act.

15 (c) COMBINED.—If the Secretary considers it appro-
16 priate, the Secretary may combine the rulemaking pro-
17 ceeding required by subsection (a) with the rulemaking
18 proceeding required by section 102.

19 **SEC. 104. PEDAL PLACEMENT STANDARD.**

20 (a) CONSIDERATION OF RULE.—Not later than 18
21 months after the date of the enactment of this Act, the
22 Secretary shall initiate a rulemaking proceeding pursuant
23 to section 30111 of title 49, United States Code, to con-
24 sider prescribing or amending Federal motor vehicle safety
25 standards to prevent the potential obstruction of pedal

1 movement in passenger motor vehicles by establishing
2 minimum clearances for passenger motor vehicle foot ped-
3 als with respect to other pedals and the vehicle floor (in-
4 cluding aftermarket floor coverings), taking into account
5 various pedal mounting configurations.

6 (b) DEADLINE FOR DECISION.—If the Secretary de-
7 termines such safety standards are reasonable, prac-
8 ticable, and appropriate, the Secretary shall prescribe the
9 safety standards described in subsection (a) not later than
10 4 years after the date of enactment of this Act. If the
11 Secretary determines that no additional safety standards
12 are reasonable, practicable, and appropriate the Secretary
13 shall transmit a report to the Committee on Energy and
14 Commerce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate describing the reasons such standards were not
17 prescribed.

18 **SEC. 105. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
19 **ARD.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 enactment of this Act, the Secretary shall initiate a rule-
22 making proceeding pursuant to section 30111 of title 49,
23 United States Code, to consider requiring electronic sys-
24 tems in passenger motor vehicles to meet minimum stand-
25 ards for performance. The Secretary shall consider the

1 findings and recommendations of the National Academy
2 of Sciences pursuant to its study of electronic vehicle con-
3 trols and unintended acceleration. The standard may in-
4 clude requirements for electronic components, the inter-
5 action of those electronic components, or the effect of sur-
6 rounding environments on those electronic systems.

7 (b) **DEADLINE FOR DECISION.**—If the Secretary de-
8 termines such safety standards are reasonable, prac-
9 ticable, and appropriate, the Secretary shall prescribe the
10 safety standards described in subsection (a) not later than
11 4 years after the date of enactment of this Act. If the
12 Secretary determines that no additional safety standards
13 are reasonable, practicable, and appropriate the Secretary
14 shall transmit a report to the Committee on Energy and
15 Commerce of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate describing the reasons such standards were not
18 prescribed.

19 **SEC. 106. PUSH-BUTTON IGNITION SYSTEMS STANDARD.**

20 (a) **IN GENERAL.**—The Secretary shall initiate a
21 rulemaking proceeding pursuant to section 30111 of title
22 49, United States Code, to prescribe or amend a Federal
23 motor vehicle safety standard for passenger motor vehicles
24 equipped with push-button ignition systems, to establish
25 the standard operation and function of such systems when

1 used by drivers, including drivers unfamiliar with the vehi-
2 cle, in an emergency situation when the vehicle is in mo-
3 tion.

4 (b) DEADLINE.—The Secretary shall issue a final
5 rule under subsection (a) within 2 years after the date
6 of enactment of this Act.

7 **SEC. 107. TRANSMISSION CONFIGURATION STANDARD.**

8 (a) IN GENERAL.—The Secretary shall initiate a
9 rulemaking proceeding pursuant to section 30111 of title
10 49, United States Code, to revise Federal motor vehicle
11 safety standard 102, to improve the recognition of the
12 gear selector positions for drivers, including drivers unfa-
13 miliar with the vehicle, and to improve the conspicuity of
14 the neutral position.

15 (b) DEADLINE.—The Secretary shall issue a final
16 rule under subsection (a) within 1 year after the date of
17 enactment of this Act.

