

113TH CONGRESS
2D SESSION

H. R. 5654

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

SEPTEMBER 18, 2014

Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. BUTTERFIELD, Ms. DEGETTE, Mr. PALLONE, 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 2014”.

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. Definition of Secretary.

TITLE I—INCREASED AND IMPROVED PUBLIC ACCESS TO INFORMATION

- Sec. 101. Increased public availability of vehicle safety information.
- Sec. 102. Improved vehicle safety databases.

TITLE II—ENHANCED AGENCY TOOLS AND ACCOUNTABILITY

- Sec. 201. Civil penalties.
- Sec. 202. Early warning reporting requirements.
- Sec. 203. Administrative accountability.
- Sec. 204. Imminent hazard authority.
- Sec. 205. Cooperation with foreign governments.
- Sec. 206. Pedestrian safety improvement.
- Sec. 207. Regional recalls limitation.

TITLE III—CONSUMER PROTECTION

- Sec. 301. Limitation on sale or lease of used motor vehicles.
- Sec. 302. Retention of safety records by manufacturers.
- Sec. 303. Recall obligations under bankruptcy.

TITLE IV—ADDITIONAL PROVISION

- Sec. 401. Deadlines.

3 **SEC. 2. DEFINITION OF SECRETARY.**

4 In this Act, the term “Secretary” means the Sec-
5 retary of Transportation, acting through the Adminis-
6 trator of the National Highway Traffic Safety Administra-
7 tion.

8 **TITLE I—INCREASED AND IM-**
9 **PROVED PUBLIC ACCESS TO**
10 **INFORMATION**

11 **SEC. 101. INCREASED PUBLIC AVAILABILITY OF VEHICLE**
12 **SAFETY INFORMATION.**

13 (a) MANUFACTURER COMMUNICATIONS.—

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

3 (A) by redesignating paragraph (2) as
4 paragraph (3);

5 (B) by striking paragraph (1) and insert-
6 ing the following:

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

16 “(A) any defect in its vehicles or equip-
17 ment (including any failure or malfunction be-
18 yond normal deterioration in use, or any failure
19 of performance, or any flaw or unintended devi-
20 ation from design specifications), whether or
21 not such defect is safety-related; or

22 “(B) any noncompliance with a motor vehi-
23 cle safety standard prescribed under this chap-
24 ter in a vehicle or equipment that is sold or
25 serviced.

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

4 “(A) all notices, bulletins, and other com-
5 munications, other than those required to be
6 submitted pursuant to paragraph (c)(10) of sec-
7 tion 573.6 of title 49, Code of Federal Regula-
8 tions, sent to more than one manufacturer, dis-
9 tributor, dealer, lessor, lessee, owner, or pur-
10 chaser, in the United States; and

11 “(B) those communications relating to a
12 customer satisfaction campaign, consumer advi-
13 sory, recall, or other safety activity involving
14 the repair or replacement of motor vehicles or
15 equipment, that the manufacturer issued to, or
16 made available to, more than one dealer, dis-
17 tributor, lessor, lessee, other manufacturer,
18 owner, or purchaser, in the United States.”;
19 and

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

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

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply to communications
3 given to the Secretary pursuant to paragraph (1) of
4 section 30166(f) of title 49, United States Code, as
5 amended by such paragraph, starting 1 year after
6 the date of enactment of this Act.

7 (b) EARLY WARNING DATA.—

8 (1) IN GENERAL.—Section 30166(m)(4) of title
9 49, United States Code, is amended by striking sub-
10 paragraph (C) and inserting the following:

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

16 (2) RULE.—Not later than 2 years after the
17 date of enactment of this Act, the Secretary shall
18 issue a final rule establishing categories of informa-
19 tion provided to the Secretary pursuant to section
20 30166(m) of title 49, United States Code, that must
21 be made available to the public. The Secretary may
22 establish categories of information that the Sec-
23 retary determines are exempt from public disclosure
24 under section 552(b) of title 5, United States Code.

1 (3) CONSULTATION.—In conducting the rule-
2 making required under paragraph (2), the Secretary
3 shall consult with the Director of the Office of Gov-
4 ernment Information Services within the National
5 Archives and the Director of the Office of Informa-
6 tion Policy of the Department of Justice.

