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111TH CONGRESS
2^D SESSION

H. R. 5381

[Report No. 111-536]

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

JULY 14, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 25, 2010]

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.

Sec. 109. Commercial motor vehicle rollover prevention and crash mitigation.

Sec. 110. Minimum sound requirement.

Sec. 111. Driver alcohol detection system research.

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.

Sec. 209. Restriction on Covered Vehicle Safety Officials.

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.

TITLE V—ADDITIONAL PROVISIONS

Sec. 501. Preemption of State law.

1 **SEC. 2. DEFINITIONS.**

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

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

8 (A) *a motorcycle;*

9 (B) *a trailer; or*

10 (C) *a low speed vehicle (as defined in sec-*
11 *tion 571.3 in title 49, Code of Federal Regula-*
12 *tions).*

13 (2) *The term “Secretary” means the Secretary of*
14 *Transportation, acting through the Administrator of*
15 *the National Highway Traffic Safety Administration.*

16 **TITLE I—VEHICLE ELECTRONICS**
17 **AND SAFETY STANDARDS**

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

19 (a) **CENTER FOR VEHICLE ELECTRONICS AND EMERG-**
20 **ING TECHNOLOGIES.—**

21 (1) **IN GENERAL.—***The Secretary shall establish,*
22 *within the National Highway Traffic Safety Admin-*
23 *istration, a Center for Vehicle Electronics and Emerg-*
24 *ing Technologies. The Center shall—*

1 (A) build, integrate, and aggregate the
2 agency's expertise in vehicle electronics and other
3 new and emerging technologies;

4 (B) coordinate with all components of the
5 agency responsible for vehicle safety, including
6 research and development, rulemaking, and de-
7 fects investigation; and

8 (C) conduct research into the use of light-
9 weight materials in vehicles, including through
10 the implementation of the Plastic and Composite
11 Intensive Vehicle Safety Roadmap (Report No.
12 DOT HS 810 863).

13 (2) *LIMITATION.*—Not more than 20 percent of
14 the funds spent by the Center in a given year may
15 be spent for the purposes described in paragraph
16 (1)(C).

17 (b) *HONORS RECRUITMENT PROGRAM.*—

18 (1) *ESTABLISHMENT.*—The Secretary shall estab-
19 lish, within the National Highway Traffic Safety Ad-
20 ministration, an honors program for engineering stu-
21 dents and other students interested in vehicle safety
22 that will enable them to train with engineers and
23 other safety officials for a career in vehicle safety. The
24 Secretary is authorized to provide a stipend to stu-
25 dents during their participation in the program.

1 (2) *TARGETED STUDENT.*—*The Secretary shall*
2 *develop a plan to target and make an aggressive out-*
3 *reach to recruit the top 10 percent of science, tech-*
4 *nology, engineering and mathematics students attend-*
5 *ing—*

6 (A) *1890 Land Grant Institutions (as de-*
7 *defined in section 2 of the Agricultural Research,*
8 *Extension, and Education Reform Act of 1998 (7*
9 *U.S.C. 7061));*

10 (B) *Predominantly Black Institutions (as*
11 *defined in section 318 of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1059e));*

13 (C) *Tribal Colleges or Universities (as de-*
14 *defined in section 316(b) of the Higher Education*
15 *Act of 1965 (20 U.S.C. 1059c(b)); and*

16 (D) *Hispanic Serving Institutions (as de-*
17 *defined in section 318 of the Higher Education Act*
18 *of 1965 (20 U.S.C. 059e)).*

19 **SEC. 102. BRAKE OVERRIDE STANDARD.**

20 (a) *UNINTENDED ACCELERATION.*—*The Secretary*
21 *shall initiate a rulemaking proceeding pursuant to section*
22 *30111 of title 49, United States Code, to prescribe or amend*
23 *a Federal motor vehicle safety standard that would mitigate*
24 *unintended acceleration in passenger motor vehicles. The*
25 *standard—*

1 (1) shall establish performance requirements that
2 enable a driver to bring a passenger motor vehicle
3 safely to a full stop by normal braking application
4 even if the vehicle is simultaneously receiving accel-
5 erator input signals;

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

11 (3) may permit vehicles to incorporate a means
12 by which the driver would be able to temporarily dis-
13 engage the technology or mechanism required under
14 paragraph (1) to facilitate operations, such as ma-
15 neuversing trailers, or other operating conditions, that
16 may require the simultaneous operation of the service
17 brake and accelerator pedal.

18 (b) *DEADLINE.*—The Secretary shall issue a final rule
19 under subsection (a) within 1 year after the date of enact-
20 ment of this Act.

21 **SEC. 103. ACCELERATOR CONTROL SYSTEMS.**

22 (a) *IN GENERAL.*—The Secretary shall initiate a rule-
23 making proceeding to amend Federal motor vehicle safety
24 standard 124 to require that at least 1 redundant circuit
25 or other mechanism be built into accelerator control sys-

1 *tems, including systems controlled by electronic throttle, to*
2 *maintain vehicle control in the event of failure or malfunc-*
3 *tion in the accelerator control system.*

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

7 *(c) COMBINED.—If the Secretary considers it appro-*
8 *priate, the Secretary may combine the rulemaking pro-*
9 *ceeding required by subsection (a) with the rulemaking pro-*
10 *ceeding required by section 102.*