18 **SEC. 108. VEHICLE EVENT DATA RECORDERS.**

19 (a) REQUIRED EVENT DATA RECORDERS.—Not later
20 than 6 months after the date of the enactment of this sec-
21 tion, the Secretary shall modify the regulation contained
22 in part 563 of title 49, Code of Federal Regulations, to
23 require that passenger motor vehicles sold in the United
24 States be equipped with an event data recorder that meets
25 the requirements for event data recorders set forth in such

1 part. The Secretary shall require manufacturers to include
2 such event data recorders in their entire fleet beginning
3 in model year 2015.

4 (b) REQUIREMENTS FOR EVENT DATA RECORD-
5 ERS.—The Secretary shall initiate a rulemaking pro-
6 ceeding pursuant to section 30111 of title 49, United
7 States Code, to require that the event data recorders re-
8 quired to be installed in passenger motor vehicles pursuant
9 to subsection (a) continuously record vehicle operational
10 data that can be stored and accessed for retrieval and
11 analysis in accordance with subsections (c) and (d).

12 (c) SPECIFICATIONS.—The rule—

13 (1) shall require such recorders to store data
14 covering a reasonable time before, during, and after
15 a crash or airbag deployment, including information
16 on engine performance, steering, braking, accelera-
17 tion, vehicle speed, seat belt use, and airbag deploy-
18 ment level, deactivation status, deployment time, and
19 deployment stage, and may require such recorders to
20 store other data, such as data related to vehicle roll-
21 overs, as the Secretary considers appropriate;

22 (2) shall require such recorders to store data
23 covering at least a sufficient period of time to cap-
24 ture all relevant data from a crash, including vehicle

1 rollovers, and shall establish appropriate recording
2 times for capturing data prior to a crash event;

3 (3) may require such recorders to capture cer-
4 tain events such as rapid deceleration and full brak-
5 ing lasting more than 10 seconds, even if there is
6 not a crash or airbag deployment;

7 (4) may not require information recorded or
8 transmitted by such data recorders to include the ve-
9 hicle location, except for the purposes of emergency
10 response;

11 (5) shall require that data stored on such re-
12 corders be accessible, regardless of vehicle manufac-
13 turer or model, with commercially available equip-
14 ment;

15 (6) shall specify any data format requirements
16 or other requirements, including a standardized data
17 access port, the Secretary determines appropriate to
18 facilitate accessibility and analysis; and

19 (7) shall require that such recorders meet at
20 least the performance requirements for crash resist-
21 ance included in part 563 of title 49, Code of Fed-
22 eral Regulations (as amended January 14, 2008),
23 and, if the Secretary determines that these require-
24 ments do not provide adequate temperature, crash,

1 or water resistance, shall establish such additional
2 standards.

3 (d) LIMITATIONS ON INFORMATION RETRIEVAL.—

4 (1) OWNERSHIP OF DATA.—The rule issued
5 under subsection (b) shall provide that any data in
6 a data recorder required under the rule is the prop-
7 erty of the owner or lessee of the motor vehicle in
8 which the data recorder is installed.

9 (2) PRIVACY.—The rule issued under sub-
10 section (b) shall provide that information recorded
11 or transmitted by such a data recorder may not be
12 retrieved by a person other than the owner or lessee
13 of the motor vehicle in which the recorder is in-
14 stalled unless—

15 (A) a court authorizes retrieval of the in-
16 formation in furtherance of a legal proceeding;

17 (B) the owner or lessee consents to the re-
18 trieval of the information for any purpose, in-
19 cluding the purpose of diagnosing, servicing, or
20 repairing the motor vehicle; or

21 (C) the information is retrieved by a Gov-
22 ernment motor vehicle safety agency for the
23 purpose of improving motor vehicle safety if the
24 personally identifiable information of the owner,
25 lessee, or driver of the vehicle and the vehicle

1 identification number is not disclosed in connec-
2 tion with the retrieved information.

3 (3) TAMPER RESISTANCE.—The rule issued
4 under subsection (b) shall establish performance re-
5 quirements for preventing unauthorized access to the
6 data stored on such event data recorder in order to
7 protect the security, integrity, and authenticity of
8 the data.