7 (4) PRESUMPTION AND LIMITATION.—The Sec-
8 retary shall issue the regulations with a presumption
9 in favor of maximum public availability of informa-
10 tion, including information contained in field reports
11 submitted to the Secretary. In issuing regulations
12 under paragraph (2), the following types of informa-
13 tion shall presumptively not be eligible for protection
14 under section 552(b) of title 5, United States Code:

15 (A) Vehicle safety defect or noncompliance
16 information related to an incident or incidents
17 involving death or injury.

18 (B) Aggregated numbers of property dam-
19 age claims.

20 (C) Aggregated numbers of consumer com-
21 plaints related to potential vehicle defects.

22 (5) NULLIFICATION OF PRIOR REGULATIONS.—
23 Upon the effective date of a final rule issued under
24 paragraph (2), the regulations establishing early
25 warning reporting class determinations in Appendix

1 C of part 512 of title 49, Code of Federal Regula-
2 tions, shall have no force or effect.

3 (c) DEATH INQUIRIES.—Not later than 1 year after
4 the date of enactment of this Act, and every 6 months
5 thereafter, the Secretary shall compile, and make available
6 on a publicly accessible Internet website for a period of
7 not less than 10 years, summaries of written communica-
8 tions sent by the Secretary to a manufacturer during the
9 preceding 6-month period requesting additional informa-
10 tion about fatal incidents reported under section
11 30166(m) of such title. Each such summary shall include,
12 at a minimum, the following:

13 (1) The manufacturer.

14 (2) Any vehicle or equipment make, model
15 name, and model year about which the Secretary has
16 inquired.

17 (3) Any vehicle system or component about
18 which the Secretary has inquired.

19 (4) The date of the written communication and
20 the date by which a response must be submitted by
21 the manufacturer.

22 (5) The number of incidents about which the
23 Secretary has inquired, and the earliest and latest
24 quarters during which such incidents were reported
25 to the Secretary.

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

2 Not later than 2 years after the date of enactment
3 of this Act, the Secretary shall increase public accessibility
4 to information on the National Highway Traffic Safety
5 Administration's vehicle safety databases by—

6 (1) improving organization and functionality,
7 including modern web design features, and allowing
8 for data to be searched, aggregated, and download-
9 ed;

10 (2) providing greater consistency in presen-
11 tation of vehicle safety issues;

12 (3) improving searchability about specific vehi-
13 cles and issues through standardization of commonly
14 used search terms and the integration of databases
15 to enable all to be simultaneously searched using the
16 same keyword search function; and

17 (4) improving the publicly accessible early
18 warning database, by—

19 (A) enabling users to search for incidents
20 across multiple reporting periods for a given
21 make and model name, model year, or type of
22 potential defect;

23 (B) ensuring that search results, in addi-
24 tion to being downloadable, are sortable within
25 an Internet browser by make, model name,
26 model year, State or foreign country of the inci-

1 dent, number of deaths, number of injuries,
2 date of the incident, and type of potential de-
3 fect; and

4 (C) developing a clear, organized, and
5 searchable method by which the public can ac-
6 cess information made available by the Sec-
7 retary that is reported under clause (ii) of sec-
8 tion 30166(m)(3)(C) of title 49, United States
9 Code, as amended by this Act.

10 **TITLE II—ENHANCED AGENCY** 11 **TOOLS AND ACCOUNTABILITY**

12 **SEC. 201. CIVIL PENALTIES.**

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

15 (1) in subsection (a)(1)—

16 (A) in the first sentence by striking
17 “\$5,000” and inserting “\$25,000”; and

18 (B) by striking the third sentence; and

19 (2) in subsection (a)(3)—

20 (A) in the second sentence by striking
21 “\$5,000” and inserting “\$25,000”; and

22 (B) by striking the third sentence.

23 (b) CONSTRUCTION.—Nothing in the amendments
24 made by this section shall be construed as preventing the
25 imposition of penalties under section 30165 of title 49,

1 United States Code, prior to the issuance of a final rule
2 under section 31203(b) of the Moving Ahead for Progress
3 in the 21st Century Act (49 U.S.C. 30165 note).

