

114TH CONGRESS  
1ST SESSION

# S. 1743

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. NELSON (for himself, Mr. BLUMENTHAL, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, 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; REF-**  
4 **ERENCES.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
6 “Motor Vehicle Safety Act of 2015”.

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

Sec. 1. Short title; table of contents; references.

Sec. 2. Definition of Secretary.

## TITLE I—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 101. Public availability of early warning data.
- Sec. 102. Additional early warning reporting requirements.
- Sec. 103. Improved National Highway Traffic Safety Administration vehicle safety databases.
- Sec. 104. Corporate responsibility for NHTSA reports.
- Sec. 105. Reports to Congress.

## TITLE II—ENHANCED SAFETY AUTHORITY AND CONSUMER PROTECTION

- Sec. 201. Civil penalties.
- Sec. 202. Criminal penalties.
- Sec. 203. Cooperation with foreign governments.
- Sec. 204. Imminent hazard authority.
- Sec. 205. Used passenger motor vehicle consumer protection.
- Sec. 206. Unattended children warning system.
- Sec. 207. Collision avoidance technologies.
- Sec. 208. Motor vehicle pedestrian protection.

## TITLE III—FUNDING

- Sec. 301. Authorization of appropriations.

## TITLE IV—RECALL PROCESS IMPROVEMENTS

- Sec. 401. Recall obligations under bankruptcy.
- Sec. 402. Dealer requirement to check for and remedy recall.
- Sec. 403. Application of remedies for defects and noncompliance.
- Sec. 404. Direct vehicle notification of recalls.
- Sec. 405. State notification of open safety recalls.
- Sec. 406. Recall completion pilot grant program.
- Sec. 407. Improvements to notification of defect or noncompliance.

## 1 (c) REFERENCES TO TITLE 49, UNITED STATES

2 CODE.—Except as otherwise expressly provided, wherever

3 in this Act an amendment or repeal is expressed in terms

4 of an amendment to, or repeal of, a section or other provi-

5 sion, the reference shall be considered to be made to a

6 section or other provision of title 49, United States Code.

7 **SEC. 2. DEFINITION OF SECRETARY.**

8 In this Act, unless expressly provided otherwise, the

9 term “Secretary” means the Secretary of Transportation.

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

3     **SEC. 101. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

4             (a) REGULATIONS.—Not later than 2 years after the  
5 date of enactment of this Act, the Secretary shall promul-  
6 gate regulations establishing categories of information  
7 provided to the Secretary under section 30166(m) of title  
8 49, United States Code, as amended by section 102 of this  
9 Act, that must be made available to the public. The Sec-  
10 retary may establish categories of information that are ex-  
11 empt from public disclosure under section 552(b) of title  
12 5, United States Code.

13            (b) CONSULTATION.—In conducting the rulemaking  
14 under subsection (a), the Secretary shall consult with the  
15 Director of the Office of Government Information Services  
16 within the National Archives and Records Administration  
17 and the Director of the Office of Information Policy of  
18 the Department of Justice.

19            (c) PRESUMPTION AND LIMITATION.—The Secretary  
20 shall promulgate the regulations with a presumption in  
21 favor of maximum public availability of information. In  
22 promulgating regulations under subsection (a), the fol-  
23 lowing types of information shall presumptively not be eli-  
24 gible for protection under section 552(b) of title 5, United  
25 States Code:

1           (1) Vehicle safety defect information related to  
2 incidents involving death or injury.

3           (2) Aggregated numbers of property damage  
4 claims.

5           (3) Aggregated numbers of consumer com-  
6 plaints related to potential vehicle defects.

7           (d) NULLIFICATION OF PRIOR REGULATIONS.—Be-  
8 ginning 2 years after the date of enactment of this Act,  
9 the regulations establishing early warning reporting class  
10 determinations in Appendix C of part 512 of title 49, Code  
11 of Federal Regulations, shall have no force or effect.

12 **SEC. 102. ADDITIONAL EARLY WARNING REPORTING RE-**  
13 **QUIREMENTS.**

14           Section 30166(m) is amended—

15           (1) in paragraph (3)(C)—

16                   (A) by striking “The manufacturer” and  
17 inserting the following:

18                           “(i) IN GENERAL.—The manufac-  
19 turer”; and

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

21                           “(ii) FATAL INCIDENTS.—If an inci-  
22 dent described in clause (i) involves a fa-  
23 tality, the Secretary shall require the man-  
24 ufacturer to submit, as part of its incident  
25 report—

1           “(I) all initial claim or notice  
2 documents, as defined by the Sec-  
3 retary through regulation, except  
4 media reports, that notified the manu-  
5 facturer of the incident;

6           “(II) any police reports or other  
7 documents, as defined by the Sec-  
8 retary through regulation, that relate  
9 to the initial claim or notice (except  
10 for documents that are protected by  
11 the attorney-client privilege or work  
12 product privileges that are not already  
13 publicly available), that describe or re-  
14 construct the incident, and that are in  
15 the actual possession or control of the  
16 manufacturer at the time the incident  
17 report is submitted;

18           “(III) any amendments or sup-  
19 plements, as defined by the Secretary  
20 through regulation, to the initial claim  
21 or notice documents described in sub-  
22 clause (I), except for—

23                   “(aa) medical documents  
24 and bills;

1 “(bb) property damage in-  
2 voices or estimates; and

3 “(cc) documents related to  
4 damages; and

5 “(IV) any police reports or other  
6 documents described in subclause (II)  
7 that are obtained by the manufacturer  
8 after the submission of its incident re-  
9 port.”;

10 (2) in paragraph (4), by amending subpara-  
11 graph (C) to read as follows:

12 “(C) DISCLOSURE.—

13 “(i) IN GENERAL.—The information  
14 provided to the Secretary under this sub-  
15 section shall—

16 “(I) be disclosed publicly; and

17 “(II) be entered into the early  
18 warning reporting database in a man-  
19 ner specified by the Secretary through  
20 regulation that is searchable by manu-  
21 facturer name, vehicle or equipment  
22 make and model name, model year,  
23 and reported system or component.