9 (e) DISCLOSURE OF EXISTENCE AND PURPOSE OF
10 EVENT DATA RECORDER.—The rule issued under sub-
11 section (a) shall provide that any owner’s manual or simi-
12 lar documentation provided to the first purchaser of a pas-
13 senger motor vehicle for purposes other than resale shall
14 disclose that the vehicle is equipped with such a data re-
15 corder and explain the purpose of the recorder.

16 (f) ACCESS TO EVENT DATA RECORDERS IN DEFECT
17 INVESTIGATIONS.—Section 30166(c)(3)(C) of title 49,
18 United States Code, is amended by inserting “, including
19 any electronic data contained within the vehicle’s diag-
20 nostic system or event data recorder” after “equipment”.

21 (g) DEADLINE FOR RULEMAKING.—The Secretary
22 shall issue a final rule under subsection (a) not later than
23 3 years after the date of enactment of this Act.

1 **TITLE II—TRANSPARENCY AND**
2 **ACCOUNTABILITY**

3 **SEC. 201. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

4 (a) IN GENERAL.—Section 30166(m) of title 49,
5 United States Code, is amended by in paragraph (4), by
6 striking subparagraph (C) and inserting the following:

7 “(C) DISCLOSURE.—The information pro-
8 vided to the Secretary pursuant to this sub-
9 section shall be disclosed publicly unless exempt
10 from disclosure under section 552(b) of title
11 5.”.

12 (b) REGULATIONS.—Not later than 2 years after the
13 date of enactment of this Act, the Secretary shall issue
14 regulations regarding public access to information sub-
15 mitted pursuant to section 30166(m). The Secretary may
16 establish categories of information provided pursuant to
17 such section that must be made available to the public and
18 categories that are exempt from public disclosure under
19 section 552(b) of title 5, United States Code.

20 (c) CONSULTATION.—In conducting the rulemaking
21 required under subsection (a), the Secretary shall consult
22 with the Director of the Office of Government Information
23 Services within the National Archives and the Director of
24 the Office of Information Policy of the Department of Jus-
25 tice.

1 (d) PRESUMPTION AND LIMITATION.—The Secretary
2 shall issue the regulations with a presumption in favor of
3 maximum public availability of information. The following
4 types of information shall not be eligible for protection
5 under section 552(b)(4) of title 5, United States Code, and
6 shall not be withheld from public disclosure:

7 (1) Production information regarding passenger
8 motor vehicles, information on incidents involving
9 death or injury, and numbers of property damage
10 claims.

11 (2) Aggregated numbers of consumer com-
12 plaints.

13 (e) NULLIFICATION OF PRIOR REGULATIONS.—Be-
14 ginning 2 years after the date of the enactment of this
15 Act, the regulations establishing early warning reporting
16 class determinations in appendix C of section 512 of title
17 49, Code of Federal Regulations, shall have no force or
18 effect.

19 **SEC. 202. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of the enactment of this Act, the Secretary shall im-
22 prove public accessibility to information on the National
23 Highway Traffic Safety Administration’s publicly acces-
24 sible vehicle safety databases by—

1 (1) improving organization and functionality,
2 including design features such as drop-down menus,
3 and allowing for data to be searched, aggregated,
4 and downloaded;

5 (2) providing greater consistency in presen-
6 tation of vehicle safety issues; and

7 (3) improving searchability about specific vehi-
8 cles and issues through standardization of commonly
9 used search terms.

10 (b) **VEHICLE RECALL INFORMATION.**—The Secretary
11 shall require that motor vehicle recall information be made
12 available to consumers on the Internet, searchable by vehi-
13 cle identification number in a format that preserves con-
14 sumer privacy. The Secretary may initiate a rulemaking
15 proceeding to require that such information be available
16 on manufacturer websites or through other reasonable
17 means.