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

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

7 (1) in paragraph (3)(A), by striking clause (ii)
8 and inserting the following:

9 “(ii) customer satisfaction campaigns,
10 customer advisories, recalls, consumer
11 complaints, warranty claims, field reports,
12 or other activity involving the repair or re-
13 placement of motor vehicles or motor vehi-
14 cle equipment.”; and

15 (2) in paragraph (4), by striking subparagraph
16 (B) and redesignating subparagraphs (C) and (D)
17 as subparagraphs (B) and (C), respectively.

18 (b) INFORMATION ON FATAL INCIDENTS.—Section
19 30166(m)(3)(C) of title 49, United States Code, is amend-
20 ed—

21 (1) by striking “The manufacturer” and insert-
22 ing the following:

23 “(i) IN GENERAL.—The manufac-
24 turer”; and

25 (2) by adding at the end the following:

1 “(ii) FATAL INCIDENTS.—If an inci-
2 dent described in clause (i) involves one or
3 more deaths, the manufacturer shall report
4 to the Secretary, in such manner as the
5 Secretary establishes by regulation—

6 “(I) all initial claims or notice
7 documents that notified the manufac-
8 turer of the incident;

9 “(II) all investigative documents
10 prepared by any local, State, or Fed-
11 eral government agency or personnel
12 related to the incident, including pho-
13 tographs, police reports, cause and or-
14 igin reports, or other documents de-
15 scribing or reconstructing the inci-
16 dent;

17 “(III) any amendments or sup-
18 plements to the documents described
19 in subclause (I), except for—

20 “(aa) medical documents
21 and bills;

22 “(bb) property damage in-
23 voices or estimates; and

24 “(cc) documents related to
25 quantification of damages; and

1 “(IV) the manufacturer’s assess-
2 ment of the circumstances that led to
3 the incident, including the manufac-
4 turer’s analysis of the claims or no-
5 tices regarding allegations of a defect.

6 “(iii) LIMITATION.—The regulations
7 promulgated by the Secretary under clause
8 (ii) may not require a manufacturer to
9 submit records respecting information de-
10 scribed in subclause (II) of such clause
11 that is not in the possession of the manu-
12 facturer.”.

13 (c) COMPONENT CATEGORIES.—

14 (1) COMMENCEMENT.—Not later than 1 year
15 after the date of enactment of this Act, the Sec-
16 retary shall commence a rulemaking proceeding to
17 amend the system and component categories re-
18 quired to be used in early warning reports on light
19 vehicles submitted pursuant to section 579.21 of
20 title 49, Code of Federal Regulations. In issuing
21 rules under this subsection, the Secretary shall, to
22 the extent each may assist in the identification of
23 defects related to motor vehicle safety, maximize—

24 (A) interoperability between the early
25 warning reporting database and the publicly

1 available consumer complaint database, by en-
2 suring that the amended set of categories estab-
3 lished by rule are the same as those available
4 to vehicle owners or lessees reporting safety
5 issues to the publicly available consumer com-
6 plaint database;

7 (B) precision, including by dividing cat-
8 egories that are imprecise and adding new cat-
9 egories that identify specific vehicle equipment
10 not previously represented; and

11 (C) organization and ease of use, including
12 by housing categories pertaining to specific
13 items of equipment within more general vehicle
14 safety categories and operating systems.

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

18 (d) STANDARDIZATION OF MANUFACTURER REPORT-
19 ING PRACTICES.—

20 (1) REVIEW.—

21 (A) IN GENERAL.—Not later than 4 years
22 after the date of enactment of this Act, the Sec-
23 retary shall complete a comprehensive review of
24 individual light vehicle manufacturers' practices
25 for reporting to the Secretary incidents involv-

1 ing death or injury pursuant to section 579.21
2 of title 49, Code of Federal Regulations.