11 **SEC. 104. PEDAL PLACEMENT STANDARD.**

12 *(a) CONSIDERATION OF RULE.—Not later than 18*
13 *months after the date of the enactment of this Act, the Sec-*
14 *retary shall initiate a rulemaking proceeding pursuant to*
15 *section 30111 of title 49, United States Code, to consider*
16 *prescribing or amending Federal motor vehicle safety stand-*
17 *ards to prevent the potential obstruction of pedal movement*
18 *in passenger motor vehicles by establishing minimum clear-*
19 *ances for passenger motor vehicle foot pedals with respect*
20 *to other pedals and the vehicle floor (including aftermarket*
21 *floor coverings), taking into account various pedal mount-*
22 *ing configurations.*

23 *(b) DEADLINE FOR DECISION.—If the Secretary deter-*
24 *mines such safety standards are reasonable, practicable,*
25 *and appropriate, the Secretary shall prescribe the safety*

1 *standards described in subsection (a) not later than 4 years*
2 *after the date of enactment of this Act. If the Secretary de-*
3 *termines that no additional safety standards are reasonable,*
4 *practicable, and appropriate the Secretary shall transmit*
5 *a report to the Committee on Energy and Commerce of the*
6 *House of Representatives and the Committee on Commerce,*
7 *Science, and Transportation of the Senate describing the*
8 *reasons such standards were not prescribed.*

9 **SEC. 105. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
10 **ARD.**

11 (a) *IN GENERAL.*—*Not later than 2 years after the en-*
12 *actment of this Act, the Secretary shall initiate a rule-*
13 *making proceeding pursuant to section 30111 of title 49,*
14 *United States Code, to consider requiring electronic systems*
15 *in passenger motor vehicles to meet minimum standards for*
16 *performance. The Secretary shall consider the findings and*
17 *recommendations of the National Academy of Sciences pur-*
18 *suant to its study of electronic vehicle controls and unin-*
19 *tended acceleration. The standard may include require-*
20 *ments for electronic components, the interaction of those*
21 *electronic components, or the effect of surrounding environ-*
22 *ments on those electronic systems.*

23 (b) *DEADLINE FOR DECISION.*—*If the Secretary deter-*
24 *mines such safety standards are reasonable, practicable,*
25 *and appropriate, the Secretary shall prescribe the safety*

1 *standards described in subsection (a) not later than 4 years*
2 *after the date of enactment of this Act. If the Secretary de-*
3 *termines that no additional safety standards are reasonable,*
4 *practicable, and appropriate the Secretary shall transmit*
5 *a report to the Committee on Energy and Commerce of the*
6 *House of Representatives and the Committee on Commerce,*
7 *Science, and Transportation of the Senate describing the*
8 *reasons such standards were not prescribed.*

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

10 (a) *IN GENERAL.*—*The Secretary shall initiate a rule-*
11 *making proceeding pursuant to section 30111 of title 49,*
12 *United States Code, to prescribe or amend a Federal motor*
13 *vehicle safety standard for passenger motor vehicles*
14 *equipped with push-button ignition systems, to establish the*
15 *standard operation and function of such systems when used*
16 *by drivers, including drivers unfamiliar with the vehicle,*
17 *in an emergency situation when the vehicle is in motion.*

18 (b) *DEADLINE.*—*The Secretary shall issue a final rule*
19 *under subsection (a) within 2 years after the date of enact-*
20 *ment of this Act.*

21 **SEC. 107. TRANSMISSION CONFIGURATION STANDARD.**

22 (a) *IN GENERAL.*—*The Secretary shall initiate a rule-*
23 *making proceeding pursuant to section 30111 of title 49,*
24 *United States Code, to revise Federal motor vehicle safety*
25 *standard 102, to improve the recognition of the gear selector*

1 *positions for drivers, including drivers unfamiliar with the*
2 *vehicle, and to improve the conspicuity of the neutral posi-*
3 *tion.*

4 *(b) DEADLINE.—The Secretary shall issue a final rule*
5 *under subsection (a) within 1 year after the date of enact-*
6 *ment of this Act.*

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

8 *(a) REQUIRED EVENT DATA RECORDERS.—Not later*
9 *than 6 months after the date of the enactment of this section,*
10 *the Secretary shall modify the regulation contained in part*
11 *563 of title 49, Code of Federal Regulations, to require that*
12 *passenger motor vehicles sold in the United States be*
13 *equipped with an event data recorder that meets the re-*
14 *quirements for event data recorders set forth in such part.*
15 *The Secretary shall require manufacturers to include such*
16 *event data recorders in their entire fleet beginning in model*
17 *year 2015.*

18 *(b) REQUIREMENTS FOR EVENT DATA RECORDERS.—*
19 *The Secretary shall initiate a rulemaking proceeding pur-*
20 *suant to section 30111 of title 49, United States Code, to*
21 *require that the event data recorders required to be installed*
22 *in passenger motor vehicles pursuant to subsection (a) con-*
23 *tinuously record vehicle operational data that can be stored*
24 *and accessed for retrieval and analysis in accordance with*
25 *subsections (c) and (d).*

1 (c) *SPECIFICATIONS.—The rule—*

2 (1) *shall require such recorders to store data cov-*
3 *ering a reasonable time before, during, and after a*
4 *crash or airbag deployment, including information on*
5 *engine performance, steering, braking, acceleration,*
6 *vehicle speed, seat belt use, and airbag deployment*
7 *level, deactivation status, deployment time, and de-*
8 *ployment stage, and may require such recorders to*
9 *store other data, such as data related to vehicle roll-*
10 *overs, as the Secretary considers appropriate;*