18 (c) **ACCESSIBILITY OF MANUFACTURER COMMUNICA-**
19 **TIONS.**—Section 30166(f) of title 49, United States Code,
20 is amended by inserting “, and make available on a pub-
21 licly accessible Internet Web site,” after “Secretary of
22 Transportation”.

23 **SEC. 203. PROMOTION OF VEHICLE DEFECT REPORTING.**

24 Section 32302 of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-
2 MATION.—

3 “(1) RULEMAKING REQUIRED.—Within 1 year
4 after the date of enactment of the Motor Vehicle
5 Safety Act of 2010 the Secretary shall prescribe reg-
6 ulations that require passenger motor vehicle manu-
7 facturers to affix, in the glove compartment or in
8 another readily accessible location on the vehicle, a
9 sticker, decal, or other device that provides, in sim-
10 ple and understandable language, information about
11 how to submit a safety-related motor vehicle defect
12 complaint with the National Highway Traffic Safety
13 Administration. The information may not be placed
14 on the label required by section 3 of the Automobile
15 Information Disclosure Act (15 U.S.C. 1232).

16 “(2) APPLICATION.—The requirements estab-
17 lished under paragraph (1) shall apply to passenger
18 motor vehicles manufactured in model years begin-
19 ning more than 1 year after the date on which a
20 final rule is published under that paragraph.”.

21 **SEC. 204. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
22 **AND MECHANIC PERSONNEL.**

23 The Secretary shall—

24 (1) establish a means by which mechanics,
25 automobile dealership personnel, and automobile

1 manufacturer personnel may contact the National
2 Highway Traffic Safety Administration directly and
3 confidentially regarding potential passenger auto-
4 mobile safety defects; and

5 (2) publicize the means for contacting the Na-
6 tional Highway Traffic Safety Administration in a
7 manner that targets mechanics, automobile dealer-
8 ship personnel, and manufacturer personnel.

9 **SEC. 205. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
10 **PORTS.**

11 (a) IN GENERAL.—Section 30166 of title 49, United
12 States Code, is amended by adding at the end the fol-
13 lowing:

14 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—
15 The Secretary shall require, for each company submitting
16 information to the Secretary in response to a request for
17 information in a safety or compliance investigation under
18 this chapter, that a senior official responsible for safety
19 residing in the United States certify that—

20 “(1) the signing official has reviewed the sub-
21 mission; and

22 “(2) based on the official’s knowledge, the sub-
23 mission does not contain any untrue statement of a
24 material fact or omit to state a material fact nec-
25 essary in order to make the statements made, in

1 light of the circumstances under which such state-
2 ments were made, not misleading.”.

3 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
4 United States Code, is amended—

5 (1) by striking “A person” in paragraph (3)
6 and inserting “Except as provided in paragraph (4),
7 a person”; and

8 (2) by adding at the end thereof the following:

9 “(4) FALSE, MISLEADING, OR INCOMPLETE RE-
10 PORTS.—A person who knowingly and willfully sub-
11 mits materially false, misleading, or incomplete in-
12 formation to the Secretary, after certifying the same
13 information as accurate and complete under the cer-
14 tification process established pursuant to section
15 30166(o), shall be subject to a civil penalty of not
16 more than \$5,000 per day. The maximum penalty
17 under this paragraph for a related series of daily
18 violations is \$5,000,000.”.

19 **SEC. 206. APPEAL OF DEFECT PETITION REJECTION.**

20 Section 30162 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(f) JUDICIAL REVIEW.—A decision of the Secretary
23 to deny a petition filed under subsection (a)(2) of this sec-
24 tion is agency action subject to judicial review under chap-
25 ter 7 of title 5, and such action shall not be considered

1 committed to agency discretion within the meaning of sec-
2 tion 701(a)(2) of such title. A person aggrieved by the
3 denial of a petition may obtain judicial review by filing
4 an action in the court of appeals of the United States for
5 the circuit in which the person resides or has its principal
6 place of business or the United States Court of Appeals
7 for the District of Columbia Circuit not more than 180
8 days after notice of the denial of the petition is published
9 in the Federal Register.”.