3 (B) COMPONENTS.—The review conducted
4 under subparagraph (A) shall—

5 (i) identify the major differences
6 among such manufacturers' reporting
7 practices;

8 (ii) identify the extent to which such
9 manufacturers report precisely the infor-
10 mation required under subsection (b) of
11 section 579.21 of title 49, Code of Federal
12 Regulations, or, alternatively, report addi-
13 tional information under such subsection;

14 (iii) identify the types and sources of
15 additional information, as described in
16 clause (ii), that manufacturers report to
17 the Secretary;

18 (iv) assess and explain the extent to
19 which differing reporting practices hinder
20 the ability of the National Highway Traffic
21 Safety Administration to compare a manu-
22 facturer's data for vehicles or equipment to
23 the data of another manufacturer's vehi-
24 cles or equipment, all peer vehicles or
25 equipment, or the entire United States

1 population of vehicles or equipment, or to
2 data on vehicles or equipment submitted to
3 the Secretary by a vehicle owner or lessee;
4 and

5 (v) determine, based on findings
6 under clause (iv), whether differences
7 among individual light vehicle manufactur-
8 ers' practices for reporting to the Sec-
9 retary incidents involving death or injury
10 pursuant to section 579.21 of title 49,
11 Code of Federal Regulations, are detri-
12 mental to the identification of defects re-
13 lated to motor vehicle safety in motor vehi-
14 cles and motor vehicle equipment in the
15 United States.

16 (2) GUIDELINES.—If the Secretary makes an
17 affirmative determination under clause (v) of para-
18 graph (1)(B), the Secretary may issue guidelines for
19 the standardization of reporting practices described
20 in such clause.

21 (e) REPORT ON MANUFACTURER COMPLIANCE WITH
22 EARLY WARNING REPORTING REQUIREMENTS.—Not
23 later than 1 year after the date of enactment of this Act,
24 the Inspector General of the Department of Transpor-
25 tation shall—

1 (1) review the National Highway Traffic Safety
2 Administration’s policies, procedures, and practices
3 intended to ensure that manufacturers subject to the
4 early warning reporting requirements of section
5 30166(m) of title 49, United States Code, and sub-
6 part C of part 579 of title 49, Code of Federal Reg-
7 ulations, submit all required information in full and
8 without delay;

9 (2) assess the extent to which key agency and
10 manufacturer employees are aware of and under-
11 stand such policies, procedures, and practices;

12 (3) assess the extent to which manufacturers
13 submit all required information in full and without
14 delay; and

15 (4) submit a report to the Committee on En-
16 ergy and Commerce of the House of Representatives
17 and the Committee on Commerce, Science, and
18 Transportation of the Senate that contains the In-
19 spector General’s findings, conclusions, and rec-
20 ommendations for formalizing or strengthening
21 agency policies, procedures, and practices in order to
22 ensure timely and complete reporting of early warn-
23 ing data.

1 **SEC. 203. ADMINISTRATIVE ACCOUNTABILITY.**

2 (a) PETITIONS FOR STANDARDS AND ENFORCE-
3 MENT.—

4 (1) MISSED DEADLINES.—Section 30162(d) of
5 title 49, United States Code, is amended by insert-
6 ing at the end the following: “If the Secretary fails
7 to grant or deny a petition within the 120-day pe-
8 riod, the Secretary shall promptly publish in the
9 Federal Register an explanation for missing the
10 deadline and a projected date by which the Secretary
11 will decide whether to grant the petition. On Feb-
12 ruary 1 and August 1 of each year, the Secretary
13 shall submit to the Committee on Energy and Com-
14 merce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate a letter listing each deadline the Sec-
17 retary missed under this subsection during the 6-
18 month period ending on such date, explaining why
19 the Secretary missed the deadline, and describing
20 any investigations, proceedings, or actions related to
21 the relevant petition that the Secretary has con-
22 ducted or taken since the petition was filed.”.

23 (2) APPEAL OF DEFECT PETITION REJEC-
24 TION.—Section 30162 of title 49, United States
25 Code, is further amended by adding at the end the
26 following:

1 “(e) JUDICIAL REVIEW.—A decision of the Secretary
2 to deny a petition filed under subsection (a)(2) is agency
3 action subject to judicial review under chapter 7 of title
4 5, and such action shall not be considered committed to
5 agency discretion within the meaning of section 701(a)(2)
6 of such title. A person aggrieved by the denial of a petition
7 may obtain judicial review by filing an action in the court
8 of appeals of the United States for the circuit in which
9 the person resides or has its principal place of business
10 or the United States Court of Appeals for the District of
11 Columbia Circuit not more than 180 days after notice of
12 the denial of the petition is published in the Federal Reg-
13 ister.”.