11 (2) *shall require such recorders to store data cov-*
12 *ering at least a sufficient period of time to capture*
13 *all relevant data from a crash, including vehicle roll-*
14 *overs, and shall establish appropriate recording times*
15 *for capturing data prior to a crash event;*

16 (3) *may require such recorders to capture certain*
17 *events such as rapid deceleration and full braking*
18 *lasting more than 10 seconds, even if there is not a*
19 *crash or airbag deployment;*

20 (4) *may not require information recorded or*
21 *transmitted by such data recorders to include the ve-*
22 *hicle location, except for the purposes of emergency re-*
23 *sponse;*

1 (5) shall require that data stored on such record-
2 ers be accessible, regardless of vehicle manufacturer or
3 model, with commercially available equipment;

4 (6) shall specify any data format requirements
5 or other requirements, including a standardized data
6 access port, the Secretary determines appropriate to
7 facilitate accessibility and analysis; and

8 (7) shall require that such recorders meet at least
9 the performance requirements for crash resistance in-
10 cluded in part 563 of title 49, Code of Federal Regu-
11 lations (as amended January 14, 2008), and, if the
12 Secretary determines that these requirements do not
13 provide adequate temperature, crash, or water resist-
14 ance, shall establish such additional standards.

15 (d) *LIMITATIONS ON INFORMATION RETRIEVAL.*—

16 (1) *OWNERSHIP OF DATA.*—The rule issued
17 under subsection (b) shall provide that any data in
18 a data recorder required under the rule is the prop-
19 erty of the owner or lessee of the motor vehicle in
20 which the data recorder is installed.

21 (2) *PRIVACY.*—The rule issued under subsection
22 (b) shall provide that information recorded or trans-
23 mitted by such a data recorder may not be retrieved
24 by a person other than the owner or lessee of the

1 *motor vehicle in which the recorder is installed un-*
2 *less—*

3 *(A) a court authorizes retrieval of the infor-*
4 *mation in furtherance of a legal proceeding;*

5 *(B) the owner or lessee consents to the re-*
6 *trieval of the information for any purpose, in-*
7 *cluding the purpose of diagnosing, servicing, or*
8 *repairing the motor vehicle; or*

9 *(C) the information is retrieved by a gov-*
10 *ernment motor vehicle safety agency for the pur-*
11 *pose of improving motor vehicle safety if the per-*
12 *sonally identifiable information of the owner, les-*
13 *see, or driver of the vehicle and the vehicle iden-*
14 *tification number is not disclosed in connection*
15 *with the retrieved information.*

16 *(3) TAMPER RESISTANCE.—The rule issued*
17 *under subsection (b) shall establish performance re-*
18 *quirements for preventing unauthorized access to the*
19 *data stored on such event data recorder in order to*
20 *protect the security, integrity, and authenticity of the*
21 *data.*

22 *(e) DISCLOSURE OF EXISTENCE AND PURPOSE OF*
23 *EVENT DATA RECORDER.—The rule issued under sub-*
24 *section (a) shall provide that any owner’s manual or simi-*
25 *lar documentation provided to the first purchaser of a pas-*

1 *senger motor vehicle for purposes other than resale shall dis-*
2 *close that the vehicle is equipped with such a data recorder*
3 *and explain the purpose of the recorder.*

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

9 (g) *DEADLINE FOR RULEMAKING.*—The Secretary
10 *shall issue a final rule under subsection (a) not later than*
11 *3 years after the date of enactment of this Act.*

12 **SEC. 109. COMMERCIAL MOTOR VEHICLE ROLLOVER PRE-**
13 **VENTION AND CRASH MITIGATION.**

14 (a) *RULEMAKING.*—Not later than 6 months after the
15 *date of enactment of this Act, the Secretary shall initiate*
16 *a rulemaking proceeding pursuant to section 30111 of title*
17 *49, United States Code, to prescribe or amend a Federal*
18 *motor vehicle safety standard to reduce commercial motor*
19 *vehicle rollover and loss of control crashes and mitigate*
20 *deaths and injuries associated with such crashes for air-*
21 *braked motor vehicles with a gross vehicle weight rating of*
22 *more than 26,000 pounds.*

23 (b) *REQUIRED PERFORMANCE STANDARDS.*—The rule-
24 *making proceeding initiated under subsection (a) shall es-*
25 *tablish standards to reduce the occurrence of rollovers con-*

1 *sistent with stability enhancing technologies that address*
2 *both rollovers and loss-of-control crashes.*

3 *(c) DEADLINE.—The Secretary shall issue a final rule*
4 *under subsection (a) not later than 18 months after the date*
5 *of enactment of this Act.*

6 **SEC. 110. MINIMUM SOUND REQUIREMENT.**

7 *(a) RULEMAKING.—Not later than 18 months fol-*
8 *lowing the date of enactment of this Act the Secretary shall*
9 *initiate a rulemaking proceeding under section 30111 of*
10 *title 49, United States Code, to promulgate a motor vehicle*
11 *safety standard to establish performance requirements for*
12 *an alert sound that allows blind and other pedestrians to*
13 *reasonably detect a nearby electric or hybrid vehicle oper-*
14 *ating below the cross-over speed, if any. Such standard—*

15 *(1) shall require new electric or hybrid vehicles*
16 *to provide an alert sound conforming to the require-*
17 *ments of the motor vehicle safety standard established*
18 *under this subsection;*