1           “(ii) INFORMATION DISCLOSURE RE-  
2           QUIREMENTS.—In administering this sub-  
3           paragraph, the Secretary shall—

4                   “(I) presume in favor of max-  
5                   imum public availability of informa-  
6                   tion;

7                   “(II) require the publication of  
8                   information on incidents involving  
9                   death or injury; and

10                   “(III) require the publication of  
11                   numbers of property damage claims.”;  
12                   and

13           (3) by adding at the end the following:

14                   “(6) SECTION 552 OF TITLE 5.—Any require-  
15                   ment for the Secretary to publicly disclose informa-  
16                   tion under this subsection shall be construed consist-  
17                   ently with the requirements of section 552 of title 5.

18                   “(7) USE OF EARLY WARNING REPORTS.—The  
19                   Secretary shall consider information gathered under  
20                   this subsection in proceedings described in sections  
21                   30118 and 30162.”.

1 **SEC. 103. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFETY**  
2 **ADMINISTRATION VEHICLE SAFETY DATA-**  
3 **BASES.**

4 (a) IN GENERAL.—Not later than 2 years after the  
5 date of enactment of this Act, and after public consulta-  
6 tion, the Secretary shall improve public accessibility to in-  
7 formation on the National Highway Traffic Safety Admin-  
8 istration’s publicly accessible vehicle safety databases—

9 (1) by improving organization and functionality,  
10 including design features such as drop-down menus,  
11 and allowing for data from all of the publicly acces-  
12 sible vehicle safety databases to be searched, sorted,  
13 aggregated, and downloaded in a manner—

14 (A) consistent with the public interest; and

15 (B) that facilitates easy use by consumers;

16 (2) by providing greater consistency in presen-  
17 tation of vehicle safety issues;

18 (3) by improving searchability about specific ve-  
19 hicles and issues through standardization of com-  
20 monly used search terms and the integration of  
21 databases to enable all to be simultaneously searched  
22 using the same keyword search function; and

23 (4) by ensuring that all studies, investigation  
24 reports, inspection reports, incident reports, and  
25 other categories of materials, as specified through  
26 the rulemaking under section 101(a), be made pub-

1       licly available in a manner that is searchable in  
2       databases by—

3               (A) manufacturer name, vehicle or equip-  
4               ment make and model name, and model year;

5               (B) reported system or component;

6               (C) number of injuries or fatalities; and

7               (D) any other element that the Secretary  
8               determines to be in the public interest.

9       (b) INVESTIGATION INFORMATION.—The Secretary  
10       shall—

11               (1) provide public notice of information re-  
12               quests to manufacturers issued under section 30166  
13               of title 49, United States Code; and

14               (2) make such information requests, the manu-  
15               facturer's written responses to the information re-  
16               quests, and notice of any enforcement or other ac-  
17               tion taken as a result of the information requests—

18                       (A) available to consumers on the Internet  
19                       not later than 5 days after such notice is  
20                       issued; and

21                       (B) searchable by manufacturer name, ve-  
22                       hicle or equipment make and model name,  
23                       model year, system or component, and the type  
24                       of inspection or investigation being conducted.

1 (c) SECTION 552 OF TITLE 5.—Any requirement for  
 2 the Secretary to publicly disclose information under this  
 3 section shall be construed consistently with the require-  
 4 ments of section 552 of title 5, United States Code.

5 **SEC. 104. CORPORATE RESPONSIBILITY FOR NHTSA RE-**  
 6 **PORTS.**

7 Section 30166(o) is amended—

8 (1) in paragraph (1), by striking “may” and in-  
 9 serting “shall”; and

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

11 “(3) DEADLINE.—Not later than 1 year after  
 12 the date of enactment of the Motor Vehicle Safety  
 13 Act of 2015, the Secretary shall issue a final rule  
 14 under paragraph (1).”.

15 **SEC. 105. REPORTS TO CONGRESS.**

16 (a) ABILITY TO IDENTIFY AND INVESTIGATE VEHI-  
 17 CLE SAFETY CONCERNS.—

18 (1) IN GENERAL.—Not later than 3 years after  
 19 the date of enactment of this Act, and biennially  
 20 thereafter for 6 years, the Inspector General of the  
 21 Department of Transportation shall update the In-  
 22 spector General’s report dated June 18, 2015 (ST-  
 23 2015–063), on the pre-investigation processes used  
 24 by the Office of Defects Investigation of the Na-  
 25 tional Highway Traffic Safety Administration (re-

1       ferred to in this section as “NHTSA”) to collect and  
2       analyze vehicle safety data and to determine poten-  
3       tial safety issues and whether those processes were  
4       sufficiently improved, including an assessment of—