14 (b) INFORMATION PROVIDED BY WHISTLE-
15 BLOWERS.—

16 (1) IN GENERAL.—Subchapter IV of chapter
17 301 of title 49, United States Code, is amended by
18 adding at the end the following:

19 **“§ 30172. Review of information provided by employ-**
20 **ees**

21 “(a) DEFINITION OF COVERED PERSON.—In this
22 section, the term ‘covered person’ means an employee of
23 a manufacturer, distributor, part supplier, or dealer (or
24 any person acting pursuant to a request of the employee
25 or to the extent such person is engaged in collecting and

1 analyzing information provided by one or more such em-
2 ployees) who, in good faith, provides information to the
3 Secretary indicating—

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

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

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

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

20 (2) REPORT.—

21 (A) IN GENERAL.—Not later than 30
22 months after the date of enactment of this Act,
23 and biennially thereafter for 6 years, the Sec-
24 retary shall complete a report on the activities
25 of the National Highway Traffic Safety Admin-

1 istration under section 30172 of title 49,
2 United States Code, as added by paragraph (1),
3 and, upon completion, shall—

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

9 (ii) publish the report in an easily ac-
10 cessible and downloadable electronic for-
11 mat.

12 (B) CONTENTS.—Such report shall in-
13 clude—

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

19 (I) the total number of such sub-
20 missions and the number within this
21 total which were submitted directly by
22 an employee described in subsection
23 (a) of such section; and

24 (II) the number of submissions
25 pertaining to a possible safety-related

1 defect or noncompliance and the num-
2 ber of submissions pertaining to a vio-
3 lation of chapter 301 of title 49,
4 United States Code, or a regulation
5 prescribed or order issued under such
6 chapter; and

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

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

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

17 **SEC. 204. IMMINENT HAZARD AUTHORITY.**

18 Section 30118 of title 49, United States Code, is
19 amended—

20 (1) in subsection (b)—

21 (A) in paragraph (1), by striking “(1) The
22 Secretary may” and inserting “(1) IN GEN-
23 ERAL.—Except as provided under paragraph
24 (3), the Secretary may”.

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

3 (C) by adding after paragraph (2) the fol-
4 lowing:

5 “(3) IMMINENT HAZARDS.—

6 “(A) DECISIONS AND ORDERS.—If the
7 Secretary decides that a defect or noncompli-
8 ance, or combination of both, under subsection
9 (a) presents an imminent hazard, the Sec-
10 retary—

11 “(i) shall notify the manufacturer of
12 the motor vehicle or replacement equip-
13 ment immediately under subsection (a);

14 “(ii) shall order the manufacturer of
15 the motor vehicle or replacement equip-
16 ment to immediately—

17 “(I) give notification under sec-
18 tion 30119 of this title to the owners,
19 purchasers, and dealers of the vehicle
20 or equipment of the imminent hazard;
21 and

22 “(II) remedy the defect or non-
23 compliance under section 30120 of
24 this title;

1 “(iii) notwithstanding section 30119
2 or 30120, may order the time for notifica-
3 tion, means of providing notification, ear-
4 liest remedy date, and time the owner or
5 purchaser has to present the motor vehicle
6 or equipment, including a tire, for remedy;
7 and

8 “(iv) may include in an order under
9 this subparagraph any other terms or con-
10 ditions that the Secretary determines nec-
11 essary to abate the imminent hazard.

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

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

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

1 **SEC. 205. COOPERATION WITH FOREIGN GOVERNMENTS.**

2 Section 30182(b) of title 49, United States Code, is
3 amended by inserting after paragraph (5) the following:

4 “(6) enter into cooperative agreements (in co-
5 ordination with the Department of State) and col-
6 laborative research and development agreements
7 with foreign governments.”.

8 **SEC. 206. PEDESTRIAN SAFETY IMPROVEMENT.**

9 (a) **RULE.**—Not later than 2 years after the date of
10 the enactment of this Act, the Secretary shall issue a final
11 rule that—

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

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

20 (b) **DEFINITION OF PASSENGER MOTOR VEHICLE.**—

21 In this section, the term “passenger motor vehicle” means
22 a motor vehicle (as defined in section 30102(a)(6) of title
23 49, United States Code) that is rated at less than 10,000
24 pounds gross vehicular weight. Such term does not in-
25 clude—

26 (1) a motorcycle;

1 (2) a trailer; or

2 (3) a low-speed vehicle (as defined in section
3 571.3 of title 49, Code of Federal Regulations).

4 **SEC. 207. REGIONAL RECALLS LIMITATION.**

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.”.

1 **TITLE III—CONSUMER**
2 **PROTECTION**

3 **SEC. 301. LIMITATION ON SALE OR LEASE OF USED MOTOR**
4 **VEHICLES.**

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

8 “(k) LIMITATION ON SALE OR LEASE OF USED
9 MOTOR VEHICLES.—

10 “(1) A dealer may not sell or lease a used
11 motor vehicle until—

12 “(A) the dealer clearly and conspicuously
13 notifies the purchaser or lessee, in writing, of
14 any notifications of a defect or noncompliance
15 under section 30118(b) or section 30118(c) of
16 this title with respect to the used motor vehicle
17 that have not been remedied; and

18 “(B) the purchaser or lessee acknowledges,
19 in writing, receipt of the notification from the
20 dealer under subparagraph (A).

21 “(2) Paragraph (1) shall not apply if—

22 “(A) the defect or noncompliance is rem-
23 edied under section 30120 of this title before
24 delivery under the sale or lease; or

1 “(B) notification of the defect or non-
2 compliance is required under section 30118(b),
3 but enforcement of the order is set aside in a
4 civil action to which 30121(d) applies.

5 “(3) This subsection shall not apply to a dealer
6 if the recall information regarding a used motor ve-
7 hicle was not accessible at the time of sale or lease
8 using the means established by the Secretary under
9 section 31301 of the Moving Ahead for Progress in
10 the 21st Century Act (49 U.S.C. 30166 note), and
11 was not otherwise known to and accessible to the
12 dealer at such time.

13 “(4) In this subsection, notwithstanding section
14 30102(a)(1) of this title—

15 “(A) the term ‘dealer’ means a person that
16 has sold at least 10 motor vehicles to 1 or more
17 consumers during the prior 12 months; and

18 “(B) the term ‘used motor vehicle’ means
19 a motor vehicle that has previously been pur-
20 chased other than for resale.

21 “(5) By rule, the Secretary may exempt the
22 auctioning of a used passenger motor vehicle to a
23 dealer from the requirements of this section to the
24 extent that the exemption does not harm public safe-
25 ty.”.

1 (b) EFFECTIVE DATE.—This section shall take effect
2 18 months after the date of enactment of this Act.

3 **SEC. 302. RETENTION OF SAFETY RECORDS BY MANUFAC-**
4 **TURERS.**

5 (a) RULE.—Not later than 18 months after the date
6 of enactment of this Act, the Secretary shall issue a final
7 rule pursuant to section 30117 of title 49, United States
8 Code, requiring each manufacturer of motor vehicles or
9 motor vehicle equipment to retain all motor vehicle safety
10 records, including documents, reports, correspondence, or
11 other materials that contain information concerning mal-
12 functions that may be related to motor vehicle safety (in-
13 cluding any failure or malfunction beyond normal deterio-
14 ration in use, or any failure of performance, or any flaw
15 or unintended deviation from design specifications, that
16 could in any reasonably foreseeable manner be a causative
17 factor in, or aggravate, an accident or an injury to a per-
18 son), for a period of not less than 20 calendar years from
19 the date on which they were generated or acquired by the
20 manufacturer. Such requirement shall also apply to all un-
21 derlying records on which information reported to the Sec-
22 retary under part 579 of title 49, Code of Federal Regula-
23 tions, is based.

24 (b) APPLICATION.—The rule required by subsection
25 (a) shall apply with respect to any record described in such

1 subsection that is in the possession of a manufacturer on
2 the effective date of such rule.

3 **SEC. 303. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

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

7 **TITLE IV—ADDITIONAL**
8 **PROVISION**

9 **SEC. 401. DEADLINES.**

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

13 (1) notify the Committee on Energy and Com-
14 merce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate and explain why that deadline cannot be
17 met; and

18 (2) establish a new deadline.

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