19 *(2) shall not require either driver or pedestrian*
20 *activation of the alert sound;*

21 *(3) shall allow the pedestrian to reasonably de-*
22 *tect a nearby electric or hybrid vehicle in critical op-*
23 *erating scenarios, including but not limited to con-*
24 *stant speed, accelerating, and decelerating;*

1 (4) shall allow manufacturers to provide each ve-
2 hicle with 1 or more alert sounds that comply with
3 the motor vehicle safety standard at the time of man-
4 ufacture; and

5 (5) shall require manufacturers to provide, with-
6 in reasonable manufacturing tolerances, the same
7 alert sound or set of alert sounds for all vehicles of
8 the same make and model and shall prohibit manu-
9 facturers from providing any mechanism for anyone
10 other than the manufacturer or the dealer to disable,
11 alter, replace, or modify the alert sound or set of alert
12 sounds, except that the manufacturer or dealer may
13 alter, replace, or modify the alert sound or set of alert
14 sounds in order to remedy a defect or non-compliance
15 with the motor vehicle safety standard.

16 (b) *CONSIDERATION.*—When conducting the required
17 rulemaking, the Secretary shall—

18 (1) determine the minimum level of an alert
19 sound emitted from a motor vehicle that is necessary
20 to provide blind and other pedestrians with the infor-
21 mation needed to reasonably detect a nearby electric
22 or hybrid vehicle operating at or below the cross-over
23 speed, if any;

1 (2) *determine the performance requirements for*
2 *an alert sound that is recognizable to a pedestrian as*
3 *a motor vehicle in operation; and*

4 (3) *consider the overall noise impact to streets*
5 *and communities.*

6 (c) *PHASE-IN REQUIRED.*—*The motor vehicle safety*
7 *standard prescribed pursuant to subsection (a) shall estab-*
8 *lish a phase-in period for compliance, as determined by the*
9 *Secretary, and shall require full compliance with the re-*
10 *quired motor vehicle safety standard for motor vehicles*
11 *manufactured on or after September 1 of the calendar year*
12 *that begins 3 years after the date on which the final rule*
13 *is issued.*

14 (d) *CONSULTATION.*—*When conducting the required*
15 *study and rulemaking, the Secretary shall consult with—*

16 (1) *the Environmental Protection Agency to as-*
17 *sure that the motor vehicle safety standard is con-*
18 *sistent with existing noise requirements overseen by*
19 *the Agency;*

20 (2) *consumer groups representing individuals*
21 *who are blind;*

22 (3) *automobile manufacturers and professional*
23 *organizations representing them; and*

24 (4) *technical standardization organizations re-*
25 *sponsible for measurement methods such as the Soci-*

1 *ety of Automotive Engineers, the International Orga-*
2 *nization for Standardization, and the United Nations*
3 *Economic Commission for Europe, World Forum for*
4 *Harmonization of Vehicle Regulations.*

5 *(e) DEADLINE.—The Secretary shall issue a final rule*
6 *under subsection (a) not later than 36 months after the date*
7 *of enactment of this Act.*

8 *(f) STUDY AND REPORT.—Not later than 4 years after*
9 *the date of enactment of this Act, the Secretary shall com-*
10 *plete a study and report to Congress as to whether there*
11 *exists a safety need to apply the motor vehicle safety stand-*
12 *ard required by subsection (a) to conventional motor vehi-*
13 *cles. In the event that the Secretary determines there exists*
14 *a safety need, the Secretary shall initiate rulemaking under*
15 *section 30111 of title 49, United States Code to extend the*
16 *standard to conventional motor vehicles.*

17 *(g) DEFINITIONS.—For purposes of the motor vehicle*
18 *safety standard required under this section—*

19 *(1) the term “alert sound” means a vehicle-emit-*
20 *ted sound that enables pedestrians to discern vehicle*
21 *presence, direction, location, and operation;*

22 *(2) the term “cross-over speed” means the speed*
23 *at which tire noise, wind resistance, or other factors*
24 *eliminate the need for a separate alert sound, as de-*
25 *termined by the Secretary;*

1 (3) the term “conventional motor vehicle” means
2 a motor vehicle powered by a gasoline, diesel, or alter-
3 native fueled internal combustion engine as its sole
4 means of propulsion;

5 (4) the term “electric vehicle” means a motor ve-
6 hicle with an electric motor as its sole means of pro-
7 pulsion; and

8 (5) the term “hybrid vehicle” means a motor ve-
9 hicle which has more than one means of propulsion.

10 **SEC. 111. DRIVER ALCOHOL DETECTION SYSTEM RE-**
11 **SEARCH.**

12 (a) *RESEARCH.*—The Secretary shall carry out a col-
13 laborative research effort to continue to explore the feasi-
14 bility and the potential benefits of, and the public policy
15 challenges associated with, more widespread deployment of
16 in-vehicle technology to prevent alcohol-impaired driving.