10 **SEC. 207. DEADLINES FOR RULEMAKING.**

11 If the Secretary determines that a deadline for a final
12 rule under this Act, or an amendment made by this Act,
13 cannot be met, the Secretary shall—

14 (1) notify the Committee on Energy and Com-
15 merce of the House of Representatives and the Sen-
16 ate Committee on Commerce, Science, and Trans-
17 portation and explain why that deadline cannot be
18 met; and

19 (2) establish a new deadline for that rule.

20 **SEC. 208. REPORTS TO CONGRESS.**

21 (a) **STUDY ON EARLY WARNING DATA.**—Not later
22 than 3, 5, 7, and 9 years after the date of enactment of
23 this Act, the Office of the Inspector General of the Depart-
24 ment of Transportation shall complete a study of the utili-
25 zation of Early Warning data by the National Highway

1 Traffic Safety Administration (NHTSA). Each study shall
2 evaluate the following:

3 (1) The number and type of requests for infor-
4 mation made by the NHTSA based on data received
5 in the Early Warning Reporting system.

6 (2) The number of safety defect investigations
7 opened by NHTSA using any information reported
8 to the agency through the Early Warning Reporting
9 system.

10 (3) The nature and vehicle defect category of
11 all such safety defect investigations.

12 (4) The number of investigations described in
13 paragraph (2) that are subsequently closed without
14 further action.

15 (5) The duration of each investigation described
16 in paragraph (2).

17 (6) The percentage of each investigation that
18 result in a finding of a safety defect or recall by the
19 agency.

20 (7) Other information the Office of the Inspec-
21 tor General deems appropriate.

22 (b) REPORT ON OPERATIONS OF THE CENTER FOR
23 VEHICLE ELECTRONICS AND EMERGING TECH-
24 NOLOGIES.—Not later than 3 years after the date of en-
25 actment of this Act, the Secretary shall report to Congress

1 regarding the operations of the Center for Vehicle Elec-
2 tronics and Emerging Technologies. Such report shall in-
3 clude information about the accomplishments of the Cen-
4 ter, the role the Center plays in integrating and aggreg-
5 ating expertise across NHTSA, and priorities of the Cen-
6 ter over the next 5 years.

7 (c) STUDY OF CRASH DATA COLLECTION.—Not later
8 than 1 year after the date of enactment of this Act, the
9 Secretary shall issue a report regarding the quality of data
10 collected through the National Automotive Sampling Sys-
11 tem, including the Special Crash Investigations, and rec-
12 ommendations for improvements to this data collection
13 program. The report shall include information regard-
14 ing—

15 (1) the analysis and conclusions NHTSA can
16 reach based on the amount of data collected in a
17 given year, and the additional analysis and conclu-
18 sions NHTSA could reach if more crash investiga-
19 tions were conducted each year;

20 (2) the number of investigations per year that
21 would allow for optimal data analysis and crash in-
22 formation;

23 (3) the results of a comprehensive review of the
24 data elements collected from each crash to determine
25 if additional data should be collected; which review

1 shall include input from interested parties, such as
2 suppliers, automakers, safety advocates, the medical
3 community and research organizations; and

4 (4) the resources that would be necessary for
5 NHTSA to implement these recommendations.

6 (d) SUBMISSION OF REPORTS.—Each report shall be
7 submitted to the Committee on Energy and Commerce of
8 the House of Representatives and to the Committee on
9 Commerce, Science, and Transportation of the Senate
10 upon completion.

11 **TITLE III—FUNDING**

12 **SEC. 301. VEHICLE SAFETY USER FEE.**

13 (a) AMENDMENT.—Subchapter I of chapter 301 of
14 title 49, United States Code, is amended by adding at the
15 end the following:

16 **“§ 30107. Vehicle Safety User Fee**

17 “(a) ESTABLISHMENT OF FUND.—There is estab-
18 lished in the Treasury of the United States a separate ac-
19 count for the deposit of fees under this section to be
20 known as the Vehicle Safety Fund.

