

114TH CONGRESS
1ST SESSION

H. R. 1181

To amend title 49, United States Code, to provide for increased and improved public access to motor vehicle safety information, enhanced tools and accountability for the National Highway Traffic Safety Administration, and protection of motor vehicle consumers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2015

Ms. SCHAKOWSKY (for herself, Mr. PALLONE, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CLARKE of New York, Ms. DEGETTE, Mr. KENNEDY, Ms. MATSUI, Mr. RUSH, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title 49, United States Code, to provide for increased and improved public access to motor vehicle safety information, enhanced tools and accountability for the National Highway Traffic Safety Administration, and protection of motor vehicle consumers, and for other purposes.

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 “Vehicle Safety Improvement Act of 2015”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—INCREASED AND IMPROVED PUBLIC ACCESS TO INFORMATION

- Sec. 101. Increased public availability of vehicle safety information.
- Sec. 102. Improved vehicle safety databases.
- Sec. 103. Improved used car buyers guide.

TITLE II—ENHANCED AGENCY TOOLS AND ACCOUNTABILITY

- Sec. 201. Civil penalties.
- Sec. 202. Early warning reporting requirements.
- Sec. 203. Imminent hazard authority.
- Sec. 204. Retention of safety records by manufacturers.
- Sec. 205. Corporate responsibility for NHTSA reports.
- Sec. 206. Cooperation with foreign governments.
- Sec. 207. Administrative accountability.
- Sec. 208. Reports to Congress.

TITLE III—CONSUMER PROTECTION

- Sec. 301. Limitation on sale or lease of used motor vehicles subject to a recall.
- Sec. 302. Elimination of regional recalls.
- Sec. 303. Application of remedies for defects and noncompliance.
- Sec. 304. Pedestrian safety improvement rule.
- Sec. 305. Recall obligations under bankruptcy.
- Sec. 306. Rulemaking on rear seat crashworthiness.

TITLE IV—FUNDING

- Sec. 401. Vehicle safety user fee.
- Sec. 402. Authorization of appropriations.

TITLE V—ADDITIONAL PROVISIONS

- Sec. 501. Deadlines.
- Sec. 502. Limitation on the preemption of State law.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) PASSENGER MOTOR VEHICLE.—The term
6 “passenger motor vehicle”—

7 (A) means a motor vehicle (as defined in
8 section 30102(a) of title 49, United States

1 Code) that is rated at less than 10,000 pounds
 2 gross vehicular weight; and

3 (B) does not include—

4 (i) a motorcycle;

5 (ii) a trailer; or

6 (iii) a low speed vehicle (as defined in
 7 section 571.3 of title 49, Code of Federal
 8 Regulations).

9 (2) SECRETARY.—The term “Secretary” means
 10 the Secretary of Transportation, acting through the
 11 Administrator of the National Highway Traffic Safe-
 12 ty Administration.

13 **TITLE I—INCREASED AND IM-**
 14 **PROVED PUBLIC ACCESS TO**
 15 **INFORMATION**

16 **SEC. 101. INCREASED PUBLIC AVAILABILITY OF VEHICLE**
 17 **SAFETY INFORMATION.**

18 (a) MANUFACTURER COMMUNICATIONS.—

19 (1) IN GENERAL.—Section 30166(f) of title 49,
 20 United States Code, is amended—

21 (A) by redesignating paragraph (2) as
 22 paragraph (3);

23 (B) by striking paragraph (1) and insert-
 24 ing the following:

1 “(1) IN GENERAL.—Subject to paragraph (4)
2 and notwithstanding any other provision of law, a
3 manufacturer shall give the Secretary of Transpor-
4 tation, and the Secretary shall make available on a
5 publicly accessible Internet website, a true or rep-
6 resentative copy of each communication to the man-
7 ufacturer’s dealers or to owners or purchasers of a
8 motor vehicle or replacement equipment produced by
9 the manufacturer regarding—

10 “(A) any defect in the vehicle or equipment
11 (including any failure or malfunction beyond
12 normal deterioration in use, or any failure of
13 performance, or any flaw or unintended devi-
14 ation from design specifications), whether or
15 not the defect is safety-related; or

16 “(B) any noncompliance with a motor vehi-
17 cle safety standard prescribed under this chap-
18 ter in a vehicle or equipment that is sold or
19 serviced.

20 “(2) TYPES OF COMMUNICATIONS.—The com-
21 munications described in paragraph (1) shall in-
22 clude—

23 “(A) all notices, bulletins, and other com-
24 munications, other than those required to be
25 submitted pursuant to section 573.6 of title 49,

1 Code of Federal Regulations, sent to more than
2 one manufacturer, distributor, dealer, lessor,
3 lessee, owner, or purchaser, in the United
4 States; and

5 “(B) those communications relating to a
6 customer satisfaction campaign, safety improve-
7 ment campaign, consumer advisory, recall, or
8 other safety activity involving the repair or re-
9 placement of motor vehicles or equipment, that
10 the manufacturer issued to, or made available
11 to, more than one dealer, distributor, lessor, les-
12 see, other manufacturer, owner, or purchaser,
13 in the United States.”; and

14 (C) by adding at the end the following:

15 “(4) EXCEPTION.—Notwithstanding paragraph
16 (1), the Secretary shall not be required to make cop-
17 ies of communications available that are manifestly
18 not related to motor vehicle safety.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall apply to communications
21 given to the Secretary pursuant to paragraph (1) of
22 section 30166(f) of title 49, United States Code, as
23 amended by paragraph (1) of this subsection, begin-
24 ning 1 year after the date of enactment of this Act.

25 (b) EARLY WARNING DATA.—

1 (1) IN GENERAL.—Section 30166(m)(4) of title
2 49, United States Code, is amended by striking sub-
3 paragraph (C) and inserting the following:

4 “(C) DISCLOSURE.—The information pro-
5 vided to the Secretary pursuant to this sub-
6 section shall be disclosed publicly.”.