17 (b) *REPORT.*—Not later than 1 year after the date of
18 the enactment of this Act, the Secretary shall submit a re-
19 port annually to the Committee on Energy and Commerce
20 of the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate—

22 (1) describing progress in carrying out the col-
23 laborative research effort; and

1 (2) *including an accounting for the use of Fed-*
2 *eral funds obligated or expended in carrying out that*
3 *effort.*

4 (c) *AUTHORIZATION.—From amounts appropriated*
5 *under section 30104 of title 49, United States Code, the Sec-*
6 *retary is authorized to expend \$8,000,000 during each of*
7 *fiscal years 2011 through 2015 to conduct the research re-*
8 *quired under this section.*

9 **TITLE II—TRANSPARENCY AND**
10 **ACCOUNTABILITY**

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

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

15 “(C) *DISCLOSURE.—The information pro-*
16 *vided to the Secretary pursuant to this sub-*
17 *section shall be disclosed publicly unless exempt*
18 *from disclosure under section 552(b) of title 5.”.*

19 (b) *REGULATIONS.—Not later than 2 years after the*
20 *date of enactment of this Act, the Secretary shall issue regu-*
21 *lations regarding public access to information submitted*
22 *pursuant to section 30166(m). The Secretary may establish*
23 *categories of information provided pursuant to such section*
24 *that must be made available to the public and categories*

1 *that are exempt from public disclosure under section 552(b)*
2 *of title 5, United States Code.*

3 *(c) CONSULTATION.—In conducting the rulemaking re-*
4 *quired under subsection (a), the Secretary shall consult with*
5 *the Director of the Office of Government Information Serv-*
6 *ices within the National Archives and the Director of the*
7 *Office of Information Policy of the Department of Justice.*

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

14 *(1) Production information regarding passenger*
15 *motor vehicles, information on incidents involving*
16 *death or injury, and numbers of property damage*
17 *claims.*

18 *(2) Aggregated numbers of consumer complaints.*

19 *(e) NULLIFICATION OF PRIOR REGULATIONS.—Begin-*
20 *ning 2 years after the date of the enactment of this Act,*
21 *the regulations establishing early warning reporting class*
22 *determinations in Appendix C of section 512 of title 49,*
23 *Code of Federal Regulations, shall have no force or effect.*

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

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

7 (1) *improving organization and functionality,*
8 *including design features such as drop-down menus,*
9 *and allowing for data to be searched, aggregated, and*
10 *downloaded;*

11 (2) *providing greater consistency in presentation*
12 *of vehicle safety issues; and*

13 (3) *improving searchability about specific vehi-*
14 *cles and issues through standardization of commonly*
15 *used search terms.*

16 (b) *VEHICLE RECALL INFORMATION.*—The Secretary
17 shall require that motor vehicle recall information be made
18 available to consumers on the Internet, searchable by vehicle
19 identification number in a format that preserves consumer
20 privacy. The Secretary may initiate a rulemaking pro-
21 ceeding to require that such information be available on
22 manufacturer websites or through other reasonable means.

23 (c) *ACCESSIBILITY OF MANUFACTURER COMMUNICA-*
24 *TIONS.*—Section 30166(f) of title 49, United States Code,
25 is amended by inserting “, and make available on a pub-

1 *licly accessible Internet website,” after “Secretary of Trans-*
2 *portation”.*

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

4 *Section 32302 of title 49, United States Code, is*
5 *amended by adding at the end the following:*

6 *“(d) MOTOR VEHICLE DEFECT REPORTING INFORMA-*
7 *TION.—*

8 *“(1) RULEMAKING REQUIRED.—Within 1 year*
9 *after the date of enactment of the Motor Vehicle Safety*
10 *Act of 2010 the Secretary shall prescribe regulations*
11 *that require passenger motor vehicle manufacturers to*
12 *affix, in the glove compartment or in another readily*
13 *accessible location on the vehicle, a sticker, decal, or*
14 *other device that provides, in simple and understand-*
15 *able language, information about how to submit a*
16 *safety-related motor vehicle defect complaint with the*
17 *National Highway Traffic Safety Administration.*
18 *The information may not be placed on the label re-*
19 *quired by section 3 of the Automobile Information*
20 *Disclosure Act (15 U.S.C. 1232).*

21 *“(2) APPLICATION.—The requirements estab-*
22 *lished under paragraph (1) shall apply to passenger*
23 *motor vehicles manufactured in model years begin-*
24 *ning more than 1 year after the date on which a final*
25 *rule is published under that paragraph.”.*

1 **SEC. 204. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
2 **AND MECHANIC PERSONNEL.**

3 *The Secretary shall—*

4 *(1) establish a means by which mechanics, auto-*
5 *mobile dealership personnel, and automobile manu-*
6 *facturer personnel may contact the National Highway*
7 *Traffic Safety Administration directly and confiden-*
8 *tially regarding potential passenger automobile safety*
9 *defects; and*

10 *(2) publicize the means for contacting the Na-*
11 *tional Highway Traffic Safety Administration in a*
12 *manner that targets mechanics, automobile dealership*
13 *personnel, and manufacturer personnel.*

14 **SEC. 205. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
15 **PORTS.**

16 *(a) IN GENERAL.—Section 30166 of title 49, United*
17 *States Code, is amended by adding at the end the following:*

18 *“(o) CORPORATE RESPONSIBILITY FOR REPORTS.—*
19 *The Secretary shall require, for each company submitting*
20 *information to the Secretary in response to a request for*
21 *information in a safety or compliance investigation under*
22 *this chapter, that a senior official responsible for safety re-*
23 *siding in the United States certify that—*

24 *“(1) the signing official has reviewed the submis-*
25 *sion; and*

1 “(2) based on the official’s knowledge, the sub-
2 mission does not contain any untrue statement of a
3 material fact or omit to state a material fact nec-
4 essary in order to make the statements made, in light
5 of the circumstances under which such statements
6 were made, not misleading.”.