5               (A) the sufficiency of NHTSA’s procedures  
6               and practices for collecting, verifying the accu-  
7               racy and completeness of, analyzing, and deter-  
8               mining whether to further investigate potential  
9               safety issues described in consumer complaints  
10              and manufacturer submittals to the early warn-  
11              ing report system;

12             (B) the number and type of requests for  
13             information made by NHTSA based on data re-  
14             ceived in the early warning reporting system  
15             and consumer complaints received;

16             (C) the number of safety defect investiga-  
17             tions opened by NHTSA based on information  
18             reported to NHTSA through the early warning  
19             reporting system, consumer complaints, or  
20             other sources;

21             (D) the nature and vehicle defect category  
22             of each safety defect investigation described in  
23             subparagraph (C);

1 (E) the duration of each safety defect in-  
2 vestigation described in subparagraph (C), in-  
3 cluding—

4 (i) the number of safety defect inves-  
5 tigation described in subparagraph (C)  
6 that are subsequently closed without fur-  
7 ther action; and

8 (ii) the number and description of  
9 safety defect investigations described in  
10 subparagraph (C) that have been open for  
11 more than 1 year;

12 (F) the percentage of the safety defect in-  
13 vestigation described in subparagraph (C) that  
14 result in a finding of a safety defect, recall, or  
15 service information campaign;

16 (G) the status and sufficiency of NHTSA's  
17 compliance with each recommendation designed  
18 to improve vehicle safety made by the Inspector  
19 General; and

20 (H) other information the Inspector Gen-  
21 eral considers appropriate.

22 (2) REPORT.—

23 (A) IN GENERAL.—Not later than 30 days  
24 after the date that a report under paragraph

1 (1) is complete, the Inspector General shall  
2 transmit the report to—

3 (i) the Committee on Commerce,  
4 Science, and Transportation of the Senate;  
5 and

6 (ii) the Committee on Energy and  
7 Commerce of the House of Representa-  
8 tives.

9 (B) PUBLIC.—The Inspector General shall  
10 make the report public as soon as practicable,  
11 but not later than 30 days after the date the  
12 report is transmitted under subparagraph (A).

13 (b) REPORT ON OPERATIONS OF THE COUNCIL FOR  
14 VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND  
15 EMERGING TECHNOLOGIES.—

16 (1) IN GENERAL.—Not later than 6 months  
17 after the date of enactment of this Act, the Sec-  
18 retary shall prepare a report regarding the oper-  
19 ations of the Council for Vehicle Electronics, Vehicle  
20 Software, and Emerging Technologies established  
21 under section 31401 of the Moving Ahead for  
22 Progress in the 21st Century Act (49 U.S.C. 105  
23 note). The report shall include information about the  
24 accomplishments of the Council, the role of the  
25 Council in integrating and aggregating expertise

1 across NHTSA, and the priorities of the Council  
2 over the next 5 years.

3 (2) SUBMISSION OF REPORT.—The Secretary  
4 shall submit the report upon completion to the Com-  
5 mittee on Commerce, Science, and Transportation of  
6 the Senate and the Committee on Energy and Com-  
7 merce of the House of Representatives.

8 **TITLE II—ENHANCED SAFETY**  
9 **AUTHORITY AND CONSUMER**  
10 **PROTECTION**

11 **SEC. 201. CIVIL PENALTIES.**

12 (a) IN GENERAL.—Section 30165(a) is amended—

13 (1) in paragraph (1)—

14 (A) in the first sentence—

15 (i) by inserting “or causes the viola-  
16 tion of” after “violates”; and

17 (ii) by striking “\$5,000” and insert-  
18 ing “\$25,000”; and

19 (B) by striking the third sentence;

20 (2) in paragraph (2)—

21 (A) in subparagraph (A), by striking  
22 “\$10,000” and inserting “\$100,000”; and

23 (B) in subparagraph (B), by striking the  
24 second sentence; and

25 (3) in paragraph (3)—

1 (A) in the first sentence, by inserting “or  
2 causes the violation of” after “violates”;

3 (B) in the second sentence, by striking  
4 “\$5,000” and inserting “\$25,000”; and

5 (C) by striking the third sentence.

6 (b) CONSTRUCTION.—Nothing in this section shall be  
7 construed as preventing the imposition of penalties under  
8 section 30165 of title 49, United States Code, prior to  
9 the issuance of a final rule under section 31203(b) of the  
10 Moving Ahead for Progress in the 21st Century Act (49  
11 U.S.C. 30165 note).

12 **SEC. 202. CRIMINAL PENALTIES.**

13 (a) REPORTING STANDARDS.—

14 (1) IN GENERAL.—Part I of title 18, United  
15 States Code, is amended by inserting after chapter  
16 101 the following:

17 **“CHAPTER 101A—REPORTING STANDARDS**

“Sec.

“2081. Definitions.

“2082. Failure to inform and warn.

“2083. Relationship to existing law.