7 (2) RULE.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary shall
9 issue a final rule establishing categories of informa-
10 tion provided to the Secretary pursuant to section
11 30166(m) of title 49, United States Code, that must
12 be made available to the public. The Secretary may
13 establish categories of information that the Sec-
14 retary determines are exempt from public disclosure
15 under section 552(b) of title 5, United States Code.

16 (3) CONSULTATION.—In conducting the rule-
17 making required under paragraph (2), the Secretary
18 shall consult with the Director of the Office of Gov-
19 ernment Information Services within the National
20 Archives and the Director of the Office of Informa-
21 tion Policy of the Department of Justice.

22 (4) PRESUMPTION AND LIMITATION.—The Sec-
23 retary shall issue the regulations with a presumption
24 in favor of maximum public availability of informa-
25 tion, including information contained in field reports

1 submitted to the Secretary. In issuing regulations
2 under paragraph (2), the following types of informa-
3 tion shall presumptively not be eligible for protection
4 under section 552(b) of title 5, United States Code:

5 (A) Production information regarding pas-
6 senger motor vehicles.

7 (B) Vehicle safety defect or noncompliance
8 information related to an incident involving
9 death or injury.

10 (C) Aggregated numbers of property dam-
11 age claims.

12 (D) Aggregated numbers of consumer com-
13 plaints related to potential vehicle defects.

14 (5) NULLIFICATION OF PRIOR REGULATIONS.—

15 Upon the effective date of a final rule issued pursu-
16 ant to paragraph (2), the regulations establishing
17 early warning reporting class determinations in Ap-
18 pendix C of part 512 of title 49, Code of Federal
19 Regulations, shall have no force or effect.

20 (c) DEATH INQUIRIES.—Not later than 1 year after
21 the date of enactment of this Act, and every 6 months
22 thereafter, the Secretary shall compile summaries of writ-
23 ten communications sent by the Secretary to a manufac-
24 turer during the preceding 6-month period requesting ad-
25 ditional information about fatal incidents reported under

1 section 30166(m) of title 49, United States Code. Each
2 such summary shall be made available on a publicly acces-
3 sible Internet website for a period of not less than 10 years
4 and shall include, at a minimum, the following:

5 (1) The manufacturer.

6 (2) Any vehicle or equipment make, model
7 name, and model year about which the Secretary has
8 inquired.

9 (3) Any vehicle system or component about
10 which the Secretary has inquired.

11 (4) The date of the written communication and
12 the date by which a response must be submitted by
13 the manufacturer.

14 (5) The number of incidents about which the
15 Secretary has inquired, and the earliest and latest
16 quarters during which such incidents were reported
17 to the Secretary.

18 **SEC. 102. IMPROVED VEHICLE SAFETY DATABASES.**

19 Not later than 2 years after the date of enactment
20 of this Act, the Secretary shall increase public accessibility
21 to and timeliness of information on the National Highway
22 Traffic Safety Administration's vehicle safety databases
23 including by—

24 (1) improving organization and functionality,
25 including modern web design features, and allowing

1 for data to be searched, aggregated, and
2 downloaded;

3 (2) providing greater consistency in presen-
4 tation of vehicle safety issues;

5 (3) improving searchability about specific vehi-
6 cles and issues through standardization of commonly
7 used search terms and the integration of databases
8 to enable all to be simultaneously searched using the
9 same keyword search function; and

10 (4) improving the publicly accessible early
11 warning database, by—

12 (A) enabling users to search for incidents
13 across multiple reporting periods for a given
14 make and model name, model year, or type of
15 potential defect;

16 (B) ensuring that search results, in addi-
17 tion to being downloadable, are sortable within
18 an Internet browser by make, model name,
19 model year, State or foreign country of the inci-
20 dent, number of deaths, number of injuries,
21 date of the incident, and type of potential de-
22 fect; and

23 (C) developing a clear, organized, and
24 searchable method by which the public can ac-
25 cess information made available by the Sec-

1 retary that is reported under clause (ii) of sec-
2 tion 30166(m)(3)(C) of title 49, United States
3 Code, as amended by section 202(a)(1).

4 **SEC. 103. IMPROVED USED CAR BUYERS GUIDE.**

5 In addition to the information already required to be
6 included pursuant to section 455.2 of title 16, Code of
7 Federal Regulations (the Used Motor Vehicle Trade Regu-
8 lation Rule), the Buyers Guide window form shall in-
9 clude—

10 (1) a statement of the vehicle’s brand history,
11 total loss history, and salvage history according to
12 the vehicle’s National Motor Vehicle Title Informa-
13 tion System (NMVTIS) vehicle history report, the
14 date on which the dealer obtained the vehicle history
15 report, and the website where a consumer can obtain
16 a vehicle history report; and

17 (2) a statement of the vehicle’s recall repair his-
18 tory according to the vehicle identification number
19 search tool established pursuant to section 31301 of
20 the Moving Ahead for Progress in the 21st Century
21 Act (49 U.S.C. 30166 note), the date on which the
22 used vehicle dealer obtained the recall repair history,
23 and the website where a consumer may obtain this
24 information.

1 **TITLE II—ENHANCED AGENCY**
2 **TOOLS AND ACCOUNTABILITY**

3 **SEC. 201. CIVIL PENALTIES.**

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

6 (1) in paragraph (1)—

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

9 (B) by striking the third sentence; and

10 (2) in paragraph (3)—

11 (A) in the second sentence by striking
12 “\$5,000” and inserting “\$25,000”; and

13 (B) by striking the third sentence.

14 (b) CONSTRUCTION.—Nothing in the amendments
15 made by this section shall be construed as preventing the
16 imposition of penalties under section 30165 of title 49,
17 United States Code, prior to the issuance of a final rule
18 pursuant to section 31203(b) of the Moving Ahead for
19 Progress in the 21st Century Act (49 U.S.C. 30165 note).