7 (b) *CIVIL PENALTY.*—Section 30165(a) of title 49,
8 *United States Code*, is amended—

9 (1) by striking “A person” in paragraph (3) and
10 inserting “Except as provided in paragraph (4), a
11 person”; and

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

13 “(4) *FALSE, MISLEADING, OR INCOMPLETE RE-*
14 *PORTS.*—A person who knowingly and willfully sub-
15 mits materially false, misleading, or incomplete infor-
16 mation to the Secretary, after certifying the same in-
17 formation as accurate and complete under the certifi-
18 cation process established pursuant to section
19 30166(o), shall be subject to a civil penalty of not
20 more than \$5,000 per day. The maximum penalty
21 under this paragraph for a related series of daily vio-
22 lations is \$5,000,000.”.

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

24 Section 30162 of title 49, *United States Code*, is
25 amended by adding at the end the following:

1 “(f) *JUDICIAL REVIEW.*—A decision of the Secretary
2 to deny a petition filed under subsection (a)(2) of this sec-
3 tion is agency action subject to judicial review under chap-
4 ter 7 of title 5, and such action shall not be considered com-
5 mitted to agency discretion within the meaning of section
6 701(a)(2) of such title. A person aggrieved by the denial
7 of a petition may obtain judicial review by filing an action
8 in the court of appeals of the United States for the circuit
9 in which the person resides or has its principal place of
10 business or the United States Court of Appeals for the Dis-
11 trict of Columbia Circuit not more than 180 days after no-
12 tice of the denial of the petition is published in the *Federal*
13 *Register*.”.

14 **SEC. 207. DEADLINES FOR RULEMAKING.**

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

18 (1) notify the Committee on Energy and Com-
19 merce of the House of Representatives and the Senate
20 Committee on Commerce, Science, and Transpor-
21 tation and explain why that deadline cannot be met;
22 and

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

1 **SEC. 208. REPORTS TO CONGRESS.**

2 (a) *STUDY ON EARLY WARNING DATA.*—Not later than
3 3, 5, 7, and 9 years after the date of enactment of this Act,
4 the Office of the Inspector General of the Department of
5 Transportation shall complete a study of the utilization of
6 Early Warning data by the National Highway Traffic
7 Safety Administration (NHTSA). Each study shall evalu-
8 ate the following:

9 (1) *The number and type of requests for infor-*
10 *mation made by the NHTSA based on data received*
11 *in the Early Warning Reporting system.*

12 (2) *The number of safety defect investigations*
13 *opened by NHTSA using any information reported to*
14 *the agency through the Early Warning Reporting sys-*
15 *tem.*

16 (3) *The nature and vehicle defect category of all*
17 *such safety defect investigations.*

18 (4) *The number of investigations described in*
19 *paragraph (2) that are subsequently closed without*
20 *further action.*

21 (5) *The duration of each investigation described*
22 *in paragraph (2)*

23 (6) *The percentage of each investigation that re-*
24 *sult in a finding of a safety defect or recall by the*
25 *agency.*

1 (7) *Other information the Office of the Inspector*
2 *General deems appropriate.*

3 (b) *REPORT ON OPERATIONS OF THE CENTER FOR VE-*
4 *HICLE ELECTRONICS AND EMERGING TECHNOLOGIES.—*
5 *Not later than 3 years after the date of enactment of this*
6 *Act, the Secretary shall report to Congress regarding the*
7 *operations of the Center for Vehicle Electronics and Emerg-*
8 *ing Technologies. Such report shall include information*
9 *about the accomplishments of the Center, the role the Center*
10 *plays in integrating and aggregating expertise across*
11 *NHTSA, and priorities of the Center over the next 5 years.*

12 (c) *STUDY OF CRASH DATA COLLECTION.—Not later*
13 *than 1 year after the date of enactment of this Act, the Sec-*
14 *retary shall issue a report regarding the quality of data*
15 *collected through the National Automotive Sampling Sys-*
16 *tem, including the Special Crash Investigations, and rec-*
17 *ommendations for improvements to this data collection pro-*
18 *gram. The report shall include information regarding—*

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

1 *intent to influence, any communication to or appearance*
2 *before any officer or employee of the National Highway*
3 *Transportation Safety Administration on behalf of any*
4 *manufacturer subject to regulation under this chapter in*
5 *connection with any matter involving vehicle safety on*
6 *which such person seeks official action by any officer or em-*
7 *ployee of the National Highway Transportation Safety Ad-*
8 *ministration.*

9 “(b) *NO EFFECT ON SECTION 207.*—*This section does*
10 *not expand, contract, or otherwise affect the application of*
11 *any waiver or criminal penalties under section 207 of title*
12 *18, United States Code.*

13 “(c) *EFFECTIVE DATE.*—*This section shall apply to*
14 *covered vehicle safety officials who terminate service or em-*
15 *ployment with the National Highway Transportation Safe-*
16 *ty Administration after the date of enactment of the Motor*
17 *Vehicle Safety Act of 2010.*

18 “(d) *DEFINITION.*—*In this section, the term ‘covered*
19 *vehicle safety official’ means any officer or employee of the*
20 *National Highway Transportation Safety Administration*
21 *who, within the final 12 months of his or her service or*
22 *employment with the agency, serves or served in a technical*
23 *or legal capacity, and whose job responsibilities include or*
24 *included vehicle safety defect investigation, vehicle safety*
25 *compliance, vehicle safety rulemaking, or vehicle safety re-*

1 search, and any officer or employee of the National High-
2 way Transportation Safety Administration serving in a su-
3 pervisory or management capacity over such officers or em-
4 ployees.