21 “(b) ASSESSMENT AND COLLECTION OF VEHICLE
22 SAFETY FEES.—Beginning 1 year after the date of enact-
23 ment of the Motor Vehicle Safety Act of 2010, the Sec-
24 retary shall assess and collect, in accordance with this sec-
25 tion, a vehicle safety user fee from the manufacturer for

1 each motor vehicle that is certified as compliant with ap-
2 plicable motor vehicle safety standards pursuant to section
3 30115.

4 “(c) DEPOSIT.—The Secretary shall deposit any fees
5 collected pursuant to subsection (b) into the Vehicle Safe-
6 ty Fund established by subsection (a).

7 “(d) USE.—Amounts in the Vehicle Safety Fund
8 shall be available to the Secretary, as provided in sub-
9 section (i), for making expenditures to meet the obliga-
10 tions of the United States to carry out vehicle safety pro-
11 grams of the National Highway Traffic Safety Adminis-
12 tration.

13 “(e) VEHICLE SAFETY USER FEE.—

14 “(1) FIRST, SECOND, AND THIRD YEAR FEES.—

15 The fee assessed under this section for the first
16 three years shall be as follows:

17 “(A) \$3 for each vehicle certified during
18 the first year in which such fees are assessed.

19 “(B) \$6 for each vehicle certified during
20 the second year in which such fees are assessed.

21 “(C) \$9 for each vehicle certified during
22 the third year in which such fees are assessed.

23 “(2) SUBSEQUENT YEARS.—The fee assessed
24 under this section for each vehicle certified after the
25 third year in which such fees are assessed shall be

1 adjusted by the Secretary by notice published in the
2 Federal Register to reflect the total percentage
3 change that occurred in the Consumer Price Index
4 for all Urban Consumers for the 12-month period
5 ending June 30 preceding the fiscal year for which
6 fees are being established.

7 “(3) PAYMENT.—The Secretary shall require
8 payment of fees under this section on a quarterly
9 basis and not later than one quarter after the date
10 on which the fee was assessed.

11 “(f) RULEMAKING.—Not later than 9 months after
12 the date of enactment of the Motor Vehicle Safety Act of
13 2010, the Secretary shall promulgate rules governing the
14 collection and payment of fees pursuant to this section.

15 “(g) LIMITATIONS.—

16 “(1) IN GENERAL.—Fees under this section
17 shall not be collected for a fiscal year unless appro-
18 priations for vehicle safety programs of the National
19 Highway Traffic Safety Administration for such fis-
20 cal year (excluding the amount of fees appropriated
21 for such fiscal year) are equal to or greater than the
22 amount of appropriations for vehicle safety pro-
23 grams of the National Highway Traffic Safety Ad-
24 ministration for fiscal year 2010.

1 “(2) AUTHORITY.—If the Secretary does not
2 assess fees under this section during any portion of
3 a fiscal year because of paragraph (1), the Secretary
4 may assess and collect such fees, without any modi-
5 fication in the rate, at a later date in such fiscal
6 year notwithstanding the provisions of subsection
7 (e)(3) relating to the date fees are to be paid.

8 “(h) COLLECTION OF UNPAID FEES.—In any case
9 where the Secretary does not receive payment of a fee as-
10 sessed under this section within 30 days after it is due,
11 such fee shall be treated as a claim of the United States
12 Government subject to subchapter II of chapter 37 of title
13 31.

14 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
15 tion to funds appropriated under section 30104, there is
16 authorized to be appropriated from the Vehicle Safety
17 Fund to the Secretary for the National Highway Traffic
18 Safety Administration for each fiscal year in which fees
19 are collected under subsection (b) an amount equal to the
20 total amount collected during the previous fiscal year from
21 fees assessed pursuant to this section. Such amounts are
22 authorized to remain available until expended.

23 “(j) CREDITING AND AVAILABILITY OF FEES.—Fees
24 authorized under subsection (b) shall be collected and

1 available for obligation only to the extent and in the
2 amount provided in advance in appropriations Acts.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 chapter is amended by inserting after the item relating
5 to section 30106 the following:

“30107. Vehicle safety user fee.”.

6 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 30104 of title 49, United States Code, is
8 amended—

9 (1) by striking “\$98,313,500”; and

10 (2) by striking “in each fiscal year beginning”

11 and all that follows and inserting “and to carry out

12 the Motor Vehicle Safety Act of 2010—

13 “(1) \$200,000,000 for fiscal year 2011;

14 “(2) \$240,000,000 for fiscal year 2012; and

15 “(3) \$280,000,000 for fiscal year 2013.”.

16 **TITLE IV—ENHANCED SAFETY**
17 **AUTHORITIES**

18 **SEC. 401. CIVIL PENALTIES.**

19 (a) IN GENERAL.—Section 30165 of title 49, United
20 States Code, is amended—

21 (1) in subsection (a)(1)—

22 (A) in the first sentence by striking

23 “\$5,000” and inserting “\$25,000”; and

24 (B) in the third sentence, by striking

25 “\$15,000,000” and inserting “\$200,000,000”;

1 (2) in subsection (a)(3)—

2 (A) in the second sentence by striking
3 “\$5,000” and inserting “\$25,000”; and

4 (B) in the third sentence, by striking
5 “\$15,000,000” and inserting “\$200,000,000”;
6 and

7 (3) by striking subsection (c) and inserting the
8 following:

9 “(c) RELEVANT FACTORS IN DETERMINING AMOUNT
10 OF PENALTY OR COMPROMISE.—In determining the
11 amount of a civil penalty or compromise, the nature, cir-
12 cumstances, extent, and gravity of the violation shall be
13 considered. This shall include, where appropriate, the na-
14 ture of the defect or noncompliance, the severity of the
15 risk of injury, the occurrence or absence of injury, the
16 number of motor vehicles or items of motor vehicle equip-
17 ment distributed with the defect or noncompliance, the ex-
18 istence of an imminent hazard, the appropriateness of
19 such penalty in relation to the size of the business of the
20 person charged, recognizing the potential for undue ad-
21 verse economic impacts on small businesses, and such
22 other factors as appropriate.”.

23 (b) CIVIL PENALTY CRITERIA.—Not later than 1
24 year after the date of enactment of this Act, and in ac-
25 cordance with the procedures of section 553 of title 5,

1 United States Code, the Secretary shall issue a final regu-
2 lation providing its interpretation of the penalty factors
3 described in section 30165(c) of title 49, United States
4 Code, as added by subsection (a).

5 (c) CONSTRUCTION.—Nothing in this section shall be
6 construed as preventing the imposition of penalties under
7 section 30165 of title 49, United States Code, prior to
8 the issuance of a final rule pursuant to subsection (b).

9 **SEC. 402. IMMINENT HAZARD AUTHORITY.**

10 (a) IN GENERAL.—Section 30118(b) of title 49,
11 United States Code, is amended by adding at the end the
12 following:

13 “(3) IMMINENT HAZARD ORDERS.—If the Sec-
14 retary of Transportation in making a decision under
15 subsection (a) also initially decides that such defect
16 or noncompliance presents a substantial likelihood of
17 death or serious injury to the public, the Secretary
18 shall notify such manufacturer. The opportunity for
19 the manufacturer to present information, views, and
20 arguments in accordance with paragraph (1) shall be
21 provided as soon as practicable but not later than 10
22 calendar days after the initial decision. The Sec-
23 retary shall expedite proceedings for a decision and
24 order under paragraph (1) and shall, as appropriate,
25 issue an imminent hazard order.”.

1 (b) PROCEDURES.—Not later than 2 years after the
2 date of enactment of this Act, the Secretary shall issue
3 procedures for the issuance and enforcement of imminent
4 hazard orders under section 30118(b)(3) of title 49,
5 United States Code (as added by subsection (a)), con-
6 sistent with the provisions of chapter 301 of such title and
7 the Administrative Procedures Act.

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