18 **“§ 2081. Definitions**

19 “In this chapter—

20 “(1) the term ‘appropriate Federal agency’  
21 means an agency with jurisdiction over a covered  
22 product, covered service, or business practice;

1           “(2) the term ‘business entity’ means a cor-  
2           poration, company, association, firm, partnership,  
3           sole proprietor, or other business entity;

4           “(3) the term ‘business practice’ means a meth-  
5           od or practice of—

6                   “(A) manufacturing, assembling, design-  
7                   ing, researching, importing, or distributing a  
8                   covered product;

9                   “(B) conducting, providing, or preparing  
10                  to provide a covered service; or

11                  “(C) otherwise carrying out business oper-  
12                  ations relating to covered products or covered  
13                  services;

14           “(4) the term ‘covered product’ means a prod-  
15           uct manufactured, assembled, designed, researched,  
16           imported, or distributed by a business entity that en-  
17           ters interstate commerce;

18           “(5) the term ‘covered service’ means a service  
19           conducted or provided by a business entity that en-  
20           ters interstate commerce;

21           “(6) the term ‘responsible corporate officer’  
22           means a person who—

23                   “(A) is an employer, director, or officer of  
24                   a business entity;

1           “(B) has the responsibility and authority,  
2           by reason of his or her position in the business  
3           entity and in accordance with the rules or prac-  
4           tice of the business entity, to acquire knowledge  
5           of any serious danger associated with a covered  
6           product (or component of a covered product),  
7           covered service, or business practice of the busi-  
8           ness entity; and

9           “(C) has the responsibility, by reason of  
10          his or her position in the business entity, to  
11          communicate information about the serious  
12          danger to—

13                 “(i) an appropriate Federal agency;

14                 “(ii) employees of the business entity;

15                 or

16                 “(iii) individuals, other than employ-  
17                 ees of the business entity, who may be ex-  
18                 posed to the serious danger;

19          “(7) the term ‘serious bodily injury’ means an  
20          impairment of the physical condition of an indi-  
21          vidual, including as a result of trauma, repetitive  
22          motion, or disease, that—

23                 “(A) creates a substantial risk of death; or

24                 “(B) causes—

25                         “(i) serious permanent disfigurement;

1 “(ii) unconsciousness;

2 “(iii) extreme pain; or

3 “(iv) permanent or protracted loss or  
4 impairment of the function of any bodily  
5 member, organ, bodily system, or mental  
6 faculty;

7 “(8) the term ‘serious danger’ means a danger,  
8 not readily apparent to a reasonable person, that the  
9 normal or reasonably foreseeable use of, or the expo-  
10 sure of an individual to, a covered product, covered  
11 service, or business practice has an imminent risk of  
12 causing death or serious bodily injury to an indi-  
13 vidual; and

14 “(9) the term ‘warn affected employees’ means  
15 take reasonable steps to give, to each individual who  
16 is exposed or may be exposed to a serious danger in  
17 the course of work for a business entity, a descrip-  
18 tion of the serious danger that is sufficient to make  
19 the individual aware of the serious danger.

20 **“§ 2082. Failure to inform and warn**

21 “(a) REQUIREMENT.—After acquiring actual knowl-  
22 edge of a serious danger associated with a covered product  
23 (or component of a covered product), covered service, or  
24 business practice of a business entity, a business entity  
25 and any responsible corporate officer with respect to the

1 covered product, covered service, or business practice,  
2 shall—

3           “(1) as soon as practicable and not later than  
4           24 hours after acquiring such knowledge, verbally  
5           inform an appropriate Federal agency of the serious  
6           danger, unless the business entity or responsible cor-  
7           porate officer has actual knowledge that an appro-  
8           priate Federal agency has been so informed;

9           “(2) not later than 15 days after acquiring such  
10          knowledge, inform an appropriate Federal agency in  
11          writing of the serious danger;

12          “(3) as soon as practicable, but not later than  
13          30 days after acquiring such knowledge, warn af-  
14          fected employees in writing, unless the business enti-  
15          ty or responsible corporate officer has actual knowl-  
16          edge that affected employees have been so warned;  
17          and

18          “(4) as soon as practicable, but not later than  
19          30 days after acquiring such knowledge, inform indi-  
20          viduals, other than affected employees, who may be  
21          exposed to the serious danger of the serious danger  
22          if such individuals can reasonably be identified.

23          “(b) PENALTY.—

1           “(1) IN GENERAL.—Whoever knowingly violates  
2 subsection (a) shall be fined under this title, impris-  
3 oned for not more than 5 years, or both.

4           “(2) PROHIBITION OF PAYMENT BY BUSINESS  
5 ENTITIES.—If a final judgment is rendered and a  
6 fine is imposed on an individual under this sub-  
7 section, the fine may not be paid, directly or indi-  
8 rectly, out of the assets of any business entity on be-  
9 half of the individual.

10          “(c) CIVIL ACTION TO PROTECT AGAINST RETALIA-  
11 TION.—

12           “(1) PROHIBITION.—It shall be unlawful to  
13 knowingly discriminate against any person in the  
14 terms or conditions of employment, in retention in  
15 employment, or in hiring because the person in-  
16 formed a Federal agency, warned employees, or in-  
17 formed other individuals of a serious danger associ-  
18 ated with a covered product, covered service, or busi-  
19 ness practice, as required under this section.

20           “(2) ENFORCEMENT ACTION.—

21           “(A) IN GENERAL.—A person who alleges  
22 discharge or other discrimination by any person  
23 in violation of paragraph (1) may seek relief  
24 under paragraph (3), by—

1           “(i) filing a complaint with the Sec-  
2           retary of Labor; or

3           “(ii) if the Secretary has not issued a  
4           final decision within 180 days of the filing  
5           of the complaint and there is no showing  
6           that such delay is due to the bad faith of  
7           the claimant, bringing an action at law or  
8           equity for de novo review in the appro-  
9           priate district court of the United States,  
10          which shall have jurisdiction over such an  
11          action without regard to the amount in  
12          controversy.

13          “(B) PROCEDURE.—

14                 “(i) IN GENERAL.—An action under  
15                 subparagraph (A)(i) shall be governed  
16                 under the rules and procedures set forth in  
17                 section 42121(b) of title 49.

18                 “(ii) EXCEPTION.—Notification made  
19                 under section 42121(b)(1) of title 49 shall  
20                 be made to the person named in the com-  
21                 plaint and to the employer.

22                 “(iii) BURDENS OF PROOF.—An ac-  
23                 tion brought under subparagraph (A)(ii)  
24                 shall be governed by the legal burdens of

1 proof set forth in section 42121(b) of title  
2 49.

3 “(iv) STATUTE OF LIMITATIONS.—An  
4 action under subparagraph (A) shall be  
5 commenced not later than 180 days after  
6 the date on which the violation occurs, or  
7 after the date on which the employee be-  
8 came aware of the violation.

9 “(v) JURY TRIAL.—A party to an ac-  
10 tion brought under subparagraph (A)(ii)  
11 shall be entitled to trial by jury.

12 “(3) REMEDIES.—

13 “(A) IN GENERAL.—An employee pre-  
14 vailing in any action under paragraph (2)(A)  
15 shall be entitled to all relief necessary to make  
16 the employee whole.

17 “(B) COMPENSATORY DAMAGES.—Relief  
18 for any action under subparagraph (A) shall in-  
19 clude—

20 “(i) reinstatement with the same se-  
21 niority status that the employee would  
22 have had, but for the discrimination;

23 “(ii) the amount of back pay, with in-  
24 terest; and

1           “(iii) compensation for any special  
2           damages sustained as a result of the dis-  
3           crimination, including litigation costs, ex-  
4           pert witness fees, and reasonable attorney  
5           fees.

6           “(4) RIGHTS RETAINED BY EMPLOYEE.—Noth-  
7           ing in this subsection shall be deemed to diminish  
8           the rights, privileges, or remedies of any employee  
9           under any Federal or State law, or under any collec-  
10          tive bargaining agreement.

11          “(5) NONENFORCEABILITY OF CERTAIN PROVI-  
12          SIONS WAIVING RIGHTS AND REMEDIES OR REQUIR-  
13          ING ARBITRATION OF DISPUTES.—

14               “(A) WAIVER OF RIGHTS AND REM-  
15               EDIES.—The rights and remedies provided for  
16               in this subsection may not be waived by any  
17               agreement, policy form, or condition of employ-  
18               ment, including by a predispute arbitration  
19               agreement.

20               “(B) PREDISPUTE ARBITRATION AGREE-  
21               MENTS.—No predispute arbitration agreement  
22               shall be valid or enforceable, if the agreement  
23               requires arbitration of a dispute arising under  
24               this subsection.

1 **“§ 2083. Relationship to existing law**

2       “(a) RIGHTS TO INTERVENE.—Nothing in this chap-  
 3 ter shall be construed to limit the right of any individual  
 4 or group of individuals to initiate, intervene in, or other-  
 5 wise participate in any proceeding before a regulatory  
 6 agency or court, nor to relieve any regulatory agency,  
 7 court, or other public body of any obligation, or affect its  
 8 discretion to permit intervention or participation by an in-  
 9 dividual or a group or class of consumers, employees, or  
 10 citizens in any proceeding or activity.

11       “(b) RULE OF CONSTRUCTION.—Nothing in this  
 12 chapter shall be construed to—

13               “(1) increase the time period for informing of  
 14 a serious danger or other harm under any other pro-  
 15 vision of law; or

16               “(2) limit or otherwise reduce the penalties for  
 17 any violation of Federal or State law under any  
 18 other provision of law.”.

19               (2) TECHNICAL AND CONFORMING AMEND-  
 20 MENT.—The table of chapters for part I of title 18,  
 21 United States Code, is amended by inserting after  
 22 the item relating to chapter 101 the following:

“101A. Reporting standards ..... 2081”.

23               (3) EFFECTIVE DATE.—The amendments made  
 24 by paragraphs (1) and (2) shall take effect on the

1 date that is 1 year after the date of enactment of  
2 this Act.

3 (b) PROHIBITION ON RENDERING SAFETY ELE-  
4 MENTS INOPERATIVE.—Section 30122 is amended by  
5 amending subsection (b) to read as follows:

6 “(b) PROHIBITION.—

7 “(1) IN GENERAL.—Except as provided in para-  
8 graph (2), a person may not knowingly make inoper-  
9 ative any part of a device or element of design in-  
10 stalled on or in a motor vehicle or motor vehicle  
11 equipment in compliance with an applicable motor  
12 vehicle safety standard prescribed under this chapter  
13 unless the person reasonably believes the vehicle or  
14 equipment will not be used (except for testing or a  
15 similar purpose during maintenance or repair) when  
16 the device or element is inoperative.

17 “(2) EXCEPTION.—The prohibition under para-  
18 graph (1) does not apply to a modification made by  
19 an individual to a motor vehicle or item of equip-  
20 ment owned or leased by that individual.”.

21 (c) CRIMINAL LIABILITY.—Section 30170 is amend-  
22 ed by adding at the end the following:

23 “(c) CRIMINAL LIABILITY FOR TAMPERING WITH  
24 MOTOR VEHICLE SAFETY ELEMENTS.—Whoever knowing  
25 that he will endanger the safety of any person on board

1 a motor vehicle or anyone who he believes will board the  
2 same, or with a reckless disregard for the safety of human  
3 life, violates section 30122(b) under this title shall be sub-  
4 ject to criminal penalties under section 33(a) of title 18.”.

5 **SEC. 203. COOPERATION WITH FOREIGN GOVERNMENTS.**

6 (a) TITLE 49 AMENDMENT.—Section 30182(b) 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 co-  
15 ordination with the Department of State) and col-  
16 laborative research and development agreements  
17 with foreign governments.”.

18 (b) TITLE 23 AMENDMENT.—Section 403 of title 23,  
19 United States Code, is amended—

20 (1) in subsection (b)(2)(C), by inserting “for-  
21 eign government (in coordination with the Depart-  
22 ment of State),” after “institution,”; and

23 (2) in subsection (c)(1)(A), by inserting “for-  
24 eign governments,” after “local governments,”.

1 **SEC. 204. IMMINENT HAZARD AUTHORITY.**

2 Section 30118(b) is amended—

3 (1) in paragraph (1), by striking “(1) The Sec-  
4 retary may” and inserting “(1) IN GENERAL.—Ex-  
5 cept as provided under paragraph (3), the Secretary  
6 may”;

7 (2) in paragraph (2), by inserting “ORDERS.—  
8 ” before “If the Secretary”; and

9 (3) by adding after paragraph (2) the following:

10 “(3) IMMINENT HAZARDS.—

11 “(A) DECISIONS AND ORDERS.—If the  
12 Secretary makes an initial decision that a defect  
13 or noncompliance, or combination of both,  
14 under subsection (a) presents an imminent haz-  
15 ard, the Secretary—

16 “(i) shall notify the manufacturer of a  
17 motor vehicle or replacement equipment  
18 immediately under subsection (a);

19 “(ii) shall order the manufacturer of  
20 the motor vehicle or replacement equip-  
21 ment to immediately—

22 “(I) give notification under sec-  
23 tion 30119 of this title to the owners,  
24 purchasers, and dealers of the vehicle  
25 or equipment of the imminent hazard;  
26 and

1                   “(II) remedy the defect or non-  
2                   compliance under section 30120 of  
3                   this title;

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

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

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

22                  “(C) DEFINITION OF IMMINENT HAZ-  
23                  ARD.—In this paragraph, the term ‘imminent  
24                  hazard’ means any condition which substan-

1           tially increases the likelihood of serious injury  
2           or death if not remedied immediately.”.

3 **SEC. 205. USED PASSENGER MOTOR VEHICLE CONSUMER**  
4           **PROTECTION.**

5           (a) IN GENERAL.—Section 30120 is amended by  
6 adding at the end the following:

7           “(k) LIMITATION ON SALE OR LEASE OF USED PAS-  
8 SENDER MOTOR VEHICLES.—(1) A dealer may not sell or  
9 lease a used passenger motor vehicle until any defect or  
10 noncompliance determined under section 30118 with re-  
11 spect to the vehicle has been remedied.

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

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

19           “(B) notification of the defect or noncompliance  
20 is required under section 30118(b), but enforcement  
21 of the order is set aside in a civil action to which  
22 30121(d) applies.

23           “(3) Notwithstanding section 30102(a)(1), in this  
24 subsection—

1           “(A) the term ‘dealer’ means a person that has  
2 sold at least 10 motor vehicles to 1 or more con-  
3 sumers during the most recent 12-month period; and

4           “(B) the term ‘used passenger motor vehicle’  
5 means a motor vehicle that has previously been pur-  
6 chased other than for resale.

7           “(4) By rule, the Secretary may exempt the auc-  
8 tioning of a used passenger motor vehicle from the re-  
9 quirements under paragraph (1) to the extent that the ex-  
10 emption does not harm public safety.”.

11           (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) of this section shall take effect on the date  
13 that is 18 months after the date of enactment of this Act.

14 **SEC. 206. UNATTENDED CHILDREN WARNING SYSTEM.**

15           (a) SAFETY RESEARCH INITIATIVE.—Not later than  
16 2 years after the date of enactment of this Act, the Sec-  
17 retary shall complete research into the development of per-  
18 formance requirements to warn a driver that a child or  
19 other unattended passenger remains in a rear seating posi-  
20 tion after a vehicle motor is disengaged.

21           (b) SPECIFICATIONS.—In completing the research  
22 under subsection (a), the Secretary shall consider perform-  
23 ance requirements that—

1           (1) sense weight, the presence of a buckled seat  
2           belt, or other indications of the presence of a child  
3           or other passenger; and

4           (2) provide an alert to prevent hyperthermia  
5           and hypothermia that can result in death or severe  
6           injuries.

7           (c) RULEMAKING OR REPORT.—

8           (1) RULEMAKING.—Not later than 1 year after  
9           the date that the research under subsection (a) is  
10          complete, the Secretary shall initiate a rulemaking  
11          proceeding to issue a Federal motor vehicle safety  
12          standard if the Secretary determines that such a  
13          standard meets the requirements and considerations  
14          set forth in subsections (a) and (b) of section 30111  
15          of title 49, United States Code. The Secretary shall  
16          complete the rulemaking and issue a final rule not  
17          later than 2 years after the date the rulemaking is  
18          initiated.

19          (2) REPORT.—If the Secretary determines that  
20          the standard described in subsection (a) 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—

1 (A) the Committee on Commerce, Science,  
2 and Transportation of the Senate; and

3 (B) the Committee on Energy and Com-  
4 merce of the House of Representatives.

5 **SEC. 207. COLLISION AVOIDANCE TECHNOLOGIES.**

6 (a) IN GENERAL.—Not later than 2 years after the  
7 date of enactment of this Act, the Secretary shall initiate  
8 a rulemaking to establish a Federal motor vehicle safety  
9 standard requiring a motor vehicle with a gross vehicle  
10 weight rating greater than 26,000 pounds be equipped  
11 with crash avoidance and mitigation systems, such as for-  
12 ward collision automatic braking systems and lane depar-  
13 ture warning systems.

14 (b) PERFORMANCE AND STANDARDS.—The regula-  
15 tions prescribed under subsection (a) shall establish per-  
16 formance requirements and standards to prevent collisions  
17 with moving vehicles, stopped vehicles, pedestrians, cy-  
18 clists, and other road users.

19 (c) EFFECTIVE DATE.—The regulations prescribed  
20 by the Secretary under this section shall take effect 2  
21 years after the date of publication of the final rule.

22 **SEC. 208. MOTOR VEHICLE PEDESTRIAN PROTECTION.**

23 Not later than 2 years after the date of the enact-  
24 ment of this Act, the Secretary, through the Administrator

1 of the National Highway Traffic Safety Administration,  
2 shall issue a final rule that—

3           (1) establishes standards for the hood and  
4 bumper areas of motor vehicles, including passenger  
5 cars, multipurpose passenger vehicles, trucks, and  
6 buses with a gross vehicle weight rating of 4,536  
7 kilograms (10,000 pounds) or less, in order to re-  
8 duce the number of injuries and fatalities suffered  
9 by pedestrians who are struck by such vehicles; and

10           (2) considers the protection of vulnerable pedes-  
11 trian populations, including children and older  
12 adults.

### 13           **TITLE III—FUNDING**

#### 14   **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

15           Section 30104 is amended—

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

17           (2) by striking “this part in each fiscal year be-  
18 ginning in fiscal year 1999 and ending in fiscal year  
19 2001.” and inserting the following: “this chapter  
20 and to carry out the Motor Vehicle Safety Act of  
21 2015—

22           “(1) \$179,000,000 for fiscal year 2016;

23           “(2) \$187,055,000 for fiscal year 2017;

24           “(3) \$195,659,530 for fiscal year 2018;

25           “(4) \$204,268,549 for fiscal year 2019;

1 “(5) \$214,073,440 for fiscal year 2020; and

2 “(6) \$223,920,818 for fiscal year 2021.”.

3 **TITLE IV—RECALL PROCESS**  
 4 **IMPROVEMENTS**

5 **SEC. 401. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

6 Section 30120A is amended to read as follows:

7 **“§ 30120A. Recall obligations and bankruptcy of a**  
 8 **manufacturer**

9 “Notwithstanding any provision of title 11, United  
 10 States Code, a manufacturer’s duty to comply with section  
 11 30112, sections 30115 through 30121, and section 30166  
 12 of this title shall be enforceable against a manufacturer  
 13 or a manufacturer’s successors-in-interest whether accom-  
 14 plished by merger or by acquisition of the manufacturer’s  
 15 stock, the acquisition of all or substantially all of the man-  
 16 ufacturer’s assets or a discrete product line, or confirma-  
 17 tion of any plan of reorganization under section 1129 of  
 18 title 11.”.

19 **SEC. 402. DEALER REQUIREMENT TO CHECK FOR AND REM-**  
 20 **EDY RECALL.**

21 Section 30120(f) is amended to read as follows:

22 “(f) DEALERS.—

23 “(1) FAIR REIMBURSEMENT TO DEALERS.—A  
 24 manufacturer shall pay fair reimbursement to a

1 dealer providing a remedy without charge under this  
2 section.

3 “(2) REQUIREMENTS.—Each time a defective  
4 or noncomplying motor vehicle is presented to a  
5 dealer by the owner of that motor vehicle for any  
6 service on that motor vehicle, the dealer shall—

7 “(A) inform the owner of the defect or  
8 noncompliance; and

9 “(B) with consent from the owner, remedy  
10 the defect or noncompliance without charge  
11 under this section.”.

12 **SEC. 403. APPLICATION OF REMEDIES FOR DEFECTS AND**  
13 **NONCOMPLIANCE.**

14 Section 30120(g)(1) is amended by striking “the  
15 motor vehicle or replacement equipment was bought by the  
16 first purchaser more than 10 calendar years, or”.

17 **SEC. 404. DIRECT VEHICLE NOTIFICATION OF RECALLS.**

18 (a) RULEMAKING.—Not later than 1 year after the  
19 date of enactment of this Act, the Secretary shall initiate  
20 a rulemaking for a regulation to require a warning system  
21 in each new motor vehicle to indicate to the operator in  
22 a conspicuous manner when the vehicle is subject to an  
23 open recall.

1 (b) FINAL RULE.—The Secretary shall prescribe  
2 final standards not later than 3 years after the date of  
3 enactment of this Act.

4 **SEC. 405. STATE NOTIFICATION OF OPEN SAFETY RECALLS.**

5 (a) GRANT PROGRAM.—Not later than 2 years after  
6 the date of enactment of this Act, the Secretary shall es-  
7 tablish a grant program for States to notify registered  
8 motor vehicle owners of safety recalls issued by the manu-  
9 facturers of those motor vehicles.

10 (b) ELIGIBILITY.—To be eligible for a grant, a State  
11 shall—

12 (1) submit an application in such form and  
13 manner as the Secretary prescribes;

14 (2) agree that when a motor vehicle owner reg-  
15 isters the motor vehicle for use in that State, the  
16 State will—

17 (A) search the recall database maintained  
18 by the National Highway Traffic Safety Admin-  
19 istration using the motor vehicle identification  
20 number;

21 (B) determine all safety recalls issued by  
22 the manufacturer of that motor vehicle that  
23 have not been completed; and

1 (C) notify the motor vehicle owner of the  
2 safety recalls described in subparagraph (B);  
3 and

4 (3) provide such other information or notifica-  
5 tion as the Secretary may require.

6 **SEC. 406. RECALL COMPLETION PILOT GRANT PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall conduct a  
8 pilot program to evaluate the feasibility and effectiveness  
9 of a State process for increasing the recall completion rate  
10 for motor vehicles by requiring each owner or lessee of  
11 a motor vehicle to have repaired any open recall on that  
12 motor vehicle.

13 (b) GRANTS.—To carry out this program, the Sec-  
14 retary shall make a grant to a State to be used to imple-  
15 ment the pilot program described in subsection (a) in ac-  
16 cordance with the requirements under subsection (c).

17 (c) ELIGIBILITY.—To be eligible for a grant under  
18 this section, a State shall—

19 (1) submit an application in such form and  
20 manner as the Secretary prescribes;

21 (2) meet the requirements and provide notifica-  
22 tion of safety recalls to registered motor vehicle own-  
23 ers under the grant program described in section  
24 405 of this Act;

1           (3) except as provided in subsection (d), agree  
2           to require, as a condition of motor vehicle registra-  
3           tion, including renewal, that the motor vehicle owner  
4           or lessee complete all remedies for defects and non-  
5           compliance offered without charge by the manufac-  
6           turer or a dealer under section 30120 of title 49,  
7           United States Code; and

8           (4) provide such other information or notifica-  
9           tion as the Secretary may require.

10          (d) EXCEPTION.—A State may exempt a motor vehi-  
11       cle owner or lessee from the requirement under subsection  
12       (c)(3) if—

13           (1) the recall occurred not earlier than 75 days  
14           prior to the registration or renewal date;

15           (2) the manufacturer, through a local dealer-  
16           ship, has not provided the motor vehicle owner or  
17           lessee with a reasonable opportunity to complete any  
18           applicable safety recall remedy due to a shortage of  
19           necessary parts or qualified labor; or

20           (3) the motor vehicle owner or lessee states that  
21           the owner or lessee has had no reasonable oppor-  
22           tunity to complete all applicable safety recall rem-  
23           edies, in which case the State may grant a tem-  
24           porary registration, of not more than 90 days, dur-  
25           ing which time the motor vehicle owner or lessee

1 shall complete all applicable safety recall remedies  
2 for which the necessary parts and qualified labor are  
3 available.

4 (e) AWARD.—In selecting an applicant for award  
5 under this section, the Secretary shall consider the State’s  
6 methodology for—

7 (1) determining safety recalls on a motor vehi-  
8 cle;

9 (2) informing the owner or lessee of a motor ve-  
10 hicle of the safety recalls;

11 (3) requiring the owner or lessee of a motor ve-  
12 hicle to repair any safety recall prior to issuing any  
13 registration, approval, document, or certificate re-  
14 lated to a motor vehicle registration renewal; and

15 (4) determining performance in increasing the  
16 safety recall completion rate.

17 (f) PERFORMANCE PERIOD.—A grant awarded under  
18 this section shall require a performance period for at least  
19 2 years.

20 (g) REPORT.—Not later than 90 days after the com-  
21 pletion of the performance period under subsection (f) and  
22 the obligations under the pilot program, the grantee shall  
23 provide to the Secretary a report of performance con-  
24 taining such information as the Secretary considers nec-

1 essary to evaluate the extent to which safety recalls have  
2 been remedied.

3 (h) EVALUATION.—Not later than 1 year after the  
4 date the Secretary receives the report under subsection  
5 (g), the Secretary shall evaluate the extent to which safety  
6 recalls identified under subsection (c) have been remedied.

7 **SEC. 407. IMPROVEMENTS TO NOTIFICATION OF DEFECT**  
8 **OR NONCOMPLIANCE.**

9 (a) IMPROVEMENTS TO NOTIFICATION.—

10 (1) IN GENERAL.—Not later than 270 days  
11 after the date of enactment of this Act, the Sec-  
12 retary shall prescribe a final rule revising the regula-  
13 tions under section 577.7 of title 49, Code of Fed-  
14 eral Regulations, to include notification by electronic  
15 means in addition to notification by first class mail.

16 (2) DEFINITION OF ELECTRONIC MEANS.—In  
17 this subsection, the term “electronic means” in-  
18 cludes electronic mail and may include such other  
19 means of electronic notification, such as social media  
20 or targeted online campaigns, as determined by the  
21 Secretary.

22 (b) NOTIFICATION BY ELECTRONIC MAIL.—Section  
23 30118(c) is amended by inserting “or electronic mail”  
24 after “certified mail”.

○