20 **SEC. 202. EARLY WARNING REPORTING REQUIREMENTS.**

21 (a) IN GENERAL.—Section 30166(m) of title 49,
22 United States Code, is amended—

23 (1) in paragraph (3)(A), by amending clause

24 (ii) to read as follows:

1 “(ii) customer satisfaction campaigns,
2 safety improvement campaigns, customer
3 advisories, recalls, consumer complaints,
4 warranty claims, field reports, or other ac-
5 tivity involving the repair or replacement
6 of motor vehicles or motor vehicle equip-
7 ment.”; and

8 (2) in paragraph (4), by striking subparagraph
9 (B) and redesignating subparagraphs (C) and (D)
10 as subparagraphs (B) and (C), respectively.

11 (b) INFORMATION ON FATAL INCIDENTS.—Subpara-
12 graph (C) of section 30166(m)(3) of title 49, United
13 States Code, is amended to read as follows:

14 “(C) REPORTING OF POSSIBLE DE-
15 FECTS.—

16 “(i) IN GENERAL.—The manufacturer
17 of a motor vehicle or motor vehicle equip-
18 ment shall report to the Secretary, in such
19 manner as the Secretary establishes by
20 regulation, all incidents of which the man-
21 ufacturer receives actual notice which in-
22 volve fatalities or serious injuries which are
23 alleged or proven to have been caused by
24 a possible defect in such manufacturer’s
25 motor vehicle or motor vehicle equipment

1 in the United States, or in a foreign coun-
2 try when the possible defect is in a motor
3 vehicle or motor vehicle equipment that is
4 identical or substantially similar to a
5 motor vehicle or motor vehicle equipment
6 offered for sale in the United States. Re-
7 porting required under this subsection
8 shall not be limited by model year. The
9 regulation limiting the model years in-
10 cluded for reporting purposes in section
11 579.21, Code of Federal Regulations, shall
12 have no force or effect with respect to the
13 reporting required under this subpara-
14 graph.

15 “(ii) FATAL INCIDENTS.—If an inci-
16 dent described in clause (i) involves one or
17 more deaths, the manufacturer shall pro-
18 vide to the Secretary, in such manner as
19 the Secretary establishes by regulation—

20 “(I) a copy of all initial claims or
21 notice documents that notified the
22 manufacturer of the incident;

23 “(II) a copy of all investigative
24 documents prepared by any local,
25 State, or Federal government agency

1 or the personnel of any such agency
2 related to the incident, including pho-
3 tographs, police reports, cause and or-
4 igin reports, or other documents de-
5 scribing or reconstructing the inci-
6 dent;

7 “(III) a copy of any amendments
8 or supplements to the documents de-
9 scribed in subclause (I), except for—

10 “(aa) medical documents
11 and bills;

12 “(bb) property damage in-
13 voices or estimates; and

14 “(cc) documents related to
15 quantification of damages; and

16 “(IV) the manufacturer’s assess-
17 ment of the circumstances that led to
18 the incident, including the manufac-
19 turer’s analysis of the claims or no-
20 tices regarding allegations of a defect.

21 “(iii) LIMITATION.—The regulations
22 promulgated by the Secretary under clause
23 (ii) may not require a manufacturer to
24 submit records respecting information de-
25 scribed in subclause (II) of such clause

1 that is not in the possession of the manu-
2 facturer.”.

3 (c) COMPONENT CATEGORIES.—

4 (1) COMMENCEMENT.—Not later than 1 year
5 after the date of enactment of this Act, the Sec-
6 retary shall commence a rulemaking proceeding to
7 amend the system and component categories re-
8 quired to be used in early warning reports on light
9 vehicles submitted pursuant to section 579.21 of
10 title 49, Code of Federal Regulations. In issuing
11 rules under this subsection, the Secretary shall, to
12 the extent each may assist in the identification of
13 defects related to motor vehicle safety, maximize—

14 (A) interoperability between the early
15 warning reporting database and the publicly
16 available consumer complaint database, by en-
17 suring that the amended set of categories estab-
18 lished by rule are the same as those available
19 to vehicle owners or lessees reporting safety
20 issues to the publicly available consumer com-
21 plaint database;

22 (B) precision, including by dividing cat-
23 egories that are imprecise and adding new cat-
24 egories that identify specific vehicle equipment
25 not previously represented; and

1 (C) organization and ease of use, including
2 by housing categories pertaining to specific
3 items of equipment within more general vehicle
4 safety categories and operating systems.

5 (2) FINAL RULE.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary
7 shall issue a final rule pursuant to paragraph (1).

8 (d) STANDARDIZATION OF MANUFACTURER REPORT-
9 ING PRACTICES.—

10 (1) REVIEW.—

11 (A) IN GENERAL.—Not later than 4 years
12 after the date of enactment of this Act, the Sec-
13 retary shall complete a comprehensive review of
14 the practices of the manufacturers of individual
15 light vehicles for reporting to the Secretary inci-
16 dents involving death or injury pursuant to sec-
17 tion 579.21 of title 49, Code of Federal Regula-
18 tions.

19 (B) COMPONENTS.—The review conducted
20 under subparagraph (A) shall—

21 (i) identify the major differences
22 among the reporting practices of such
23 manufacturers;

24 (ii) identify the extent to which such
25 manufacturers report precisely the infor-

1 mation required under subsection (b) of
2 section 579.21 of title 49, Code of Federal
3 Regulations, or, alternatively, report addi-
4 tional information under such subsection;

5 (iii) identify the types and sources of
6 additional information, as described in
7 clause (ii), that manufacturers report to
8 the Secretary;

9 (iv) assess and explain the extent to
10 which differing reporting practices hinder
11 the ability of the National Highway Traffic
12 Safety Administration to compare a manu-
13 facturer's data for vehicles or equipment to
14 the data of another manufacturer's vehi-
15 cles or equipment, all peer vehicles or
16 equipment, or the entire United States
17 population of vehicles or equipment, or to
18 data on vehicles or equipment submitted to
19 the Secretary by a vehicle owner or lessee;
20 and

21 (v) determine, based on findings
22 under clause (iv), whether differences
23 among individual light vehicle manufactur-
24 ers' practices for reporting to the Sec-
25 retary incidents involving death or injury

1 pursuant to section 579.21 of title 49,
2 Code of Federal Regulations, are detri-
3 mental to the identification of defects re-
4 lated to motor vehicle safety in motor vehi-
5 cles and motor vehicle equipment in the
6 United States.

7 (2) GUIDELINES.—If the Secretary makes an
8 affirmative determination under clause (v) of para-
9 graph (1)(B), the Secretary shall issue guidelines for
10 the standardization of reporting practices described
11 in such clause.

12 **SEC. 203. IMMINENT HAZARD AUTHORITY.**

13 Section 30118 of title 49, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1), by striking “(1) The
17 Secretary may” and inserting “(1) IN GEN-
18 ERAL.—Except as provided under paragraph
19 (3), the Secretary may”;

20 (B) in paragraph (2), by inserting “OR-
21 DERS.—” before “If the Secretary”; and

22 (C) by adding after paragraph (2) the fol-
23 lowing:

24 “(3) IMMINENT HAZARDS.—

1 “(A) DECISIONS AND ORDERS.—If the
2 Secretary decides that a defect or noncompli-
3 ance, or combination of both, under subsection
4 (a) presents an imminent hazard, the Sec-
5 retary—

6 “(i) shall notify the manufacturer of
7 the motor vehicle or replacement equip-
8 ment immediately under subsection (a);

9 “(ii) shall order the manufacturer of
10 the motor vehicle or replacement equip-
11 ment to immediately—

12 “(I) give notification under sec-
13 tion 30119 of this title to the owners,
14 purchasers, and dealers of the vehicle
15 or equipment of the imminent hazard;
16 and

17 “(II) remedy the defect or non-
18 compliance under section 30120 of
19 this title;

20 “(iii) notwithstanding section 30119
21 or 30120, may order the time for notifica-
22 tion, means of providing notification, ear-
23 liest remedy date, and time the owner or
24 purchaser has to present the motor vehicle

1 or equipment, including a tire, for remedy;
2 and

3 “(iv) may include in an order under
4 this subparagraph any other terms or con-
5 ditions that the Secretary determines nec-
6 essary to abate the imminent hazard.

7 “(B) OPPORTUNITY FOR ADMINISTRATIVE
8 REVIEW.—Subsequent to the issuance of an
9 order under subparagraph (A), opportunity for
10 administrative review shall be provided in ac-
11 cordance with section 554 of title 5, except that
12 such review shall occur not later than 10 days
13 after issuance of such order.

14 “(C) DEFINITION OF IMMINENT HAZ-
15 ARD.—In this paragraph, the term ‘imminent
16 hazard’ means any condition which substan-
17 tially increases the likelihood of serious injury
18 or death if not remedied immediately.”; and

19 (2) in subsection (c), by inserting “or electronic
20 mail” after “certified mail”.

21 **SEC. 204. RETENTION OF SAFETY RECORDS BY MANUFAC-**
22 **TURERS.**

23 (a) RULE.—Not later than 18 months after the date
24 of enactment of this Act, the Secretary shall issue a final
25 rule pursuant to section 30117 of title 49, United States

1 Code, requiring each manufacturer of motor vehicles or
2 motor vehicle equipment to retain all motor vehicle safety
3 records, including documents, reports, correspondence, or
4 other materials that contain information concerning mal-
5 functions that may be related to motor vehicle safety (in-
6 cluding any failure or malfunction beyond normal deterio-
7 ration in use, or any failure of performance, or any flaw
8 or unintended deviation from design specifications, that
9 could in any reasonably foreseeable manner be a causative
10 factor in, or aggravate, an accident or an injury to a per-
11 son), for a period of not less than 20 calendar years from
12 the date on which they were generated or acquired by the
13 manufacturer. Such requirement shall also apply to all un-
14 derlying records on which information reported to the Sec-
15 retary under part 579 of title 49, Code of Federal Regula-
16 tions, is based.

17 (b) APPLICATION.—The rule required by subsection
18 (a) shall apply with respect to any record described in such
19 subsection that is in the possession of a manufacturer on
20 the effective date of such rule.

21 **SEC. 205. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
22 **PORTS.**

23 (a) AMENDMENT.—Section 30166(o)(1) of title 49,
24 United States Code, is amended by striking “may” and
25 inserting “shall”.

1 (b) DEADLINE.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary shall issue a final
3 rule under section 30166(o)(1) of title 49, United States
4 Code, as amended by subsection (a).

5 **SEC. 206. COOPERATION WITH FOREIGN GOVERNMENTS.**

6 Section 30182(b) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (4), by striking “; and” and
9 inserting a semicolon;

10 (2) in paragraph (5), by striking the period at
11 the end and inserting “; and”; and

12 (3) by inserting after paragraph (5) the fol-
13 lowing:

14 “(6) enter into cooperative agreements (in con-
15 sultation with the Secretary of State) and collabo-
16 rative research and development agreements with
17 foreign governments.”.

18 **SEC. 207. ADMINISTRATIVE ACCOUNTABILITY.**

19 (a) PETITIONS FOR STANDARDS AND ENFORCE-
20 MENT.—

21 (1) MISSED DEADLINES.—Section 30162(d) of
22 title 49, United States Code, is amended by insert-
23 ing at the end the following: “If the Secretary fails
24 to grant or deny a petition within the 120-day pe-
25 riod, the Secretary shall promptly publish in the

1 Federal Register an explanation for missing the
2 deadline and a projected date by which the Secretary
3 will decide whether to grant the petition. On Feb-
4 ruary 1 and August 1 of each year, the Secretary
5 shall submit to the Committee on Energy and Com-
6 merce of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate a letter listing each deadline the Sec-
9 retary missed under this subsection during the 6-
10 month period ending on such date, explaining why
11 the Secretary missed the deadline, and describing
12 any investigations, proceedings, or actions related to
13 the relevant petition that the Secretary has con-
14 ducted or taken since the petition was filed.”.

15 (2) APPEAL OF DEFECT PETITION REJEC-
16 TION.—Section 30162 of title 49, United States
17 Code, is amended by adding at the end the fol-
18 lowing:

19 “(e) JUDICIAL REVIEW.—A decision of the Secretary
20 to deny a petition filed under subsection (a)(2) is agency
21 action subject to judicial review under chapter 7 of title
22 5, and such action shall not be considered committed to
23 agency discretion within the meaning of section 701(a)(2)
24 of such title. A person aggrieved by the denial of a petition
25 may obtain judicial review by filing an action in the court

1 of appeals of the United States for the circuit in which
2 the person resides or has its principal place of business
3 or the United States Court of Appeals for the District of
4 Columbia Circuit not more than 180 days after notice of
5 the denial of the petition is published in the Federal Reg-
6 ister.”.

7 (b) INFORMATION PROVIDED BY WHISTLE-
8 BLOWERS.—

9 (1) IN GENERAL.—Subchapter IV of chapter
10 301 of title 49, United States Code, is amended by
11 adding at the end the following:

12 **“§ 30172. Review of information provided by employ-**
13 **ees**

14 “(a) COVERED PERSON DEFINED.—In this section,
15 the term ‘covered person’ means a full-time, part-time, or
16 temporary employee, independent contractor, or an em-
17 ployee of a contractor or subcontractor of a manufacturer,
18 distributor, part supplier, or dealer (or any person acting
19 pursuant to a request of the employee or to the extent
20 such person is engaged in collecting and analyzing infor-
21 mation provided by one or more such employees) who, in
22 good faith, provides information to the Secretary indi-
23 cating—

1 “(1) the existence of a possible safety-related
2 defect or noncompliance with a motor vehicle safety
3 standard; or

4 “(2) a violation of this chapter or a regulation
5 prescribed or order issued under this chapter.

6 “(b) REVIEW AND EVALUATION.—Upon receipt of
7 motor vehicle safety information from a covered person,
8 the Secretary shall review and evaluate the information
9 promptly to determine whether a safety-related defect or
10 noncompliance, or a violation of this chapter or a regula-
11 tion prescribed or order issued under this chapter, exists.

12 “(c) PROHIBITION.—The Secretary shall not trans-
13 mit or otherwise disclose any information received from
14 a covered person to a manufacturer, distributor, part sup-
15 plier, or dealer, except pursuant to a written request by,
16 or with the prior written consent of, the covered person.”.

17 (2) REPORT.—

18 (A) IN GENERAL.—Not later than 30
19 months after the date of enactment of this Act,
20 and biennially thereafter for 6 years, the Sec-
21 retary shall complete a report on the activities
22 of the National Highway Traffic Safety Admin-
23 istration under section 30172 of title 49,
24 United States Code, as added by paragraph (1),
25 and, upon completion, shall—

1 (i) submit the report to the Com-
2 mittee on Energy and Commerce of the
3 House of Representatives and the Com-
4 mittee on Commerce, Science, and Trans-
5 portation of the Senate; and

6 (ii) publish the report in an easily ac-
7 cessible and downloadable electronic for-
8 mat.

9 (B) CONTENTS.—Such report shall in-
10 clude—

11 (i) a summary of submissions by cov-
12 ered persons (as defined in such section) to
13 the Secretary in the 24 months preceding
14 the submission of the report, consisting
15 of—

16 (I) the total number of such sub-
17 missions and the number within this
18 total that were submitted directly by
19 an employee described in subsection
20 (a) of such section; and

21 (II) the number of submissions
22 pertaining to a possible safety-related
23 defect or noncompliance and the num-
24 ber of submissions pertaining to a vio-
25 lation of chapter 301 of title 49,

1 United States Code, or a regulation
2 prescribed or order issued under such
3 chapter; and

4 (ii) a summary of actions taken and
5 proceedings, investigations, or research
6 conducted by the Secretary in the 24
7 months preceding the submission of the re-
8 port resulting from submissions by covered
9 persons (as defined in such section).

10 (3) CONFORMING AMENDMENT.—The table of
11 sections for chapter 301 of title 49, United States
12 Code, is amended by inserting after the item relating
13 to section 30171 the following:

“30172. Review of information provided by employees.”.

14 (c) ANTI-REVOLVING DOOR.—

15 (1) AMENDMENT.—Subchapter I of chapter
16 301 of title 49, United States Code, is amended by
17 adding at the end the following:

18 **“§ 30107. Restriction on covered vehicle safety offi-**
19 **cial**

20 “(a) IN GENERAL.—During the 2-year period after
21 the termination of the service or employment of a covered
22 vehicle safety official, such official may not knowingly
23 make, with the intent to influence, any communication to
24 or appearance before any officer or employee of the Na-
25 tional Highway Traffic Safety Administration on behalf

1 of any manufacturer subject to regulation under this chap-
2 ter in connection with any matter involving motor vehicle
3 safety on which such official seeks official action by any
4 officer or employee of the National Highway Traffic Safe-
5 ty Administration.

6 “(b) MANUFACTURERS.—It is unlawful for any man-
7 ufacturer or other person subject to regulation under this
8 chapter to employ or contract for the services of an indi-
9 vidual to whom subsection (a) applies during the 2-year
10 period commencing on the individual’s termination of em-
11 ployment with the National Highway Traffic Safety Ad-
12 ministration in a capacity in which the individual is pro-
13 hibited from serving during that period.

14 “(c) SPECIAL RULE FOR DETAILEES.—For purposes
15 of this section, a person who is detailed from one Federal
16 Government entity to another Federal Government entity
17 shall, during the period such person is detailed, be deemed
18 to be an officer or employee of both Federal Government
19 entities.

20 “(d) SAVINGS PROVISION.—Nothing in this section
21 may be construed to expand, contract, or otherwise affect
22 the application of any waiver or criminal penalties under
23 section 207 of title 18.

24 “(e) EXCEPTION FOR TESTIMONY.—Nothing in this
25 section may be construed to prevent an individual from

1 giving testimony under oath, or from making statements
2 required to be made under penalty of perjury.

3 “(f) COVERED VEHICLE SAFETY OFFICIAL DE-
4 FINED.—In this section, the term ‘covered vehicle safety
5 official’ means any officer or employee of the National
6 Highway Traffic Safety Administration who—

7 “(1) during the final 12 months of service or
8 employment with the agency, serves in a technical or
9 legal capacity, and whose job responsibilities include
10 vehicle safety defect investigation, vehicle safety
11 compliance, vehicle safety rulemaking, or vehicle
12 safety research; or

13 “(2) serves in a supervisory or management ca-
14 pacity over an officer or employee described in para-
15 graph (1).”.

16 (2) EFFECTIVE DATE.—Section 30107 of title
17 49, United States Code, as added by paragraph (1),
18 shall apply to a covered vehicle safety official (as
19 that term is defined in such section) who terminates
20 service or employment with the National Highway
21 Traffic Safety Administration after the date of en-
22 actment of this Act.

23 (3) CIVIL PENALTY.—Section 30165(a) of title
24 49, United States Code, is amended by adding at
25 the end the following:

1 “(5) IMPROPER INFLUENCE.—

2 “(A) IN GENERAL.—An individual who vio-
3 lates section 30107(a) is liable to the United
4 States Government for a civil penalty, as deter-
5 mined under section 216(b) of title 18, for an
6 offense under section 207 of that title.

7 “(B) MANUFACTURERS.—A manufacturer
8 or other person subject to regulation under this
9 chapter who violates section 30107(b) is liable
10 to the United States Government for a civil
11 penalty equal to the sum of—

12 “(i) an amount not less than
13 \$100,000; and

14 “(ii) an amount equal to 90 percent of
15 the annual compensation or fee payable to
16 the individual with respect to whom the
17 violation occurred.”.

18 (4) CONFORMING AMENDMENT.—The table of
19 sections for chapter 301 of title 49, United States
20 Code, is amended by inserting after the item relating
21 to section 30106 the following:

“30107. Restriction on covered vehicle safety officials.”.

22 **SEC. 208. REPORTS TO CONGRESS.**

23 (a) STUDY ON NHTSA USE OF EARLY WARNING
24 DATA.—Not later than 3 years after the date of enact-
25 ment of this Act, and biennially thereafter for 6 years,

1 the Inspector General of the Department of Transpor-
2 tation shall submit to the relevant committees a report on
3 the use of early warning data by the National Highway
4 Traffic Safety Administration (referred to in this section
5 as “NHTSA”). Each report shall evaluate the following:

6 (1) The number and type of requests for infor-
7 mation made by NHTSA based on data received in
8 the early warning reporting system.

9 (2) The number of safety defect investigations
10 opened by NHTSA using any information reported
11 to NHTSA through the early warning reporting sys-
12 tem.

13 (3) The nature and vehicle defect category of
14 each safety defect investigation described in para-
15 graph (2).

16 (4) The number of safety defect investigations
17 described in paragraph (2) that are subsequently
18 closed without further action.

19 (5) The duration of each safety defect inves-
20 tigation described in paragraph (2).

21 (6) The percentage of the safety defect inves-
22 tigation described in paragraph (2) that result in a
23 finding of a safety defect or recall by NHTSA.

24 (7) Other information the Inspector General
25 considers appropriate.

1 (b) REPORT ON MANUFACTURER COMPLIANCE WITH
2 EARLY WARNING REPORTING REQUIREMENTS.—Not
3 later than 1 year after the date of enactment of this Act,
4 the Inspector General of the Department of Transpor-
5 tation shall submit to the relevant committees a report
6 that includes—

7 (1) a review of the policies, procedures, and
8 practices of the National Highway Traffic Safety
9 Administration that are intended to ensure that
10 manufacturers subject to the early warning report-
11 ing requirements of section 30166(m) of title 49,
12 United States Code, and subpart C of part 579 of
13 title 49, Code of Federal Regulations, submit all re-
14 quired information in full and without delay;

15 (2) an assessment of the extent to which key
16 agency and manufacturer employees are aware of
17 and understand such policies, procedures, and prac-
18 tices;

19 (3) an assessment of the extent to which manu-
20 facturers submit all required information in full and
21 without delay; and

22 (4) findings, conclusions, and recommendations
23 for formalizing or strengthening the policies, proce-
24 dures, and practices of NHTSA to ensure timely and
25 complete reporting of early warning data.

1 (c) REPORT ON OPERATIONS OF THE COUNCIL FOR
2 VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND
3 EMERGING TECHNOLOGIES.—Not later than 6 months
4 after the date of enactment of this Act, the Secretary shall
5 submit to the relevant committees a report on the oper-
6 ations of the Council for Vehicle Electronics, Vehicle Soft-
7 ware, and Emerging Technologies that includes informa-
8 tion about the accomplishments of the Council, the role
9 the Council plays in integrating and aggregating expertise
10 across NHTSA, and the priorities of the Council over the
11 next 5 years.

12 (d) REPORT ON RECALL COMPLETION RATES.—Not
13 later than 1 year after enactment of this Act and bienni-
14 ally thereafter for 8 years, the Secretary shall conduct an
15 analysis of auto safety recall completion rates to assess
16 potential actions by NHTSA to improve auto safety recall
17 completion rates and submit to the relevant committees
18 a report on the results of such analysis. Each report shall
19 include—

20 (1) the annual recall completion rate by manu-
21 facturer, component (such as brakes, fuel systems,
22 and airbags), and vehicle type (passenger car, sport
23 utility vehicle, passenger van, and pick-up truck) for
24 each of the five years before the year the report is
25 submitted;

1 (2) the methods by which NHTSA has con-
 2 ducted analyses of these recall completion rates to
 3 determine trends and identify risk factors associated
 4 with lower recall rates; and

5 (3) the actions NHTSA has planned to improve
 6 recall completion rates based on the results of this
 7 data analysis.

8 (e) RELEVANT COMMITTEES DEFINED.—In this sec-
 9 tion, the term “relevant committees” means—

10 (1) the Committee on Energy and Commerce of
 11 the House of Representatives; and

12 (2) the Committee on Commerce, Science, and
 13 Transportation of the Senate.

14 **TITLE III—CONSUMER** 15 **PROTECTION**

16 **SEC. 301. LIMITATION ON SALE OR LEASE OF USED MOTOR** 17 **VEHICLES SUBJECT TO A RECALL.**

18 (a) IN GENERAL.—Section 30120 of title 49, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing:

21 “(k) LIMITATION ON SALE OR LEASE OF USED
 22 MOTOR VEHICLES.—

23 “(1) IN GENERAL.—A person who sold at least
 24 10 motor vehicles during the prior 12 months to
 25 purchasers that in good faith purchase the vehicles

1 other than for resale, may not sell or lease a used
2 motor vehicle until any defect or noncompliance de-
3 termined under section 30118 with respect to the ve-
4 hicle has been remedied.

5 “(2) EXCEPTIONS.—Paragraph (1) shall not
6 apply if—

7 “(A) notification of the defect or non-
8 compliance with respect to the vehicle is re-
9 quired under section 30118(b) but enforcement
10 of the order is set aside in a civil action to
11 which section 30121(b) applies; or

12 “(B) if at the time of sale or lease—

13 “(i) the recall information regarding a
14 used motor vehicle was not available using
15 the means established by the Secretary
16 under section 31301 of the Moving Ahead
17 for Progress in the 21st Century Act (49
18 U.S.C. 30166 note); and

19 “(ii) notification under section 30119
20 was not received by the seller or lessor.

21 “(3) USED MOTOR VEHICLE DEFINED.—In this
22 subsection, the term ‘used motor vehicle’ means a
23 motor vehicle that has been purchased previously
24 other than for resale.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect 18 months after the date
3 of enactment of this Act.

4 **SEC. 302. ELIMINATION OF REGIONAL RECALLS.**

5 Section 30118 of title 49, United States Code, is
6 amended by adding at the end the following new sub-
7 sections:

8 “(f) LONG-TERM EXPOSURE TO ENVIRONMENTAL
9 CONDITIONS.—If a manufacturer of a motor vehicle or re-
10 placement equipment learns the vehicle or equipment con-
11 tains a safety problem caused by long-term exposure to
12 environmental conditions, the manufacturer shall give no-
13 tice under subsection (c) as if the manufacturer learned
14 the vehicle or equipment contains a defect and decides in
15 good faith that the defect is related to motor vehicle safe-
16 ty.

17 “(g) NATIONAL ORDERS AND NOTIFICATIONS.—All
18 orders under subsection (b)(2) and notifications under
19 subsection (c) shall be carried out on a national basis and
20 shall not be limited to vehicles or equipment in certain
21 States or territories or other geographic regions of the
22 United States. This paragraph shall not prevent the Sec-
23 retary from permitting the prioritization of the shipment
24 of replacement parts by geographic location when appro-
25 priate.”.

1 **SEC. 303. APPLICATION OF REMEDIES FOR DEFECTS AND**
2 **NONCOMPLIANCE.**

3 Section 30120(g)(1) of title 49, United States Code,
4 is amended by striking “the motor vehicle or replacement
5 equipment was bought by the first purchaser more than
6 10 calendar years, or”.

7 **SEC. 304. PEDESTRIAN SAFETY IMPROVEMENT RULE.**

8 Not later than 2 years after the date of the enact-
9 ment of this Act, the Secretary shall issue a final rule
10 that—

11 (1) establishes standards for passenger motor
12 vehicles in order to reduce the number of injuries
13 and fatalities suffered by pedestrians and other non-
14 occupants who are struck by such vehicles; and

15 (2) considers means for protecting especially
16 vulnerable pedestrian and non-occupant populations,
17 including children, older adults, and individuals with
18 disabilities.

19 **SEC. 305. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

20 Section 30120A of title 49, United States Code, is
21 amended by striking “chapter 11 of title 11,” and insert-
22 ing “chapter 7 or chapter 11 of title 11”.

23 **SEC. 306. RULEMAKING ON REAR SEAT CRASH-**
24 **WORTHINESS.**

25 (a) SAFETY RESEARCH INITIATIVE.—Not later than
26 2 years after the date of enactment of this Act, the Sec-

1 retary shall complete research into the development of
2 safety standards or performance requirements for the
3 crashworthiness and survivability for passengers in the
4 rear seats of motor vehicles.

5 (b) SPECIFICATIONS.—In carrying out subsection (a),
6 the Secretary shall consider side- and rear-impact collision
7 testing, additional airbags, head restraints, seatbelt fit,
8 seatbelt airbags, belt anchor location, and any other fac-
9 tors the Secretary considers appropriate.

10 (c) RULEMAKING OR REPORT.—

11 (1) RULEMAKING.—Not later than 1 year after
12 the completion of each research and testing initiative
13 required under subsection (a), the Secretary shall
14 initiate a rulemaking proceeding to issue a Federal
15 motor vehicle safety standard if the Secretary deter-
16 mines that such a standard meets the requirements
17 and considerations set forth in subsections (a) and
18 (b) of section 30111 of title 49, United States Code.

19 (2) REPORT.—If the Secretary determines that
20 the standard described in paragraph (1) does not
21 meet the requirements and considerations set forth
22 in subsections (a) and (b) of section 30111 of title
23 49, United States Code, the Secretary shall submit
24 a report describing the reasons for not prescribing
25 such a standard to the Committee on Energy and

1 Commerce of the House of Representatives and the
2 Committee on Commerce, Science, and Transpor-
3 tation of the Senate.

4 **TITLE IV—FUNDING**

5 **SEC. 401. VEHICLE SAFETY USER FEE.**

6 (a) AMENDMENT.—Subchapter I of chapter 301 of
7 title 49, United States Code, as amended by section
8 207(c)(1), is further amended by adding at the end the
9 following:

10 **“§ 30108. Vehicle safety user fee**

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

15 “(b) ASSESSMENT AND COLLECTION OF VEHICLE
16 SAFETY FEES.—The Secretary shall assess and collect, in
17 accordance with this section, a vehicle safety user fee from
18 the manufacturer for each motor vehicle that is certified
19 as compliant with applicable motor vehicle safety stand-
20 ards under section 30115.

21 “(c) DEPOSIT.—The Secretary shall deposit any fees
22 collected under subsection (b) into the Vehicle Safety
23 Fund established by subsection (a).

24 “(d) USE.—Amounts in the Vehicle Safety Fund
25 shall be available to the Secretary, as provided in sub-

1 section (h), for making expenditures to meet the obliga-
2 tions of the United States to carry out vehicle safety pro-
3 grams of the National Highway Traffic Safety Adminis-
4 tration.

5 “(e) VEHICLE SAFETY USER FEE.—

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

7 The fee assessed under this section for the first 3
8 years shall be as follows:

9 “(A) \$3 for each motor vehicle certified
10 during the first year in which such fees are as-
11 sessed.

12 “(B) \$6 for each motor vehicle certified
13 during the second year in which such fees are
14 assessed.

15 “(C) \$9 for each motor vehicle certified
16 during the third year in which such fees are as-
17 sessed.

18 “(2) SUBSEQUENT YEARS.—The fee assessed
19 under this section for each motor vehicle certified
20 after the third year in which such fees are assessed
21 shall be adjusted annually by the Secretary by notice
22 published in the Federal Register in accordance with
23 the annual percentage change in the Consumer Price
24 Index for all Urban Consumers, as determined by
25 the Bureau of Labor Statistics.

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

5 “(f) LIMITATIONS.—

6 “(1) IN GENERAL.—Fees under this section
7 shall not be collected for a fiscal year unless appro-
8 priations for vehicle safety programs of the National
9 Highway Traffic Safety Administration for that fis-
10 cal year (excluding the amount of fees appropriated
11 for that fiscal year) are equal to or greater than the
12 amount of appropriations for vehicle safety pro-
13 grams of the National Highway Traffic Safety Ad-
14 ministration for fiscal year 2015.

15 “(2) AUTHORITY.—If the Secretary does not
16 assess fees under this section during any portion of
17 a fiscal year because of paragraph (1), the Secretary
18 may assess and collect the fees, without any modi-
19 fication in the rate, at a later date in that fiscal year
20 notwithstanding subsection (e)(3).

21 “(g) COLLECTION OF UNPAID FEES.—If the Sec-
22 retary does not receive payment of a fee assessed under
23 this section within 30 days after the payment is due, the
24 fee shall be treated as a claim of the United States Gov-

1 ernment subject to subchapter II of chapter 37 of title
2 31.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—In ad-
4 dition to funds authorized to be appropriated under sec-
5 tion 30104, there is authorized to be appropriated from
6 the Vehicle Safety Fund to the Secretary for the National
7 Highway Traffic Safety Administration for each fiscal
8 year in which fees are collected under subsection (b) an
9 amount equal to the total amount collected during the pre-
10 vious fiscal year from fees assessed under this section.
11 Such amounts are authorized to remain available until ex-
12 pended.

13 “(i) CREDITING AND AVAILABILITY OF FEES.—Fees
14 authorized under subsection (b) shall be collected and
15 available for obligation only to the extent and in the
16 amount provided in advance in appropriations Acts.”.

17 (b) CONFORMING AMENDMENT.—The table of sec-
18 tions for chapter 301 of title 49, United States Code, as
19 amended by section 207(c)(4), is further amended by in-
20 serting after the item relating to section 30107 the fol-
21 lowing:

“30108. Vehicle safety user fee.”.

22 (c) RULEMAKING.—Not later than 9 months after the
23 date of enactment of this Act, the Secretary shall promul-
24 gate rules governing the collection and payment of fees
25 under section 30108 of title 49, United States Code, as

1 added by subsection (a), and may update such rules as
2 may be necessary.

3 (d) **EFFECTIVE DATE.**—Section 30108 of title 49,
4 United States Code, as added by subsection (a), shall take
5 effect on the date that is one year after the date of enact-
6 ment of this Act, and the assessment and collection re-
7 quired by subsection (b) of such section shall begin on
8 such date.

9 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 30104 of title 49, United States Code, is
11 amended to read as follows:

12 **“§ 30104. Authorization of appropriations**

13 “(a) **IN GENERAL.**—There are authorized to be ap-
14 propriated to the Secretary to carry out chapter 301 and
15 part C of subtitle VI of title 49 the following:

16 “(1) \$200,000,000 for fiscal year 2016.

17 “(2) \$240,000,000 for fiscal year 2017.

18 “(3) \$280,000,000 for fiscal year 2018.

19 “(b) **SUBSEQUENT FISCAL YEARS.**—There are au-
20 thorized to be appropriated such sums as may be nec-
21 essary for fiscal years 2019 through 2022, except that the
22 amount to be appropriated for a fiscal year shall not be
23 less than the amount of the appropriation under this sec-
24 tion for the immediately preceding fiscal year, increased

1 by the percentage change in the Consumer Price Index
2 for the immediately preceding fiscal year.”.

3 **TITLE V—ADDITIONAL** 4 **PROVISIONS**

5 **SEC. 501. DEADLINES.**

6 If the Secretary determines that a deadline under this
7 Act, or an amendment made by this Act, cannot be met,
8 the Secretary shall—

9 (1) submit a notification in writing to the Com-
10 mittee on Energy and Commerce of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate and ex-
13 plain why that deadline cannot be met; and

14 (2) establish a new deadline.

15 **SEC. 502. LIMITATION ON THE PREEMPTION OF STATE** 16 **LAW.**

17 (a) CONGRESSIONAL AUTHORIZATION REQUIRED.—
18 Notwithstanding any other provision of law, the Secretary
19 shall not publish a rule pursuant to section 30111 of title
20 49, United States Code, that addresses the issue of pre-
21 emption of State law seeking damages for personal injury,
22 death, or property damage unless Congress expressly au-
23 thorizes the Secretary to address such preemption.

24 (b) PREEMPTION LANGUAGE.—Any language ad-
25 dressing the issue of preemption contained within regula-

1 tions issued by the Secretary pursuant to section 30111
2 of title 49, United States Code, during the years 2005
3 through 2008 shall not be considered in determining
4 whether any such regulation preempts any action under
5 State law seeking damages for personal injury, death, or
6 property damage unless Congress expressly authorizes the
7 Secretary to address such preemption.

○