5 “(e) *SPECIAL RULE FOR DETAILEES.*—For purposes
6 of this section, a person who is detailed from one depart-
7 ment, agency, or other entity to another department, agen-
8 cy, or other entity shall, during the period such person is
9 detailed, be deemed to be an officer or employee of both de-
10 partments, agencies, or such entities.

11 “(f) *EXCEPTION FOR TESTIMONY.*—Nothing in this
12 section shall prevent an individual from giving testimony
13 under oath, or from making statements required to be made
14 under penalty of perjury.”

15 (b) *CIVIL PENALTY.*—Section 30165(a) of title 49,
16 United States Code, as amended by section 205, is further
17 amended by adding at the end the following:

18 “(5) *SECTION 30107.*—A person who violates sec-
19 tion 30107 shall be subject to a civil penalty of not
20 more than \$55,000.”

21 (c) *CONFORMING AMENDMENT.*—The table of contents
22 for chapter 301 of title 49, United States Code, is amended
23 by inserting after the item relating to section 30106 the fol-
24 lowing:

“30107. Restriction on covered vehicle safety officials.”

1 **TITLE III—FUNDING**

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

3 (a) *AMENDMENT.*—Subchapter I of chapter 301 of title
4 49, United States Code, is amended by adding at the end
5 the following:

6 **“§ 30108. Vehicle safety user fee**

7 “(a) *ESTABLISHMENT OF FUND.*—There is established
8 in the Treasury of the United States a separate account
9 for the deposit of fees under this section to be known as
10 the Vehicle Safety Fund.

11 “(b) *ASSESSMENT AND COLLECTION OF VEHICLE*
12 *SAFETY FEES.*—Beginning 1 year after the date of enact-
13 ment of the Motor Vehicle Safety Act of 2010, the Secretary
14 shall assess and collect, in accordance with this section, a
15 vehicle safety user fee from the manufacturer for each motor
16 vehicle that is certified as compliant with applicable motor
17 vehicle safety standards pursuant to section 30115.

18 “(c) *DEPOSIT.*—The Secretary shall deposit any fees
19 collected pursuant to subsection (b) into the Vehicle Safety
20 Fund established by subsection (a).

21 “(d) *USE.*—Amounts in the Vehicle Safety Fund shall
22 be available to the Secretary, as provided in subsection (i),
23 for making expenditures to meet the obligations of the
24 United States to carry out vehicle safety programs of the
25 National Highway Traffic Safety Administration.

1 “(e) *VEHICLE SAFETY USER FEE.*—

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

3 *The fee assessed under this section for the first three*
4 *years shall be as follows:*

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

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

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

11 “(2) *SUBSEQUENT YEARS.*—*The fee assessed*
12 *under this section for each vehicle certified after the*
13 *third year in which such fees are assessed shall be ad-*
14 *justed by the Secretary by notice published in the*
15 *Federal Register to reflect the total percentage change*
16 *that occurred in the Consumer Price Index for all*
17 *Urban Consumers for the 12 month period ending*
18 *June 30 preceding the fiscal year for which fees are*
19 *being established.*

20 “(3) *PAYMENT.*—*The Secretary shall require*
21 *payment of fees under this section on a quarterly*
22 *basis and not later than one quarter after the date on*
23 *which the fee was assessed.*

24 “(f) *RULEMAKING.*—*Not later than 9 months after the*
25 *date of enactment of the Motor Vehicle Safety Act of 2010,*

1 *the Secretary shall promulgate rules governing the collection*
2 *and payment of fees pursuant to this section.*

3 “(g) *LIMITATIONS.*—

4 “(1) *IN GENERAL.*—*Fees under this section shall*
5 *not be collected for a fiscal year unless appropriations*
6 *for vehicle safety programs of the National Highway*
7 *Traffic Safety Administration for such fiscal year*
8 *(excluding the amount of fees appropriated for such*
9 *fiscal year) are equal to or greater than the amount*
10 *of appropriations for vehicle safety programs of the*
11 *National Highway Traffic Safety Administration for*
12 *fiscal year 2010.*

13 “(2) *AUTHORITY.*—*If the Secretary does not as-*
14 *sess fees under this section during any portion of a*
15 *fiscal year because of paragraph (1), the Secretary*
16 *may assess and collect such fees, without any modi-*
17 *fication in the rate, at a later date in such fiscal year*
18 *notwithstanding the provisions of subsection (e)(3) re-*
19 *lating to the date fees are to be paid.*

20 “(h) *COLLECTION OF UNPAID FEES.*—*In any case*
21 *where the Secretary does not receive payment of a fee as-*
22 *essed under this section within 30 days after it is due, such*
23 *fee shall be treated as a claim of the United States Govern-*
24 *ment subject to subchapter II of chapter 37 of title 31.*

1 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
 2 *tion to funds appropriated under section 30104, there is*
 3 *authorized to be appropriated from the Vehicle Safety Fund*
 4 *to the Secretary for the National Highway Traffic Safety*
 5 *Administration for each fiscal year in which fees are col-*
 6 *lected under subsection (b) an amount equal to the total*
 7 *amount collected during the previous fiscal year from fees*
 8 *assessed pursuant to this section. Such amounts are author-*
 9 *ized to remain available until expended.*

10 “(j) *CREDITING AND AVAILABILITY OF FEES.*—*Fees*
 11 *authorized under subsection (b) shall be collected and avail-*
 12 *able for obligation only to the extent and in the amount*
 13 *provided in advance in appropriations Acts.”.*

14 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 15 *chapter is amended by inserting after the item relating to*
 16 *section 30106 the following:*

“30108. *Vehicle safety user fee.*”.

17 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

18 *Section 30104 of title 49, United States Code, is*
 19 *amended—*

20 (1) *by striking “\$98,313,500”; and*

21 (2) *by striking “in each fiscal year beginning”*
 22 *and all that follows and inserting “and to carry out*
 23 *the Motor Vehicle Safety Act of 2010—*

24 “(1) \$200,000,000 for fiscal year 2011;

25 “(2) \$240,000,000 for fiscal year 2012; and

1 “(3) \$280,000,000 for fiscal year 2013.”.

2 **TITLE IV—ENHANCED SAFETY**
 3 **AUTHORITIES**

4 **SEC. 401. CIVIL PENALTIES.**

5 (a) *IN GENERAL.*—Section 30165 of title 49, United
 6 States Code, is amended—

7 (1) *in subsection (a)(1)*—

8 (A) *in the first sentence by striking*
 9 “\$5,000” *and inserting “\$25,000”; and*

10 (B) *in the third sentence, by striking*
 11 “\$15,000,000” *and inserting “\$200,000,000”;*

12 (2) *in subsection (a)(3)*—

13 (A) *in the second sentence by striking*
 14 “\$5,000” *and inserting “\$25,000” ; and*

15 (B) *in the third sentence, by striking*
 16 “\$15,000,000” *and inserting “\$200,000,000”;*

17 *and*

18 (3) *by striking subsection (c) and inserting the*
 19 *following:*

20 “(c) *RELEVANT FACTORS IN DETERMINING AMOUNT*

21 *OF PENALTY OR COMPROMISE.*—*In determining the*

22 *amount of a civil penalty or compromise, the nature, cir-*

23 *cumstances, extent, and gravity of the violation shall be con-*

24 *sidered. This shall include, where appropriate, the nature*

25 *of the defect or noncompliance, the severity of the risk of*

1 *injury, the occurrence or absence of injury, the number of*
2 *motor vehicles or items of motor vehicle equipment distrib-*
3 *uted with the defect or noncompliance, the existence of an*
4 *imminent hazard, the appropriateness of such penalty in*
5 *relation to the size of the business of the person charged,*
6 *recognizing the potential for undue adverse economic im-*
7 *pacts on small businesses, and such other factors as appro-*
8 *priate.”.*

9 **(b) CIVIL PENALTY CRITERIA.**—*Not later than 1 year*
10 *after the date of enactment of this Act, and in accordance*
11 *with the procedures of section 553 of title 5, United States*
12 *Code, the Secretary shall issue a final regulation providing*
13 *its interpretation of the penalty factors described in section*
14 *30165(c) of title 49, United States Code, as added by sub-*
15 *section (a).*

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

20 **SEC. 402. IMMINENT HAZARD AUTHORITY.**

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

23 **“(3) IMMINENT HAZARD ORDERS.**—*If the Sec-*
24 *retary of Transportation in making a decision under*
25 *subsection (a) also initially decides that such defect or*

1 *noncompliance presents a substantial likelihood of*
2 *death or serious injury to the public, the Secretary*
3 *shall notify such manufacturer. The opportunity for*
4 *the manufacturer to present information, views, and*
5 *arguments in accordance with paragraph (1) shall be*
6 *provided as soon as practicable but not later than 10*
7 *calendar days after the initial decision. The Secretary*
8 *shall expedite proceedings for a decision and order*
9 *under paragraph (1) and shall, as appropriate, issue*
10 *an imminent hazard order.”.*

11 *(b) PROCEDURES.—Not later than 2 years after the*
12 *date of enactment of this Act, the Secretary shall issue pro-*
13 *cedures for the issuance and enforcement of imminent haz-*
14 *ard orders under section 30118(b)(3) of title 49, United*
15 *States Code (as added by subsection (a)), consistent with*
16 *the provisions of chapter 301 of such title and the Adminis-*
17 *trative Procedures Act.*

18 **TITLE V—ADDITIONAL**
19 **PROVISIONS**

20 **SEC. 501. PREEMPTION OF STATE LAW.**

21 *(a) CONGRESSIONAL AUTHORIZATION REQUIRED.—*
22 *Notwithstanding any other provision of law, the Secretary*
23 *shall not publish a rule pursuant to section 30111 of title*
24 *49, United States Code, that addresses the issue of preemp-*
25 *tion of State law seeking damages for personal injury,*

1 *death, or property damage unless Congress expressly au-*
2 *thorizes the Secretary to address such preemption.*

3 **(b) PREEMPTION LANGUAGE.**—*Any language address-*
4 *ing the issue of preemption contained within regulations*
5 *issued by the Secretary pursuant to section 30111 of title*
6 *49, United States Code, during the years 2005 through 2008*
7 *shall not be considered in determining whether any such*
8 *rule preempts any action under State law seeking damages*
9 *for personal injury, death, or property damage unless Con-*
10 *gress expressly authorizes the Secretary to address such pre-*
11 *emption.*

Union Calendar No. 307

11TH CONGRESS
2^D Session

H. R. 5381

[Report No. 111-536]

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.

JULY 14, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed