

112TH CONGRESS
1ST SESSION

S. 1449

To authorize the appropriation of funds for highway safety programs and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2011

Mr. PRYOR (for himself, Mr. ROCKEFELLER, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the appropriation of funds for highway safety programs 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 “Motor Vehicle and Highway Safety Improvement Act of
6 2011” or “Mariah’s Act”.

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

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

TITLE I—HIGHWAY SAFETY

- Sec. 101. Authorization of appropriations.
- Sec. 102. Highway safety programs.
- Sec. 103. Highway safety research and development.
- Sec. 104. National driver register.
- Sec. 105. Combined occupant protection grants.
- Sec. 106. State traffic safety information system improvements.
- Sec. 107. Impaired driving countermeasures.
- Sec. 108. Distracted driving grants.
- Sec. 109. High visibility enforcement program.
- Sec. 110. Motorcyclist safety.
- Sec. 111. Driver alcohol detection system for safety research.
- Sec. 112. State graduated driver licensing laws.
- Sec. 113. Agency accountability.
- Sec. 114. Emergency medical services.
- Sec. 115. Effective date.

TITLE II—ENHANCED SAFETY AUTHORITIES

- Sec. 201. Definition of motor vehicle equipment.
- Sec. 202. Permit reminder system for non-use of safety belts.
- Sec. 203. Civil penalties.
- Sec. 204. Motor vehicle safety research and development.
- Sec. 205. Odometer requirements definition.
- Sec. 206. Electronic disclosures of odometer information.
- Sec. 207. Increased penalties and damages for odometer fraud.
- Sec. 208. Extend prohibitions on importing noncompliant vehicles and equipment to defective vehicles and equipment.
- Sec. 209. Financial responsibility requirements for importers.
- Sec. 210. Conditions on importation of vehicles and equipment.
- Sec. 211. Port inspections; samples for examination or testing.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 301. Improved NHTSA vehicle safety database.
- Sec. 302. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
- Sec. 303. Consumer notice of software updates and other communications with dealers.
- Sec. 304. Public availability of early warning data.
- Sec. 305. Corporate responsibility for NHTSA reports.
- Sec. 306. Passenger motor vehicle information program.
- Sec. 307. Promotion of vehicle defect reporting.
- Sec. 308. Whistleblower protections for motor vehicle manufacturers, part suppliers, and dealership employees.
- Sec. 309. Activities to promote motor vehicle and highway safety.
- Sec. 310. Anti-revolving door.
- Sec. 311. Study of crash data collection.
- Sec. 312. Update means of providing notification; improving efficacy of recalls.
- Sec. 313. Expanding choices of remedy available to manufacturers of replacement equipment.
- Sec. 314. Recall obligations and bankruptcy of manufacturer.
- Sec. 315. Repeal of insurance reports and information provision.
- Sec. 316. Monroney sticker to permit additional safety rating categories.

TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

- Sec. 401. NHTSA electronics, software, and engineering expertise.
- Sec. 402. Vehicle stopping distance and brake override standard.
- Sec. 403. Pedal placement standard.
- Sec. 404. Electronic systems performance standard.
- Sec. 405. Pushbutton ignition systems standard.
- Sec. 406. Vehicle event data recorders.
- Sec. 407. Prohibition on electronic visual entertainment in driver's view.

TITLE V—CHILD SAFETY STANDARDS

- Sec. 501. Child safety seats.
- Sec. 502. Child restraint anchorage systems.
- Sec. 503. Rear seat belt reminders.
- Sec. 504. Unattended passenger reminders.
- Sec. 505. New deadline.

1 **SEC. 2. DEFINITION.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Transportation.

4 **TITLE I—HIGHWAY SAFETY**

5 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—The following sums are author-
7 ized to be appropriated out of the Highway Trust Fund
8 (other than the Mass Transit Account):

9 (1) HIGHWAY SAFETY PROGRAMS.—For car-
10 rying out section 402 of title 23, United States
11 Code—

12 (A) \$243,000,000 for fiscal year 2012; and

13 (B) \$243,000,000 for fiscal year 2013.

14 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
15 OPMENT.—For carrying out section 403 of title 23,
16 United States Code—

17 (A) \$130,000,000 for fiscal year 2012; and

18 (B) \$139,000,000 for fiscal year 2013.

1 (3) COMBINED OCCUPANT PROTECTION
2 GRANTS.—For carrying out section 405 of title 23,
3 United States Code—

4 (A) \$44,000,000 for fiscal year 2012; and

5 (B) \$44,000,000 for fiscal year 2013.

6 (4) STATE TRAFFIC SAFETY INFORMATION SYS-
7 TEM IMPROVEMENTS.—For carrying out section 408
8 of title 23, United States Code—

9 (A) \$44,000,000 for fiscal year 2012; and

10 (B) \$44,000,000 for fiscal year 2013.

11 (5) IMPAIRED DRIVING COUNTERMEASURES.—
12 For carrying out section 410 of title 23, United
13 States Code—

14 (A) \$139,000,000 for fiscal year 2012; and

15 (B) \$139,000,000 for fiscal year 2013.

16 (6) DISTRACTED DRIVING GRANTS.—For car-
17 rying out section 411 of title 23, United States
18 Code—

19 (A) \$39,000,000 for fiscal year 2012; and

20 (B) \$39,000,000 for fiscal year 2013.

21 (7) NATIONAL DRIVER REGISTER.—For the Na-
22 tional Highway Traffic Safety Administration to
23 carry out chapter 303 of title 49, United States
24 Code—

25 (A) \$5,000,000 for fiscal year 2012; and

1 (B) \$5,000,000 for fiscal year 2013.

2 (8) HIGH VISIBILITY ENFORCEMENT PRO-
3 GRAM.—For carrying out section 2009 of
4 SAFETEA-LU (Public Law 109–59; 23 U.S.C.
5 note)—

6 (A) \$37,000,000 for fiscal year 2012; and

7 (B) \$37,000,000 for fiscal year 2013.

8 (9) MOTORCYCLIST SAFETY.—For carrying out
9 section 2010 of SAFETEA-LU (Public Law 109–
10 59; 23 U.S.C. note)—

11 (A) \$6,000,000 for fiscal year 2012; and

12 (B) \$6,000,000 for fiscal year 2013.

13 (10) ADMINISTRATIVE EXPENSES.—For admin-
14 istrative and related operating expenses of the Na-
15 tional Highway Traffic Safety Administration in car-
16 rying out chapter 4 of title 23, United States Code,
17 and this title—

18 (A) \$25,581,280 for fiscal year 2012; and

19 (B) \$25,862,674 for fiscal year 2013.

20 (11) DRIVER ALCOHOL DETECTION SYSTEM
21 FOR SAFETY RESEARCH.—For carrying out section
22 413 of title 23, United States Code—

23 (A) \$12,000,000 for fiscal year 2012; and

24 (B) \$12,000,000 for fiscal year 2013.

1 (12) STATE GRADUATED DRIVER LICENSING
2 LAWS.—For carrying out section 414 of title 23,
3 United States Code—

4 (A) \$22,000,000 for fiscal year 2012; and

5 (B) \$22,000,000 for fiscal year 2013.

6 (b) PROHIBITION ON OTHER USES.—Except as oth-
7 erwise provided in chapter 4 of title 23, United States
8 Code, in this title, and in the amendments made by this
9 title, the amounts made available from the Highway Trust
10 Fund (other than the Mass Transit Account) for a pro-
11 gram under such chapter—

12 (1) shall only be used to carry out such pro-
13 gram; and

14 (2) may not be used by States or local govern-
15 ments for construction purposes.

16 (c) APPLICABILITY OF TITLE 23.—Except as other-
17 wise provided in chapter 4 of title 23, United States Code,
18 and in this title, amounts made available under subsection
19 (a) for fiscal years 2012 and 2013 shall be available for
20 obligation in the same manner as if such funds were ap-
21 portioned under chapter 1 of title 23, United States Code.

22 (d) REGULATORY AUTHORITY.—Grants awarded
23 under this title shall be in accordance with regulations
24 issued by the Secretary.

1 (e) STATE MATCHING REQUIREMENTS.—If a grant
2 awarded under this title requires a State to share in the
3 cost, the aggregate of all expenditures for highway safety
4 activities made during any fiscal year by the State and
5 its political subdivisions (exclusive of Federal funds) for
6 carrying out the grant (other than planning and adminis-
7 tration) shall be available for the purpose of crediting the
8 State during such fiscal year for the non-Federal share
9 of the cost of any project under this title (other than plan-
10 ning or administration) without regard to whether such
11 expenditures were actually made in connection with such
12 project.

13 (f) MAINTENANCE OF EFFORT.—

14 (1) REQUIREMENT.—No grant may be made to
15 a State under section 405, 408, or 410 of title 23,
16 United States Code, in any fiscal year unless the
17 State enters into such agreements with the Sec-
18 retary as the Secretary may require to ensure that
19 the State will maintain its aggregate expenditures
20 from all State and local sources for programs de-
21 scribed in such sections at or above the average level
22 of such expenditures in its 2 fiscal years preceding
23 the date of enactment of this Act.

24 (2) WAIVER.—Upon the request of a State, the
25 Secretary may waive or modify the requirements

1 under paragraph (1) for not more than 1 fiscal year
2 if the Secretary determines that such a waiver would
3 be equitable due to exceptional or uncontrollable cir-
4 cumstances.

5 (g) TRANSFERS.—In each fiscal year, the Secretary
6 may transfer any amounts remaining available under
7 paragraphs (3), (4), (5), (6), (9), (11), and (12) of sub-
8 section (a) to the amounts made available under any other
9 of such paragraphs or for purposes authorized under chap-
10 ter 301 of title 49, United States Code, in order to ensure,
11 to the maximum extent possible, that all funds are obli-
12 gated.

13 (h) GRANT APPLICATION AND DEADLINE.—To re-
14 ceive a grant under this title, a State shall submit an ap-
15 plication, and the Secretary shall establish a single dead-
16 line for such applications to enable the award of grants
17 early in the next fiscal year.

18 (i) ALLOCATION TO SUPPORT STATE DISTRACTED
19 DRIVING LAWS.—Of the amounts available under sub-
20 section (a)(7) for distracted driving grants, the Secretary
21 may expend, in each fiscal year, up to \$5,000,000 for the
22 development and placement of broadcast media to support
23 the enforcement of State distracted driving laws.

1 **SEC. 102. HIGHWAY SAFETY PROGRAMS.**

2 (a) PROGRAMS INCLUDED.—Section 402(a) of title
3 23, United States Code, is amended to read as follows:

4 “(a) PROGRAM REQUIRED.—

5 “(1) IN GENERAL.—Each State shall have a
6 highway safety program, approved by the Secretary,
7 that is designed to reduce traffic accidents and the
8 resulting deaths, injuries, and property damage.

9 “(2) UNIFORM GUIDELINES.—Programs re-
10 quired under paragraph (1) shall comply with uni-
11 form guidelines, promulgated by the Secretary and
12 expressed in terms of performance criteria, that—

13 “(A) include programs—

14 “(i) to reduce injuries and deaths re-
15 sulting from motor vehicles being driven in
16 excess of posted speed limits;

17 “(ii) to encourage the proper use of
18 occupant protection devices (including the
19 use of safety belts and child restraint sys-
20 tems) by occupants of motor vehicles;

21 “(iii) to reduce deaths and injuries re-
22 sulting from persons driving motor vehicles
23 while impaired by alcohol or a controlled
24 substance;

25 “(iv) to prevent accidents and reduce
26 deaths and injuries resulting from acci-

1 dents involving motor vehicles and motor-
2 cycles;

3 “(v) to reduce injuries and deaths re-
4 sulting from accidents involving school
5 buses;

6 “(vi) to reduce accidents resulting
7 from unsafe driving behavior (including ag-
8 gressive or fatigued driving and distracted
9 driving arising from the use of electronic
10 devices in vehicles); and

11 “(vii) to improve law enforcement
12 services in motor vehicle accident preven-
13 tion, traffic supervision, and post-accident
14 procedures;

15 “(B) improve driver performance, includ-
16 ing—

17 “(i) driver education;

18 “(ii) driver testing to determine pro-
19 ficiency to operate motor vehicles; and

20 “(iii) driver examinations (physical,
21 mental, and driver licensing);

22 “(C) improve pedestrian performance and
23 bicycle safety;

24 “(D) include provisions for—

1 “(i) an effective record system of acci-
2 dents (including resulting injuries and
3 deaths);

4 “(ii) accident investigations to deter-
5 mine the probable causes of accidents, in-
6 juries, and deaths;

7 “(iii) vehicle registration, operation,
8 and inspection; and

9 “(iv) emergency services; and

10 “(E) to the extent determined appropriate
11 by the Secretary, are applicable to federally ad-
12 ministered areas where a Federal department
13 or agency controls the highways or supervises
14 traffic operations.”.

15 (b) ADMINISTRATION OF STATE PROGRAMS.—Sec-
16 tion 402(b)(1) of title 23, United States Code, is amend-
17 ed—

18 (1) in subparagraph (D), by striking “and” at
19 the end;

20 (2) by redesignating subparagraph (E) as sub-
21 paragraph (F);

22 (3) by inserting after clause (D) the following:

23 “(E) beginning on October 1, 2012, pro-
24 vide for a robust, data-driven traffic safety en-
25 forcement program to prevent traffic violations,

1 crashes, and crash fatalities and injuries in
2 areas most at risk for such incidents, to the
3 satisfaction of the Secretary;” and

4 (4) in subparagraph (F), as redesignated—

5 (A) in clause (i), by inserting “and high-
6 visibility law enforcement mobilizations coordi-
7 nated by the Secretary” after “mobilizations”;

8 (B) in clause (iii), by striking “and” at the
9 end;

10 (C) in clause (iv), by striking the period at
11 the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(v) ensuring that the State will co-
14 ordinate its highway safety plan, data col-
15 lection, and information systems with the
16 State strategic highway safety plan (as de-
17 fined in section 148(a)).”

18 (c) APPROVED HIGHWAY SAFETY PROGRAMS.—Sec-
19 tion 402(c) of title 23, United States Code, is amended—

20 (1) by striking “(c) Funds authorized” and in-
21 serting the following:

22 “(c) USE OF FUNDS.—

23 “(1) IN GENERAL.—Funds authorized”;

24 (2) by striking “Such funds” and inserting the
25 following:

1 “(2) APPORTIONMENT.—Except for amounts
2 identified in subsection (1) and section 403(e), funds
3 described in paragraph (1)”;

4 (3) by striking “The Secretary shall not” and
5 all that follows through “subsection, a highway safe-
6 ty program” and inserting “A highway safety pro-
7 gram”;

8 (4) by inserting “A State may use the funds
9 apportioned under this section, in cooperation with
10 neighboring States, for highway safety programs or
11 related projects that may confer benefits on such
12 neighboring States.” after “in every State.”;

13 (5) by striking “50 per centum” and inserting
14 “20 percent”; and

15 (6) by striking “The Secretary shall promptly”
16 and all that follows and inserting the following:

17 “(3) REAPPORTIONMENT.—The Secretary shall
18 promptly apportion the funds withheld from a
19 State’s apportionment to the State if the Secretary
20 approves the State’s highway safety program or de-
21 termines that the State has begun implementing an
22 approved program, as appropriate, not later than
23 July 31st of the fiscal year for which the funds were
24 withheld. If the Secretary determines that the State
25 did not correct its failure within such period, the

1 Secretary shall reappropriation the withheld funds to the
2 other States in accordance with the formula speci-
3 fied in paragraph (2) not later than the last day of
4 the fiscal year.”.

5 (d) USE OF HIGHWAY SAFETY PROGRAM FUNDS.—
6 Section 402(g) of title 23, United States Code, is amended
7 to read as follows:

8 “(g) SAVINGS PROVISION.—

9 “(1) IN GENERAL.—Except as provided under
10 paragraph (2), nothing in this section may be con-
11 strued to authorize the appropriation or expenditure
12 of funds for—

13 “(A) highway construction, maintenance,
14 or design (other than design of safety features
15 of highways to be incorporated into guidelines);
16 or

17 “(B) any purpose for which funds are au-
18 thorized by section 403.

19 “(2) DEMONSTRATION PROJECTS.—A State
20 may use funds made available to carry out this sec-
21 tion to assist in demonstration projects carried out
22 by the Secretary under section 403.”.

23 (e) IN GENERAL.—Section 402 of title 23, United
24 States Code, is amended—

25 (1) by striking subsections (k) and (m);

1 (2) by redesignating subsections (i) and (j) as
2 subsections (h) and (i), respectively; and

3 (3) by redesignating subsection (l) as subsection
4 (j).

5 (f) HIGHWAY SAFETY PLAN AND REPORTING RE-
6 QUIREMENTS.—Section 402 of title 23, United States
7 Code, as amended by this section, is further amended by
8 adding at the end the following:

9 “(k) HIGHWAY SAFETY PLAN AND REPORTING RE-
10 QUIREMENTS.—

11 “(1) IN GENERAL.—The Secretary shall require
12 each State to develop and submit to the Secretary
13 a highway safety plan that complies with the re-
14 quirements under this subsection not later than July
15 1, 2012, and annually thereafter.

16 “(2) CONTENTS.—State highway safety plans
17 submitted under paragraph (1) shall include—

18 “(A) performance measures required by
19 the Secretary or otherwise necessary to support
20 additional State safety goals, including—

21 “(i) documentation of current safety
22 levels for each performance measure;

23 “(ii) quantifiable annual performance
24 targets for each performance measure; and

1 “(iii) a justification for each perform-
2 ance target;

3 “(B) a strategy for programming funds ap-
4 portioned to the State under this section on
5 projects and activities that will allow the State
6 to meet the performance targets described in
7 subparagraph (A);

8 “(C) data and data analysis supporting the
9 effectiveness of proposed countermeasures;

10 “(D) a description of any Federal, State,
11 local, or private funds that the State plans to
12 use, in addition to funds apportioned to the
13 State under this section, to carry out the strat-
14 egy described in subparagraph (B);

15 “(E) beginning with the plan submitted by
16 July 1, 2013, a report on the State’s success in
17 meeting State safety goals set forth in the pre-
18 vious year’s highway safety plan; and

19 “(F) an application for any additional
20 grants available to the State under this chapter.

21 “(3) REVIEW OF HIGHWAY SAFETY PLANS.—

22 “(A) IN GENERAL.—Not later than 60
23 days after the date on which a State’s highway
24 safety plan is received by the Secretary, the

1 Secretary shall review and approve or dis-
2 approve the plan.

3 “(B) APPROVALS AND DISAPPROVALS.—

4 “(i) APPROVALS.—The Secretary shall
5 approve a State’s highway safety plan if
6 the Secretary determines that—

7 “(I) the plan is evidence-based
8 and supported by data;

9 “(II) the performance targets are
10 adequate; and

11 “(III) the plan, once imple-
12 mented, will allow the State to meet
13 such targets.

14 “(ii) DISAPPROVALS.—The Secretary
15 shall disapprove a State’s highway safety
16 plan if the Secretary determines that the
17 plan does not—

18 “(I) set appropriate performance
19 targets; or

20 “(II) provide for evidence-based
21 programming of funding in a manner
22 sufficient to allow the State to meet
23 such targets.

1 “(C) ACTIONS UPON DISAPPROVAL.—If the
2 Secretary disapproves a State’s highway safety
3 plan, the Secretary shall—

4 “(i) inform the State of the reasons
5 for such disapproval; and

6 “(ii) require the State to resubmit the
7 plan with any modifications that the Sec-
8 retary determines to be necessary.

9 “(D) REVIEW OF RESUBMITTED PLANS.—
10 If the Secretary requires a State to resubmit a
11 highway safety plan, with modifications, the
12 Secretary shall review and approve or dis-
13 approve the modified plan not later than 30
14 days after the date on which the Secretary re-
15 ceives such plan.

16 “(E) REPROGRAMMING AUTHORITY.—If
17 the Secretary determines that the modifications
18 contained in a State’s resubmitted highway
19 safety plan do not provide for the programming
20 of funding in a manner sufficient to meet the
21 State’s performance goals, the Secretary, in
22 consultation with the State, shall take such ac-
23 tion as may be necessary to bring the State’s
24 plan into compliance with the performance tar-
25 gets.

1 “(F) PUBLIC NOTICE.—A State shall make
2 the State’s highway safety plan, and decisions
3 of the Secretary concerning approval or dis-
4 approval of a revised plan, available to the pub-
5 lic.”.

6 (g) COOPERATIVE RESEARCH AND EVALUATION.—
7 Section 402 of title 23, United States Code, as amended
8 by this section, is further amended by adding at the end
9 the following:

10 “(1) COOPERATIVE RESEARCH AND EVALUATION.—

11 “(1) ESTABLISHMENT AND FUNDING.—Not-
12 withstanding the apportionment formula set forth in
13 subsection (c)(2), \$2,500,000 of the total amount
14 available for apportionment to the States for high-
15 way safety programs under subsection (c) in each
16 fiscal year shall be available for expenditure by the
17 Secretary, acting through the Administrator of the
18 National Highway Traffic Safety Administration, for
19 a cooperative research and evaluation program to re-
20 search and evaluate priority highway safety counter-
21 measures.

22 “(2) ADMINISTRATION.—The program estab-
23 lished under paragraph (1)—

1 “(A) shall be administered by the Adminis-
2 trator of the National Highway Traffic Safety
3 Administration; and

4 “(B) shall be jointly managed by the Gov-
5 ernors Highway Safety Association and the Na-
6 tional Highway Traffic Safety Administration.”.

7 (h) TEEN TRAFFIC SAFETY PROGRAM.—Section 402
8 of title 23, United States Code, as amended by this sec-
9 tion, is further amended by adding at the end the fol-
10 lowing:

11 “(m) TEEN TRAFFIC SAFETY PROGRAM.—

12 “(1) PROGRAM AUTHORIZED.—Subject to the
13 requirements of a State’s highway safety plan, as
14 approved by the Secretary under subsection (k), a
15 State may use a portion of the amounts received
16 under this section to implement a statewide teen
17 traffic safety program to improve traffic safety for
18 teen drivers.

19 “(2) STRATEGIES.—The program implemented
20 under paragraph (1)—

21 “(A) shall include peer-to-peer education
22 and prevention strategies in schools and com-
23 munities designed to—

24 “(i) increase safety belt use;

25 “(ii) reduce speeding;

1 “(iii) reduce impaired and distracted
2 driving;

3 “(iv) reduce underage drinking; and

4 “(v) reduce other behaviors by teen
5 drivers that lead to injuries and fatalities;
6 and

7 “(B) may include—

8 “(i) working with student-led groups
9 and school advisors to plan and implement
10 teen traffic safety programs;

11 “(ii) providing subgrants to schools
12 throughout the State to support the estab-
13 lishment and expansion of student groups
14 focused on teen traffic safety;

15 “(iii) providing support, training, and
16 technical assistance to establish and ex-
17 pand school and community safety pro-
18 grams for teen drivers;

19 “(iv) creating statewide or regional
20 websites to publicize and circulate informa-
21 tion on teen safety programs;

22 “(v) conducting outreach and pro-
23 viding educational resources for parents;

24 “(vi) establishing State or regional
25 advisory councils comprised of teen drivers

1 to provide input and recommendations to
2 the governor and the governor's safety rep-
3 resentative on issues related to the safety
4 of teen drivers;

5 “(vii) collaborating with law enforce-
6 ment;

7 “(viii) organizing and hosting State
8 and regional conferences for teen drivers;

9 “(ix) establishing partnerships and
10 promoting coordination among community
11 stakeholders, including public, not-for-prof-
12 it, and for profit entities; and

13 “(x) funding a coordinator position
14 for the teen safety program in the State or
15 region.”.

16 (i) ACTIVITIES TO PROMOTE HIGHWAY AND MOTOR
17 VEHICLE SAFETY.—Section 402 of title 23, United States
18 Code, as amended by this section, is further amended by
19 adding at the end the following:

20 “(n) AVAILABILITY OF FUNDS.—Notwithstanding
21 any other provision of law, amounts appropriated to the
22 Secretary for the National Highway Traffic Safety Admin-
23 istration shall be available for activities to promote high-
24 way safety and motor vehicle safety, including activities
25 specifically designed to urge a State or local legislator or

1 legislature to favor or oppose the adoption of any specific
2 legislative proposal.”.

3 **SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
4 **MENT.**

5 Section 403 of title 23, United States Code, is
6 amended to read as follows:

7 **“§ 403. Highway safety research and development**

8 “(a) **DEFINED TERM.**—In this section, the term
9 ‘Federal laboratory’ includes—

10 “(1) a government-owned, government-operated
11 laboratory; and

12 “(2) a government-owned, contractor-operated
13 laboratory.

14 “(b) **GENERAL AUTHORITY.**—

15 “(1) **RESEARCH AND DEVELOPMENT ACTIVI-**
16 **TIES.**—The Secretary may conduct research and de-
17 velopment activities, including demonstration
18 projects and the collection and analysis of highway
19 and motor vehicle safety data and related informa-
20 tion needed to carry out this section, with respect
21 to—

22 “(A) all aspects of highway and traffic
23 safety systems and conditions relating to—

- 1 “(i) vehicle, highway, driver, pas-
2 senger, motorcyclist, bicyclist, and pedes-
3 trian characteristics;
- 4 “(ii) accident causation and investiga-
5 tions;
- 6 “(iii) communications;
- 7 “(iv) emergency medical services; and
- 8 “(v) transportation of the injured;
- 9 “(B) human behavioral factors and their
10 effect on highway and traffic safety, includ-
11 ing—
- 12 “(i) driver education;
- 13 “(ii) impaired driving;
- 14 “(iii) distracted driving; and
- 15 “(iv) new technologies installed in, or
16 brought into, vehicles;
- 17 “(C) an evaluation of the effectiveness of
18 countermeasures to increase highway and traf-
19 fic safety, including occupant protection and
20 alcohol- and drug-impaired driving technologies
21 and initiatives; and
- 22 “(D) the effect of State laws on any as-
23 pects, activities, or programs described in sub-
24 paragraphs (A) through (C).

1 “(2) COOPERATION, GRANTS, AND CON-
2 TRACTS.—The Secretary may carry out this sec-
3 tion—

4 “(A) independently;

5 “(B) in cooperation with other Federal de-
6 partments, agencies, and instrumentalities and
7 Federal laboratories;

8 “(C) by entering into contracts, coopera-
9 tive agreements, and other transactions with
10 the National Academy of Sciences, any Federal
11 laboratory, State or local agency, authority, as-
12 sociation, institution, foreign country, or person
13 (as defined in chapter 1 of title 1); or

14 “(D) by making grants to the National
15 Academy of Sciences, any Federal laboratory,
16 State or local agency, authority, association, in-
17 stitution, or person (as defined in chapter 1 of
18 title 1).

19 “(c) COLLABORATIVE RESEARCH AND DEVELOP-
20 MENT.—

21 “(1) IN GENERAL.—To encourage innovative
22 solutions to highway safety problems, stimulate vol-
23 untary improvements in highway safety, and stimu-
24 late the marketing of new highway safety related
25 technology by private industry, the Secretary is au-

1 thorized to carry out, on a cost-shared basis, collabora-
2 tive research and development with—

3 “(A) non-Federal entities, including State
4 and local governments, foreign countries, col-
5 leges, universities, corporations, partnerships,
6 sole proprietorships, organizations serving the
7 interests of children, people with disabilities,
8 low-income populations, and older adults, and
9 trade associations that are incorporated or es-
10 tablished under the laws of any State or the
11 United States; and

12 “(B) Federal laboratories.

13 “(2) AGREEMENTS.—In carrying out this sub-
14 section, the Secretary may enter into cooperative re-
15 search and development agreements (as defined in
16 section 12 of the Stevenson-Wydler Technology In-
17 novation Act of 1980 (15 U.S.C. 3710a)) in which
18 the Secretary provides not more than 50 percent of
19 the cost of any research or development project
20 under this subsection.

21 “(3) USE OF TECHNOLOGY.—The research, de-
22 velopment, or use of any technology pursuant to an
23 agreement under this subsection, including the terms
24 under which technology may be licensed and the re-
25 sulting royalties may be distributed, shall be subject

1 to the provisions of the Stevenson-Wydler Tech-
2 nology Innovation Act of 1980 (15 U.S.C. 3701 et
3 seq.).

4 “(d) TITLE TO EQUIPMENT.—In furtherance of the
5 purposes set forth in section 402, the Secretary may vest
6 title to equipment purchased for demonstration projects
7 with funds authorized under this section to State or local
8 agencies on such terms and conditions as the Secretary
9 determines to be appropriate.

10 “(e) TRAINING.—Notwithstanding the apportionment
11 formula set forth in section 402(c)(2), 1 percent of the
12 total amount available for apportionment to the States for
13 highway safety programs under section 402(c) in each fis-
14 cal year shall be available, through the end of the suc-
15 ceeding fiscal year, to the Secretary, acting through the
16 Administrator of the National Highway Traffic Safety Ad-
17 ministration—

18 “(1) to provide training, conducted or developed
19 by Federal or non-Federal entity or personnel, to
20 Federal, State, and local highway safety personnel;
21 and

22 “(2) to pay for any travel, administrative, and
23 other expenses related to such training.

24 “(f) DRIVER LICENSING AND FITNESS TO DRIVE
25 CLEARINGHOUSE.—From amounts made available under

1 this section, the Secretary, acting through the Adminis-
2 trator of the National Highway Traffic Safety Administra-
3 tion, is authorized to expend \$1,280,000 between October
4 1, 2011, and September 30, 2013, to establish an elec-
5 tronic clearinghouse and technical assistance service to
6 collect and disseminate research and analysis of medical
7 and technical information and best practices concerning
8 drivers with medical issues that may be used by State driv-
9 er licensing agencies in making licensing qualification de-
10 cisions.

11 “(g) INTERNATIONAL HIGHWAY SAFETY INFORMA-
12 TION AND COOPERATION.—

13 “(1) ESTABLISHMENT.—The Secretary, acting
14 through the Administrator of the National Highway
15 Traffic Safety Administration, may establish an
16 international highway safety information and co-
17 operation program to—

18 “(A) inform the United States highway
19 safety community of laws, projects, programs,
20 data, and technology in foreign countries that
21 could be used to enhance highway safety in the
22 United States;

23 “(B) permit the exchange of information
24 with foreign countries about laws, projects, pro-

1 grams, data, and technology that could be used
2 to enhance highway safety; and

3 “(C) allow the Secretary, represented by
4 the Administrator, to participate and cooperate
5 in international activities to enhance highway
6 safety.

7 “(2) COOPERATION.—The Secretary may carry
8 out this subsection in cooperation with any appro-
9 priate Federal agency, State or local agency or au-
10 thority, foreign government, or multinational institu-
11 tion.

12 “(h) PUBLIC HEALTH AUTHORITY.—For purposes of
13 collecting and analyzing medical data for transportation
14 safety research purposes under this chapter or chapter
15 301 of title 49, the term ‘public health authority’ has the
16 meaning given the term in section 164.501 of title 45,
17 Code of Federal Regulations, and includes the National
18 Highway Traffic Safety Administration. Any ‘protected
19 health information’ (as defined in section 160.103 of title
20 45, Code of Federal Regulations) collected or received by
21 the National Highway Traffic Safety Administration in its
22 capacity as a public health authority may not be subject
23 to discovery, admitted into evidence, or used in any admin-
24 istrative, civil, criminal, or other judicial proceeding.

1 “(i) PROHIBITION ON CERTAIN DISCLOSURES.—Any
2 report of the National Highway Traffic Safety Adminis-
3 tration, or of any officer, employee, or contractor of the
4 National Highway Traffic Safety Administration, relating
5 to any highway traffic accident or the investigation of such
6 accident conducted pursuant to this chapter or chapter
7 301 shall be made available to the public in a manner that
8 does not identify individuals.

9 “(j) MODEL SPECIFICATIONS FOR DEVICES.—The
10 Secretary, acting through the Administrator of the Na-
11 tional Highway Traffic Safety Administration, may—

12 “(1) develop model specifications and testing
13 procedures for devices, including devices designed to
14 measure the concentration of alcohol in the body;

15 “(2) conduct periodic tests of such devices;

16 “(3) publish a Conforming Products List of
17 such devices that have met the model specifications;
18 and

19 “(4) may require that any necessary tests of
20 such devices are conducted by a Federal laboratory
21 and paid for by the device manufacturers.”.

22 **SEC. 104. NATIONAL DRIVER REGISTER.**

23 Section 30302(b) of title 49, United States Code, is
24 amended by adding at the end the following: “The Sec-

1 retary shall make continual improvements to modernize
2 the Register’s data processing system.”.

3 **SEC. 105. COMBINED OCCUPANT PROTECTION GRANTS.**

4 (a) IN GENERAL.—Section 405 of title 23, United
5 States Code, is amended to read as follows:

6 **“§ 405. Combined occupant protection grants**

7 “(a) GENERAL AUTHORITY.—Subject to the require-
8 ments of this section, the Secretary of Transportation
9 shall award grants to States that adopt and implement
10 effective occupant protection programs to reduce highway
11 deaths and injuries resulting from individuals riding unre-
12 strained or improperly restrained in motor vehicles.

13 “(b) FEDERAL SHARE.—The Federal share of the
14 costs of activities funded using amounts from grants
15 awarded under this section may not exceed 80 percent for
16 each fiscal year for which a State receives a grant.

17 “(c) ELIGIBILITY.—

18 “(1) HIGH SEAT BELT USE RATE.—A State
19 with an observed seat belt use rate of 90 percent or
20 higher, based on the most recent data from a survey
21 that conforms with national criteria established by
22 the National Highway Traffic Safety Administra-
23 tion, shall be eligible for a grant in a fiscal year if
24 the State—

1 “(A) submits an occupant protection plan
2 during the first fiscal year;

3 “(B) participates in the Click It or Ticket
4 national mobilization;

5 “(C) has an active network of child re-
6 straint inspection stations; and

7 “(D) has a plan to recruit, train, and
8 maintain a sufficient number of child passenger
9 safety technicians.

10 “(2) LOWER SEAT BELT USE RATE.—A State
11 with an observed seat belt use rate below 90 percent,
12 based on the most recent data from a survey that
13 conforms with national criteria established by the
14 National Highway Traffic Safety Administration,
15 shall be eligible for a grant in a fiscal year if—

16 “(A) the State meets all of the require-
17 ments under subparagraphs (A) through (D) of
18 paragraph (1); and

19 “(B) the Secretary determines that the
20 State meets at least 3 of the following criteria:

21 “(i) The State conducts sustained (on-
22 going and periodic) seat belt enforcement
23 at a defined level of participation during
24 the year.

1 “(ii) The State has enacted and en-
2 forces a primary enforcement seat belt use
3 law.

4 “(iii) The State has implemented
5 countermeasure programs for high-risk
6 populations, such as drivers on rural road-
7 ways, unrestrained nighttime drivers, or
8 teenage drivers.

9 “(iv) The State has enacted and en-
10 forces occupant protection laws requiring
11 front and rear occupant protection use by
12 all occupants in an age-appropriate re-
13 straint.

14 “(v) The State has implemented a
15 comprehensive occupant protection pro-
16 gram in which the State has—

17 “(I) conducted a program assess-
18 ment;

19 “(II) developed a statewide stra-
20 tegic plan;

21 “(III) designated an occupant
22 protection coordinator; and

23 “(IV) established a statewide oc-
24 cupant protection task force.

25 “(vi) The State—

1 “(I) completed an assessment of
2 its occupant protection program dur-
3 ing the 3-year period preceding the
4 grant year; or

5 “(II) will conduct such an assess-
6 ment during the first year of the
7 grant.

8 “(d) USE OF GRANT AMOUNTS.—Grant funds re-
9 ceived pursuant to this section may be used to—

10 “(1) carry out a program to support high-visi-
11 bility enforcement mobilizations, including paid
12 media that emphasizes publicity for the program,
13 and law enforcement;

14 “(2) carry out a program to train occupant pro-
15 tection safety professionals, police officers, fire and
16 emergency medical personnel, educators, and parents
17 concerning all aspects of the use of child restraints
18 and occupant protection;

19 “(3) carry out a program to educate the public
20 concerning the proper use and installation of child
21 restraints, including related equipment and informa-
22 tion systems;

23 “(4) carry out a program to provide community
24 child passenger safety services, including programs

1 about proper seating positions for children and how
2 to reduce the improper use of child restraints;

3 “(5) purchase and distribute child restraints to
4 low-income families if not more than 5 percent of
5 the funds received in a fiscal year are used for this
6 purpose;

7 “(6) establish and maintain information sys-
8 tems containing data concerning occupant protec-
9 tion, including the collection and administration of
10 child passenger safety and occupant protection sur-
11 veys; and

12 “(7) carry out a program to educate the public
13 concerning the dangers of leaving children unat-
14 tended in vehicles.

15 “(e) GRANT AMOUNT.—The allocation of grant funds
16 under this section to a State for a fiscal year shall be in
17 proportion to the State’s apportionment under section 402
18 for fiscal year 2009.

19 “(f) REPORT.—A State that receives a grant under
20 this section shall submit a report to the Secretary that
21 documents the manner in which the grant amounts were
22 obligated and expended and identifies the specific pro-
23 grams carried out with the grant funds. The report shall
24 be in a form prescribed by the Secretary and may be com-

1 bined with other State grant reporting requirements under
2 chapter 4 of title 23, United States Code.

3 “(g) DEFINITIONS.—In this section:

4 “(1) CHILD RESTRAINT.—The term ‘child re-
5 straint’ means any device (including child safety
6 seat, booster seat, harness, and excepting seat belts)
7 designed for use in a motor vehicle to restrain, seat,
8 or position children who weigh 65 pounds (30 kilo-
9 grams) or less, and certified to the Federal motor
10 vehicle safety standard prescribed by the National
11 Highway Traffic Safety Administration for child re-
12 straints.

13 “(2) SEAT BELT.—The term ‘seat belt’
14 means—

15 “(A) with respect to open-body motor vehi-
16 cles, including convertibles, an occupant re-
17 straint system consisting of a lap belt or a lap
18 belt and a detachable shoulder belt; and

19 “(B) with respect to other motor vehicles,
20 an occupant restraint system consisting of inte-
21 grated lap and shoulder belts.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 4 of title 23, United States Code, is amended by
24 striking the item relating to section 405 and inserting the
25 following:

“405. Combined occupant protection grants.”.

1 **SEC. 106. STATE TRAFFIC SAFETY INFORMATION SYSTEM**
2 **IMPROVEMENTS.**

3 Section 408 of title 23, United States Code, is
4 amended to read as follows:

5 **“§ 408. State traffic safety information system im-**
6 **provements**

7 “(a) GENERAL AUTHORITY.—Subject to the require-
8 ments of this section, the Secretary of Transportation
9 shall award grants to States to support the development
10 and implementation of effective State programs that—

11 “(1) improve the timeliness, accuracy, complete-
12 ness, uniformity, integration, and accessibility of the
13 State safety data that is needed to identify priorities
14 for Federal, State, and local highway and traffic
15 safety programs;

16 “(2) evaluate the effectiveness of efforts to
17 make such improvements;

18 “(3) link the State data systems, including traf-
19 fic records, with other data systems within the
20 State, such as systems that contain medical, road-
21 way, and economic data;

22 “(4) improve the compatibility and interoper-
23 ability of the data systems of the State with national
24 data systems and data systems of other States; and

1 “(5) enhance the ability of the Secretary to ob-
2 serve and analyze national trends in crash occur-
3 rences, rates, outcomes, and circumstances.

4 “(b) FEDERAL SHARE.—The Federal share of the
5 cost of adopting and implementing in a fiscal year a State
6 program described in this section may not exceed 80 per-
7 cent.

8 “(c) ELIGIBILITY.—A State is not eligible for a grant
9 under this section in a fiscal year unless the State dem-
10 onstrates, to the satisfaction of the Secretary, that the
11 State—

12 “(1) has a functioning traffic records coordi-
13 nating committee (referred to in this subsection as
14 ‘TRCC’) that meets at least 3 times a year;

15 “(2) has designated a TRCC coordinator;

16 “(3) has established a State traffic record stra-
17 tegic plan that has been approved by the TRCC and
18 describes specific quantifiable and measurable im-
19 provements anticipated in the State’s core safety
20 databases, including crash, citation or adjudication,
21 driver, emergency medical services or injury surveil-
22 lance system, roadway, and vehicle databases;

23 “(4) has demonstrated quantitative progress in
24 relation to the significant data program attribute
25 of—

1 “(A) accuracy;
2 “(B) completeness;
3 “(C) timeliness;
4 “(D) uniformity;
5 “(E) accessibility; or
6 “(F) integration of a core highway safety
7 database; and

8 “(5) has certified to the Secretary that an as-
9 sessment of the State’s highway safety data and
10 traffic records system was conducted or updated
11 during the preceding 5 years.

12 “(d) USE OF GRANT AMOUNTS.—Grant funds re-
13 ceived by a State under this section shall be used for mak-
14 ing data program improvements to core highway safety
15 databases related to quantifiable, measurable progress in
16 any of the 6 significant data program attributes set forth
17 in subsection (c)(4).

18 “(e) GRANT AMOUNT.—The allocation of grant funds
19 under this section to a State for a fiscal year shall be in
20 proportion to the State’s apportionment under section 402
21 for fiscal year 2009.”.

22 **SEC. 107. IMPAIRED DRIVING COUNTERMEASURES.**

23 (a) IN GENERAL.—Section 410 of title 23, United
24 States Code, is amended to read as follows:

1 **“§ 410. Impaired driving countermeasures**

2 “(a) GRANTS AUTHORIZED.—Subject to the require-
3 ments of this section, the Secretary of Transportation
4 shall award grants to States that adopt and implement—

5 “(1) effective programs to reduce driving under
6 the influence of alcohol, drugs, or the combination of
7 alcohol and drugs; or

8 “(2) alcohol-ignition interlock laws.

9 “(b) FEDERAL SHARE.—The Federal share of the
10 costs of activities funded using amounts from grants
11 under this section may not exceed 80 percent in any fiscal
12 year in which the State receives a grant.

13 “(c) ELIGIBILITY.—

14 “(1) LOW-RANGE STATES.—Low-range States
15 shall be eligible for a grant under this section.

16 “(2) MID-RANGE STATES.—A mid-range State
17 shall be eligible for a grant under this section if—

18 “(A) a statewide impaired driving task
19 force in the State developed a statewide plan
20 during the most recent 3 calendar years to ad-
21 dress the problem of impaired driving; or

22 “(B) the State will convene a statewide im-
23 paired driving task force to develop such a plan
24 during the first year of the grant.

1 “(3) HIGH-RANGE STATES.—A high-range
2 State shall be eligible for a grant under this section
3 if the State—

4 “(A)(i) conducted an assessment of the
5 State’s impaired driving program during the
6 most recent 3 calendar years; or

7 “(ii) will conduct such an assessment dur-
8 ing the first year of the grant;

9 “(B) convenes, during the first year of the
10 grant, a statewide impaired driving task force
11 to develop a statewide plan that—

12 “(i) addresses any recommendations
13 from the assessment conducted under sub-
14 paragraph (A);

15 “(ii) includes a detailed plan for
16 spending any grant funds provided under
17 this section; and

18 “(iii) describes how such spending
19 supports the statewide comprehensive pro-
20 gram;

21 “(C)(i) submits the statewide plan to the
22 National Highway Traffic Safety Administra-
23 tion during the first year of the grant for the
24 agency’s review and approval;

1 “(ii) annually updates the statewide plan
2 in each subsequent year of the grant; and

3 “(iii) submits each updated statewide plan
4 for the agency’s review and comment; and

5 “(D) appoints an impaired driving coordi-
6 nator—

7 “(i) to coordinate the State’s activities
8 to address enforcement and adjudication of
9 laws to address driving while impaired by
10 alcohol; and

11 “(ii) to oversee the implementation of
12 the statewide plan.

13 “(d) USE OF GRANT AMOUNTS.—

14 “(1) REQUIRED PROGRAMS.—High-range
15 States shall use grant funds for—

16 “(A) high visibility enforcement efforts;
17 and

18 “(B) any of the activities described in
19 paragraph (2) if—

20 “(i) the activity is described in the
21 statewide plan; and

22 “(ii) the Secretary approves the use of
23 funding for such activity.

24 “(2) AUTHORIZED PROGRAMS.—Medium-range
25 and low-range States may use grant funds for—

1 “(A) any of the purposes described in
2 paragraph (1);

3 “(B) paid and earned media in support of
4 high visibility enforcement efforts;

5 “(C) hiring a full-time impaired driving co-
6 ordinator of the State’s activities to address the
7 enforcement and adjudication of laws regarding
8 driving while impaired by alcohol;

9 “(D) court support of high visibility en-
10 forcement efforts;

11 “(E) alcohol ignition interlock programs;

12 “(F) improving blood-alcohol concentration
13 testing and reporting;

14 “(G) establishing driving while intoxicated
15 courts;

16 “(H) conducting—

17 “(i) standardized field sobriety train-
18 ing;

19 “(ii) advanced roadside impaired driv-
20 ing evaluation training; and

21 “(iii) drug recognition expert training
22 for law enforcement;

23 “(I) training and education of criminal jus-
24 tice professionals (including law enforcement,
25 prosecutors, judges and probation officers) to

1 assist such professionals in handling impaired
2 driving cases;

3 “(J) traffic safety resource prosecutors;

4 “(K) judicial outreach liaisons;

5 “(L) equipment and related expenditures
6 used in connection with impaired driving en-
7 forcement in accordance with criteria estab-
8 lished by the National Highway Traffic Safety
9 Administration;

10 “(M) training on the use of alcohol screen-
11 ing and brief intervention; and

12 “(N) developing impaired driving informa-
13 tion systems.

14 “(3) OTHER PROGRAMS.—Low-range States
15 may use grant funds for any expenditure designed to
16 reduce impaired driving based on problem identifica-
17 tion.

18 “(e) GRANT AMOUNT.—Subject to subsection (g), the
19 allocation of grant funds to a State under this section for
20 a fiscal year shall be in proportion to the State’s appor-
21 tionment under section 402(c) for fiscal year 2009.

22 “(f) CHANGES IN THE AVERAGE IMPAIRED DRIVING
23 FATALITY RATE.—The Secretary, acting through the Ad-
24 ministrator of the National Highway Traffic Safety Ad-
25 ministration, may change the average impaired driving fa-

1 tality rate that establishes the Low-range, Mid-range, and
2 High-range under this section every 3 years, based upon
3 changing conditions across the Nation.

4 “(g) GRANTS TO STATES THAT ADOPT AND EN-
5 FORCE MANDATORY ALCOHOL-IGNITION INTERLOCK
6 LAWS.—

7 “(1) IN GENERAL.—The Secretary shall make a
8 separate grant under this section to each State that
9 adopts and is enforcing a mandatory alcohol-ignition
10 interlock law for all individuals convicted of driving
11 under the influence of alcohol or of driving while in-
12 toxicated.

13 “(2) USE OF FUNDS.—Such grants may be
14 used by recipient States only for costs associated
15 with the State’s alcohol-ignition interlock program,
16 including screening, assessment, and program and
17 offender oversight.

18 “(3) ALLOCATION.—Funds made available
19 under this subsection shall be allocated among
20 States described in paragraph (1) on the basis of the
21 apportionment formula under section 402(c).

22 “(4) FUNDING.—Not more than 15 percent of
23 the amounts made available to carry out this section
24 in a fiscal year shall be made available by the Sec-
25 retary for making grants under this subsection.

1 “(h) DEFINITIONS.—In this section:

2 “(1) AVERAGE IMPAIRED DRIVING FATALITY
3 RATE.—The term ‘average impaired driving fatality
4 rate’ means the number of fatalities in motor vehicle
5 crashes involving a driver with a blood alcohol con-
6 centration of at least 0.08 for every 100,000,000 ve-
7 hicle miles traveled, based on the most recently re-
8 ported 3 calendar years of final data from the Fatal-
9 ity Analysis Reporting System, as calculated in ac-
10 cordance with regulations prescribed by the Adminis-
11 trator of the National Highway Traffic Safety Ad-
12 ministration.

13 “(2) HIGH-RANGE STATE.—The term ‘high-
14 range State’ means a State that has an average im-
15 paired driving fatality rate of 0.60 or higher.

16 “(3) LOW-RANGE STATE.—The term ‘low-range
17 State’ means a State that has an average impaired
18 driving fatality rate of 0.30 or lower.

19 “(4) MID-RANGE STATE.—The term ‘mid-range
20 State’ means a State that has an average impaired
21 driving fatality rate that is higher than 0.30 and
22 lower than 0.60.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 chapter 4 of title 23, United States Code, is amended by

1 striking the item relating to section 410 and inserting the
2 following:

“410. Impaired driving countermeasures.”.

3 **SEC. 108. DISTRACTED DRIVING GRANTS.**

4 (a) IN GENERAL.—Section 411 of title 23, United
5 States Code, is amended to read as follows:

6 **“§ 411. Distracted driving grants**

7 “(a) IN GENERAL.—The Secretary shall award a
8 grant under this section to any State that enacts and en-
9 forces a statute that meets the requirements set forth in
10 subsections (b) and (c).

11 “(b) PROHIBITION ON TEXTING WHILE DRIVING.—
12 A State statute meets the requirements set forth in this
13 subsection if the statute—

14 “(1) prohibits drivers from texting through a
15 personal wireless communications device while driv-
16 ing;

17 “(2) makes violation of the statute a primary
18 offense;

19 “(3) establishes—

20 “(A) a minimum fine for a first violation
21 of the statute; and

22 “(B) increased fines for repeat violations;
23 and

24 “(4) provides increased civil and criminal pen-
25 alties than would otherwise apply if a vehicle acci-

1 dent is caused by a driver who is using such a device
2 in violation of the statute.

3 “(c) PROHIBITION ON YOUTH CELL PHONE USE
4 WHILE DRIVING.—A State statute meets the require-
5 ments set forth in this subsection if the statute—

6 “(1) prohibits a driver who is younger than 18
7 years of age from using a personal wireless commu-
8 nications device while driving;

9 “(2) makes violation of the statute a primary
10 offense;

11 “(3) requires distracted driving issues to be
12 tested as part of the State driver’s license examina-
13 tion;

14 “(4) establishes—

15 “(A) a minimum fine for a first violation
16 of the statute; and

17 “(B) increased fines for repeat violations;
18 and

19 “(5) provides increased civil and criminal pen-
20 alties than would otherwise apply if a vehicle acci-
21 dent is caused by a driver who is using such a device
22 in violation of the statute.

23 “(d) PERMITTED EXCEPTIONS.—A statute that
24 meets the requirements set forth in subsections (b) and
25 (c) may provide exceptions for—

1 “(1) a driver who uses a personal wireless com-
2 munications device to contact emergency services;

3 “(2) emergency services personnel who use a
4 personal wireless communications device while—

5 “(A) operating an emergency services vehi-
6 cle; and

7 “(B) engaged in the performance of their
8 duties as emergency services personnel; and

9 “(3) an individual employed as a commercial
10 motor vehicle driver or a school bus driver who uses
11 a personal wireless communications device within the
12 scope of such individual’s employment if such use is
13 permitted under the regulations promulgated pursu-
14 ant to section 31152 of title 49.

15 “(e) USE OF GRANT FUNDS.—Of the grant funds re-
16 ceived by a State under this section—

17 “(1) at least 50 percent shall be used—

18 “(A) to educate the public through adver-
19 tising containing information about the dangers
20 of texting or using a cell phone while driving;

21 “(B) for traffic signs that notify drivers
22 about the distracted driving law of the State; or

23 “(C) for law enforcement costs related to
24 the enforcement of the distracted driving law;

25 and

1 “(2) up to 50 percent may be used for other
2 projects that—

3 “(A) improve traffic safety; and

4 “(B) are consistent with the criteria set
5 forth in section 402(a).

6 “(f) ADDITIONAL GRANTS.—In fiscal year 2012, the
7 Secretary may use up to 25 percent of the funding avail-
8 able for grants under this section to award grants to
9 States that—

10 “(1) enacted statutes before July 1, 2011,
11 which meet the requirements under paragraphs (1)
12 and (2) of subsection (b); and

13 “(2) are otherwise ineligible for a grant under
14 this section.

15 “(g) DEFINITIONS.—In this section:

16 “(1) DRIVING.—The term ‘driving’—

17 “(A) means operating a motor vehicle on a
18 public road, including operation while tempo-
19 rarily stationary because of traffic, a traffic
20 light or stop sign, or otherwise; and

21 “(B) does not include operating a motor
22 vehicle when the vehicle has pulled over to the
23 side of, or off, an active roadway and has
24 stopped in a location where it can safely remain
25 stationary.

1 “(2) PERSONAL WIRELESS COMMUNICATIONS
2 DEVICE.—The term ‘personal wireless communica-
3 tions device’—

4 “(A) means a device through which per-
5 sonal wireless services (as defined in section
6 332(c)(7)(C)(i) of the Communications Act of
7 1934 (47 U.S.C. 332(c)(7)(C)(i))) are trans-
8 mitted; and

9 “(B) does not include a global navigation
10 satellite system receiver used for positioning,
11 emergency notification, or navigation purposes.

12 “(3) PRIMARY OFFENSE.—The term ‘primary
13 offense’ means an offense for which a law enforce-
14 ment officer may stop a vehicle solely for the pur-
15 pose of issuing a citation in the absence of evidence
16 of another offense.

17 “(4) PUBLIC ROAD.—The term ‘public road’
18 has the meaning given that term in section 402(c).

19 “(5) TEXTING.—The term ‘texting’ means
20 reading from or manually entering data into a per-
21 sonal wireless communications device, including
22 doing so for the purpose of SMS texting, e-mailing,
23 instant messaging, or engaging in any other form of
24 electronic data retrieval or electronic data commu-
25 nication.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 4 of title 23, United States Code, is amended by
 3 striking the item relating to section 411 and inserting the
 4 following:

“411. Distracted driving grants.”.

5 **SEC. 109. HIGH VISIBILITY ENFORCEMENT PROGRAM.**

6 Section 2009 of SAFETEA–LU (Public Law 109–
 7 59; 23 U.S.C. 402 note) is amended—

8 (1) in subsection (a)—

9 (A) by striking “at least 2” and inserting
 10 “at least 3”; and

11 (B) by striking “years 2006 through
 12 2009.” and inserting “fiscal years 2012 and
 13 2013. The Administrator may also initiate and
 14 support additional campaigns in each of fiscal
 15 years 2012 and 2013 for the purposes specified
 16 in subsection (b).”;

17 (2) in subsection (b) by striking “either or
 18 both” and inserting “outcomes related to at least
 19 1”;

20 (3) in subsection (c), by inserting “and Inter-
 21 net-based outreach” after “print media advertising”;

22 (4) in subsection (e), by striking “subsections
 23 (a), (c), and (f)” and inserting “subsection (c)”;

24 (5) by striking subsection (f); and

1 (6) by redesignating subsection (g) as sub-
2 section (f).

3 **SEC. 110. MOTORCYCLIST SAFETY.**

4 Section 2010 of SAFETEA-LU (Public Law 109-
5 59; 23 U.S.C. 402 note) is amended—

6 (1) by striking subsections (b) and (g);

7 (2) by redesignating subsections (c), (d), (e),
8 and (f) as subsections (b), (c), (d), and (e), respec-
9 tively; and

10 (3) in subsection (c)(1), as redesignated by
11 striking “to the satisfaction of the Secretary—” and
12 all that follows and inserting “, to the satisfaction
13 of the Secretary, at least 2 of the 6 criteria listed
14 in paragraph (2).”.

15 **SEC. 111. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFE-**
16 **TY RESEARCH.**

17 (a) IN GENERAL.—Chapter 4 of title 23, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 413. In-vehicle alcohol detection device research**

21 “(a) IN GENERAL.—The Administrator of the Na-
22 tional Highway Traffic Safety Administration shall carry
23 out a collaborative research effort under chapter 301 of
24 title 49, United States Code, to continue to explore the
25 feasibility and the potential benefits of, and the public pol-

1 icy challenges associated with, more widespread deploy-
2 ment of in-vehicle technology to prevent alcohol-impaired
3 driving.

4 “(b) REPORTS.—The Administrator shall submit a
5 report annually to the Senate Committee on Commerce,
6 Science, and Transportation and the House of Represent-
7 atives Committee on Transportation and Infrastructure—

8 “(1) describing progress in carrying out the col-
9 laborative research effort; and

10 “(2) including an accounting for the use of
11 Federal funds obligated or expended in carrying out
12 that effort.

13 “(c) DEFINITIONS.—In this title:

14 “(1) ALCOHOL-IMPAIRED DRIVING.—The term
15 ‘alcohol-impaired driving’ means operation of a
16 motor vehicle (as defined in section 30102(a)(6) of
17 title 49, United States Code) by an individual whose
18 blood alcohol content is at or above the legal limit.

19 “(2) LEGAL LIMIT.—The term ‘legal limit’
20 means a blood alcohol concentration of 0.08 percent
21 or greater (as specified by chapter 163 of title 23,
22 United States Code) or such other percentage limita-
23 tion as may be established by applicable Federal,
24 State, or local law.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 4 of title 23, United States Code, is amended by insert-
 3 ing after the item relating to section 412 the following:

“413. In-vehicle alcohol detection device research.”.

4 **SEC. 112. STATE GRADUATED DRIVER LICENSING LAWS.**

5 (a) IN GENERAL.—Chapter 4 of title 23, United
 6 States Code, as amended by this Act, is further amended
 7 by adding at the end the following:

8 **“§ 414. State Graduated Driver Licensing Incentive**
 9 **Grant**

10 “(a) GRANTS AUTHORIZED.—Subject to the require-
 11 ments of this section, the Secretary shall award grants to
 12 States that adopt and implement graduated driver licens-
 13 ing laws in accordance with the requirements set forth in
 14 subsection (b).

15 “(b) MINIMUM REQUIREMENTS.—

16 “(1) IN GENERAL.—A State meets the require-
 17 ments set forth in this subsection if the State has
 18 a graduated driver licensing law that requires novice
 19 drivers younger than 21 years of age to comply with
 20 the 2-stage licensing process described in paragraph
 21 (2) before receiving an unrestricted driver’s license.

22 “(2) LICENSING PROCESS.—A State is in com-
 23 pliance with the 2-stage licensing process described
 24 in this paragraph if the State’s driver’s license laws
 25 include—

- 1 “(A) a learner’s permit stage that—
- 2 “(i) is at least 6 months in duration;
- 3 “(ii) prohibits the driver from using a
- 4 cellular telephone or any communications
- 5 device in a nonemergency situation; and
- 6 “(iii) remains in effect until the driv-
- 7 er—
- 8 “(I) reaches 16 years of age and
- 9 enters the intermediate stage; or
- 10 “(II) reaches 18 years of age;
- 11 “(B) an intermediate stage that—
- 12 “(i) commences immediately after the
- 13 expiration of the learner’s permit stage;
- 14 “(ii) is at least 6 months in duration;
- 15 “(iii) prohibits the driver from using a
- 16 cellular telephone or any communications
- 17 device in a nonemergency situation;
- 18 “(iv) restricts driving at night;
- 19 “(v) prohibits the driver from oper-
- 20 ating a motor vehicle with more than 1
- 21 nonfamilial passenger younger than 21
- 22 years of age unless a licensed driver who is
- 23 at least 21 years of age is in the motor ve-
- 24 hicle; and

1 “(vi) remains in effect until the driver
2 reaches 18 years of age; and

3 “(C) any other requirement prescribed by
4 the Secretary of Transportation, including—

5 “(i) in the learner’s permit stage—

6 “(I) at least 40 hours of behind-
7 the-wheel training with a licensed
8 driver who is at least 21 years of age;

9 “(II) a driver training course;
10 and

11 “(III) a requirement that the
12 driver be accompanied and supervised
13 by a licensed driver, who is at least 21
14 years of age, at all times while such
15 driver is operating a motor vehicle;
16 and

17 “(ii) in the learner’s permit or inter-
18 mediate stage, a requirement, in addition
19 to any other penalties imposed by State
20 law, that the grant of an unrestricted driv-
21 er’s license be automatically delayed for
22 any individual who, during the learner’s
23 permit or intermediate stage, is convicted
24 of a driving-related offense, including—

25 “(I) driving while intoxicated;

1 “(II) misrepresentation of his or
2 her true age;

3 “(III) reckless driving;

4 “(IV) driving without wearing a
5 seat belt;

6 “(V) speeding; or

7 “(VI) any other driving-related
8 offense, as determined by the Sec-
9 retary.

10 “(c) RULEMAKING.—

11 “(1) IN GENERAL.—The Secretary shall pro-
12 mulgate regulations necessary to implement the re-
13 quirements under subsection (b), in accordance with
14 the notice and comment provisions under section
15 553 of title 5, United States Code.

16 “(2) EXCEPTION.—A State that otherwise
17 meets the minimum requirements set forth in sub-
18 section (b) shall be deemed by the Secretary to be
19 in compliance with the requirement set forth in sub-
20 section (b) if the State enacted a law before January
21 1, 2011, establishing a class of license that permits
22 licensees or applicants younger than 18 years of age
23 to drive a motor vehicle—

24 “(A) in connection with work performed
25 on, or for the operation of, a farm owned by

1 family members who are directly related to the
2 applicant or licensee; or

3 “(B) if demonstrable hardship would result
4 from the denial of a license to the licensees or
5 applicants.

6 “(d) ALLOCATION.—Grant funds allocated to a State
7 under this section for a fiscal year shall be in proportion
8 to a State’s apportionment under section 402 for such fis-
9 cal year.

10 “(e) USE OF FUNDS.—Grant funds received by a
11 State under this section may be used for—

12 “(1) enforcing a 2-stage licensing process that
13 complies with subsection (b)(2);

14 “(2) training for law enforcement personnel and
15 other relevant State agency personnel relating to the
16 enforcement described in paragraph (1);

17 “(3) publishing relevant educational materials
18 that pertain directly or indirectly to the State grad-
19 uated driver licensing law;

20 “(4) carrying out other administrative activities
21 that the Secretary considers relevant to the State’s
22 2-stage licensing process; and

23 “(5) carrying out a teen traffic safety program
24 described in section 402(m).”.

1 **SEC. 113. AGENCY ACCOUNTABILITY.**

2 Section 412 of title 23, United States Code, is
3 amended—

4 (1) by amending subsection (a) to read as fol-
5 lows:

6 “(a) **TRIENNIAL STATE MANAGEMENT REVIEWS.**—

7 “(1) **IN GENERAL.**—Except as provided under
8 paragraph (2), the Secretary shall conduct a review
9 of each State highway safety program at least once
10 every 3 years.

11 “(2) **EXCEPTIONS.**—The Secretary may con-
12 duct reviews of the highway safety programs of the
13 United States Virgin Islands, Guam, American
14 Samoa, and the Commonwealth of the Northern
15 Mariana Islands as often as the Secretary deter-
16 mines to be appropriate.

17 “(3) **COMPONENTS.**—Reviews under this sub-
18 section shall include—

19 “(A) a management evaluation of all grant
20 programs funded under this chapter;

21 “(B) an assessment of State data collec-
22 tion and evaluation relating to performance
23 measures established by the Secretary;

24 “(C) a comparison of State efforts under
25 subparagraphs (A) and (B) to best practices

1 and programs that have been evaluated for ef-
2 fectiveness; and

3 “(D) the development of recommendations
4 on how each State could—

5 “(i) improve the management and
6 oversight of its grant activities; and

7 “(ii) provide a management and over-
8 sight plan for such grant programs.”; and

9 (2) by striking subsection (f).

10 **SEC. 114. EMERGENCY MEDICAL SERVICES.**

11 Section 10202 of Public Law 109–59 (42 U.S.C.
12 300d–4) is amended by adding at the end the following:

13 “(b) NATIONAL EMERGENCY MEDICAL SERVICES
14 ADVISORY COUNCIL.—

15 “(1) ESTABLISHMENT.—The Secretary of
16 Transportation, in coordination with the Secretary
17 of Health and Human Services and the Secretary of
18 Homeland Security, shall establish a National Emer-
19 gency Medical Services Advisory Council (referred to
20 in this subsection as the ‘Advisory Council’).

21 “(2) MEMBERSHIP.—The Advisory Council
22 shall be composed of 25 members, who—

23 “(A) shall be appointed by the Secretary of
24 Transportation; and

1 “(B) shall collectively be representative of
2 all sectors of the emergency medical services
3 community.

4 “(3) PURPOSES.—The purposes of the Advisory
5 Council are to advise and consult with—

6 “(A) the Federal Interagency Committee
7 on Emergency Medical Services on matters re-
8 lating to emergency medical services issues; and

9 “(B) the Secretary of Transportation on
10 matters relating to emergency medical services
11 issues affecting the Department of Transpor-
12 tation.

13 “(4) ADMINISTRATION.—The Administrator of
14 the National Highway Traffic Safety Administration
15 shall provide administrative support to the Advisory
16 Council, including scheduling meetings, setting agen-
17 das, keeping minutes and records, and producing re-
18 ports.

19 “(5) LEADERSHIP.—The members of the Advi-
20 sory Council shall annually select a chairperson of
21 the Council.

22 “(6) MEETINGS.—The Advisory Council shall
23 meet as frequently as is determined necessary by the
24 chairperson of the Council.

1 “(7) ANNUAL REPORTS.—The Advisory Council
2 shall prepare an annual report to the Secretary of
3 Transportation regarding the Council’s actions and
4 recommendations.”.

5 **SEC. 115. EFFECTIVE DATE.**

6 Sections 102 through 114, and the amendments and
7 repeals made by such sections, shall take effect on October
8 1, 2011.

9 **TITLE II—ENHANCED SAFETY**
10 **AUTHORITIES**

11 **SEC. 201. DEFINITION OF MOTOR VEHICLE EQUIPMENT.**

12 Section 30102(a)(7)(C) of title 49, United States
13 Code, is amended to read as follows:

14 “(C) any device or an article or apparel,
15 including a motorcycle helmet and excluding
16 medicine or eyeglasses prescribed by a licensed
17 practitioner, that—

18 “(i) is not a system, part, or compo-
19 nent of a motor vehicle; and

20 “(ii) is manufactured, sold, delivered,
21 or offered to be sold for use on public
22 streets, roads, and highways with the ap-
23 parent purpose of safeguarding motor vehi-
24 cles and highway users against risk of acci-
25 dent, injury, or death.”.

1 **SEC. 202. PERMIT REMINDER SYSTEM FOR NON-USE OF**
2 **SAFETY BELTS.**

3 (a) IN GENERAL.—Chapter 301 of title 49, United
4 States Code, is amended—

5 (1) in section 30122, by striking subsection (d);

6 and

7 (2) by amending section 30124 to read as fol-
8 lows:

9 **“§ 30124. Nonuse of safety belts**

10 “A motor vehicle safety standard prescribed under
11 this chapter may not require a manufacturer to comply
12 with the standard by using a safety belt interlock designed
13 to prevent starting or operating a motor vehicle if an occu-
14 pant is not using a safety belt.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 chapter 301 of title 49, United States Code, is amended
17 by striking the item relating to section 30124 and insert-
18 ing the following:

“Sec. 30124. Nonuse of safety belts.”.

19 **SEC. 203. CIVIL PENALTIES.**

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “30123(d)” and insert-
25 ing “30123(a)”; and

1 (ii) by striking “\$15,000,000” and in-
2 serting “\$250,000,000”; and

3 (B) in paragraph (3), by striking
4 “\$15,000,000” and inserting “\$250,000,000”;
5 and

6 (2) by amending subsection (c) to read as fol-
7 lows:

8 “(c) RELEVANT FACTORS IN DETERMINING AMOUNT
9 OF PENALTY OR COMPROMISE.—In determining the
10 amount of a civil penalty or compromise under this sec-
11 tion, the Secretary of Transportation shall consider the
12 nature, circumstances, extent, and gravity of the violation.
13 Such determination shall include, as appropriate—

14 “(1) the nature of the defect or noncompliance;

15 “(2) knowledge by the person charged of its ob-
16 ligation to recall or notify the public;

17 “(3) the severity of the risk of injury;

18 “(4) the occurrence or absence of injury;

19 “(5) the number of motor vehicles or items of
20 motor vehicle equipment distributed with the defect
21 or noncompliance;

22 “(6) the existence of an imminent hazard;

23 “(7) actions taken by the person charged to
24 identify, investigate, or mitigate the condition;

1 “SUBCHAPTER V—MOTOR VEHICLE SAFETY
2 RESEARCH AND DEVELOPMENT

3 **“§ 30181. Policy**

4 “The Secretary of Transportation shall conduct re-
5 search, development, and testing on any area or aspect
6 of motor vehicle safety necessary to carry out this chapter.

7 **“§ 30182. Powers and duties**

8 “(a) IN GENERAL.—The Secretary of Transportation
9 shall—

10 “(1) conduct motor vehicle safety research, de-
11 velopment, and testing programs and activities, in-
12 cluding new and emerging technologies that impact
13 or may impact motor vehicle safety;

14 “(2) collect and analyze all types of motor vehi-
15 cle and highway safety data and related information
16 to determine the relationship between motor vehicle
17 or motor vehicle equipment performance characteris-
18 tics and—

19 “(A) accidents involving motor vehicles;
20 and

21 “(B) deaths or personal injuries resulting
22 from those accidents;

23 “(3) promote, support, and advance the edu-
24 cation and training of motor vehicle safety staff of

1 the National Highway Traffic Safety Administra-
2 tion, including using program funds for—

3 “(A) planning, implementing, conducting,
4 and presenting results of program activities;
5 and

6 “(B) travel and related expenses;

7 “(4) obtain experimental and other motor vehi-
8 cles and motor vehicle equipment for research or
9 testing;

10 “(5)(A) use any test motor vehicles and motor
11 vehicle equipment suitable for continued use, as de-
12 termined by the Secretary to assist in carrying out
13 this chapter or any other chapter of this title; or

14 “(B) sell or otherwise dispose of test motor ve-
15 hicles and motor vehicle equipment and use the re-
16 sulting proceeds to carry out this chapter;

17 “(6) award grants to States and local govern-
18 ments, interstate authorities, and nonprofit institu-
19 tions; and

20 “(7) enter into cooperative agreements, collabo-
21 rative research, or contracts with Federal agencies,
22 interstate authorities, State and local governments,
23 other public entities, private organizations and per-
24 sons, nonprofit institutions, colleges and universities,
25 consumer advocacy groups, corporations, partner-

1 ships, sole proprietorships, trade associations, Fed-
2 eral laboratories (including government-owned, gov-
3 ernment-operated laboratories and government-
4 owned, contractor-operated laboratories), and foreign
5 governments and research organizations.

6 “(b) USE OF PUBLIC AGENCIES.—In carrying out
7 this subchapter, the Secretary shall avoid duplication by
8 using the services, research, and testing facilities of public
9 agencies, as appropriate.

10 “(c) FACILITIES.—The Secretary may plan, design,
11 and build a new facility or modify an existing facility to
12 conduct research, development, and testing in traffic safe-
13 ty, highway safety, and motor vehicle safety.

14 “(d) AVAILABILITY OF INFORMATION, PATENTS, AND
15 DEVELOPMENTS.—When the United States Government
16 makes more than a minimal contribution to a research or
17 development activity under this chapter, the Secretary
18 shall include in the arrangement for the activity a provi-
19 sion to ensure that all information, patents, and develop-
20 ments related to the activity are available to the public
21 without charge. The owner of a background patent may
22 not be deprived of a right under the patent.

23 **“§ 30183. Public health authority**

24 “For purposes of collecting and analyzing medical
25 data for transportation safety research under this chapter

1 or chapter 4 of title 23, the term ‘public health authority’
 2 (as defined in section 164.501 of title 45, Code of Federal
 3 Regulations), shall include the National Highway Traffic
 4 Safety Administration. Any ‘protected health information’
 5 (as defined in section 160.103 of title 45, Code of Federal
 6 Regulations) collected or received by the National High-
 7 way Traffic Safety Administration in its capacity as a
 8 public health authority may not be subject to discovery,
 9 be admitted into evidence, or be used in any administra-
 10 tive, civil, criminal, or other judicial proceeding.

11 **“§ 30184. Prohibition on certain disclosures**

12 “Any report of the National Highway Traffic Safety
 13 Administration, or of any officer, employee, or contractor
 14 of the National Highway Traffic Safety Administration,
 15 relating to any highway traffic accident or the investiga-
 16 tion of such accident conducted pursuant to this chapter
 17 or section 403 of title 23, shall be made available to the
 18 public in a manner that does not identify individuals.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) AMENDMENT OF CHAPTER ANALYSIS.—The
 21 chapter analysis for chapter 301 of title 49, United
 22 States Code, is amended by adding at the end the
 23 following:

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

“30181. Policy.

“30182. Powers and duties.

“30183. Public health authority.
 “30184. Prohibition on certain disclosures.”.

1 (2) DELETION OF REDUNDANT MATERIAL.—
 2 Chapter 301 of title 49, United States Code, is
 3 amended—

4 (A) in the chapter analysis, by striking the
 5 item relating to section 30168; and

6 (B) by striking section 30168.

7 **SEC. 205. ODOMETER REQUIREMENTS DEFINITION.**

8 Section 32702(5) of title 49, United States Code, is
 9 amended by inserting “or system of components” after
 10 “instrument”.

11 **SEC. 206. ELECTRONIC DISCLOSURES OF ODOMETER IN-**
 12 **FORMATION.**

13 Section 32705 of title 49, United States Code, is
 14 amended by adding at the end the following:

15 “(g) ELECTRONIC DISCLOSURES.—In carrying out
 16 this section, the Secretary may prescribe regulations per-
 17 mitting any written disclosures or notices and related mat-
 18 ters to be provided electronically.”.

19 **SEC. 207. INCREASED PENALTIES AND DAMAGES FOR**
 20 **ODOMETER FRAUD.**

21 Chapter 327 of title 49, United States Code, is
 22 amended—

23 (1) in section 32709(a)(1)—

1 (A) by striking “\$2,000” and inserting
2 “\$10,000”; and

3 (B) by striking “\$100,000” and inserting
4 “\$1,000,000”; and

5 (2) in section 32710(a), by striking “\$1,500”
6 and inserting “\$10,000”.

7 **SEC. 208. EXTEND PROHIBITIONS ON IMPORTING NON-**
8 **COMPLIANT VEHICLES AND EQUIPMENT TO**
9 **DEFECTIVE VEHICLES AND EQUIPMENT.**

10 Section 30112 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a), by adding at the end the
13 following:

14 “(3) Except as provided in this section, section
15 30114, subsections (i) and (j) of section 30120, and sub-
16 chapter III, a person may not sell, offer for sale, introduce
17 or deliver for introduction in interstate commerce, or im-
18 port into the United States any motor vehicle or motor
19 vehicle equipment if the vehicle or equipment contains a
20 defect related to motor vehicle safety about which notice
21 was given under section 30118(c) or an order was issued
22 under section 30118(b). Nothing in this paragraph may
23 be construed to prohibit the importation of a new motor
24 vehicle that receives a required recall remedy before being
25 sold to a consumer in the United States.”; and

1 (2) in subsection (b)(2)—

2 (A) in subparagraph (A), by striking “or”
3 at the end;

4 (B) in subparagraph (B), by adding “or”
5 at the end; and

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

7 “(C) having no reason to know, despite ex-
8 ercising reasonable care, that a motor vehicle or
9 motor vehicle equipment contains a defect re-
10 lated to motor vehicle safety about which notice
11 was given under section 30118(e) or an order
12 was issued under section 30118(b);”.

13 **SEC. 209. FINANCIAL RESPONSIBILITY REQUIREMENTS**
14 **FOR IMPORTERS.**

15 Chapter 301 of title 49, United States Code, is
16 amended—

17 (1) in the chapter analysis, by striking the item
18 relating to subchapter III and inserting the fol-
19 lowing:

“SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT”;

20 (2) in the heading for subchapter III, by strik-
21 ing “NONCOMPLYING”; and

22 (3) in section 30147, by amending subsection
23 (b) to read as follows:

24 “(b) **FINANCIAL RESPONSIBILITY REQUIREMENT.**—

1 “(1) RULEMAKING.—The Secretary of Trans-
2 portation may issue regulations requiring each per-
3 son that imports a motor vehicle or motor vehicle
4 equipment into the customs territory of the United
5 States, including a registered importer (or any suc-
6 cessor in interest), provide and maintain evidence,
7 satisfactory to the Secretary, of sufficient financial
8 responsibility to meet its obligations under section
9 30117(b), sections 30118 through 30121, and sec-
10 tion 30166(f).

11 “(2) REFUSAL OF ADMISSION.—If the Sec-
12 retary of Transportation believes that a person de-
13 scribed in paragraph (1) has not provided and main-
14 tained evidence of sufficient financial responsibility
15 to meet the obligations referred to in paragraph (1),
16 the Secretary of Homeland Security may refuse the
17 admission into the customs territory of the United
18 States of any motor vehicle or motor vehicle equip-
19 ment imported by the person.”.

20 **SEC. 210. CONDITIONS ON IMPORTATION OF VEHICLES AND**
21 **EQUIPMENT.**

22 Chapter 301 of title 49, United States Code, is
23 amended—

1 (1) in the chapter analysis, by striking the item
2 relating to section 30164 and inserting the fol-
3 lowing:

“30164. Service of process; conditions on importation of vehicles and equip-
ment.”;

4 and

5 (2) in section 30164—

6 (A) in the section heading, by adding “;
7 **CONDITIONS ON IMPORTATION OF VEHI-**
8 **CLES AND EQUIPMENT**” at the end; and

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

10 “(c) IDENTIFYING INFORMATION.—A manufacturer
11 (including an importer) offering a motor vehicle or motor
12 vehicle equipment for import shall identify—

13 “(1) the product by name, the manufacturer’s
14 address, or such other identifying information as the
15 Secretary may, by rule, request; and

16 “(2) each retailer or distributor to which the
17 manufacturer directly supplied motor vehicles or
18 motor vehicle equipment over which the Secretary
19 has jurisdiction under this chapter.

20 “(d) RULEMAKING.—The Secretary may issue regu-
21 lations that—

22 “(1) condition the import of a motor vehicle or
23 motor vehicle equipment on the manufacturer’s com-
24 pliance with—

1 “(A) the requirements under this section;

2 “(B) any rules issued with respect to such
3 requirements; or

4 “(C) any other requirements under this
5 chapter or rules issued with respect to such re-
6 quirements;

7 “(2) provide an opportunity for the manufac-
8 turer to present information before the Secretary’s
9 determination as to whether the manufacturer’s im-
10 ports should be restricted; and

11 “(3) establish a process by which a manufac-
12 turer may petition for reinstatement of its ability to
13 import motor vehicles or motor vehicle equipment.”.

14 **SEC. 211. PORT INSPECTIONS; SAMPLES FOR EXAMINATION**
15 **OR TESTING.**

16 Section 30166(c) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (2), by striking “and” at the
19 end;

20 (2) in paragraph (3)—

21 (A) in subparagraph (A), by inserting “(in-
22 cluding at United States ports of entry)” after
23 “held for introduction in interstate commerce”;
24 and

1 (B) in subparagraph (D), by striking the
2 period at the end and inserting a semicolon;
3 and

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

5 “(4) shall obtain from the Secretary of Home-
6 land Security without charge, upon the request of
7 the Secretary of Transportation, a reasonable num-
8 ber of samples of motor vehicle equipment being of-
9 fered for import; and

10 “(5) shall instruct the Secretary of Homeland
11 Security to refuse admission of the motor vehicle
12 equipment into the customs territory of the United
13 States if the Secretary of Transportation deter-
14 mines, after examination of the samples obtained
15 under paragraph (4) or through other means, that
16 such refusal is warranted due to noncompliance
17 with—

18 “(A) this chapter;

19 “(B) a regulation prescribed under this
20 chapter; or

21 “(C) an order issued under this chapter.”.

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

3 **SEC. 301. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

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

9 (1) improving organization and functionality,
10 including modern web design features, and allowing
11 for data to be searched, aggregated, and
12 downloaded;

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

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

18 (b) VEHICLE RECALL INFORMATION.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of the enactment of this Act, the Secretary
21 shall require that motor vehicle safety recall infor-
22 mation—

23 (A) is available to the public on the Inter-
24 net;

1 (B) is searchable by vehicle make and
2 model and vehicle identification number;

3 (C) is in a format that preserves consumer
4 privacy; and

5 (D) includes information about each recall
6 that has not been completed for each vehicle.

7 (2) RULEMAKING.—The Secretary may initiate
8 a rulemaking proceeding to require each manufac-
9 turer to provide the information described in para-
10 graph (1), with respect to that manufacturer’s motor
11 vehicles, at no cost on a publicly accessible Internet
12 website.

13 (3) DATABASE AWARENESS PROMOTION ACTIVI-
14 TIES.—The Secretary, in consultation with the heads
15 of other relevant agencies, shall promote consumer
16 awareness of the information made available to the
17 public pursuant to this subsection.

18 **SEC. 302. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**

19 **AND MECHANIC PERSONNEL.**

20 The Secretary shall—

21 (1) establish a means by which mechanics, pas-
22 senger motor vehicle dealership personnel, and pas-
23 senger motor vehicle manufacturer personnel may
24 directly and confidentially contact the National

1 Highway Traffic Safety Administration to report po-
2 tential passenger motor vehicle safety defects; and

3 (2) publicize the means for contacting the Na-
4 tional Highway Traffic Safety Administration in a
5 manner that targets mechanics, passenger motor ve-
6 hicle dealership personnel, and manufacturer per-
7 sonnel.

8 **SEC. 303. CONSUMER NOTICE OF SOFTWARE UPDATES AND**
9 **OTHER COMMUNICATIONS WITH DEALERS.**

10 (a) INTERNET ACCESSIBILITY.—Section 30166(f) of
11 title 49, United States Code, is amended—

12 (1) by striking “A manufacturer shall give the
13 Secretary of Transportation” and inserting the fol-
14 lowing:

15 “(1) IN GENERAL.—A manufacturer shall give
16 the Secretary of Transportation, and make available
17 on a publicly accessible Internet website,”; and

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

19 “(2) NOTICES.—Communications required to be
20 submitted to the Secretary and made available on a
21 publicly accessible Internet website under this sub-
22 section shall include all notices to dealerships of
23 software upgrades and modifications recommended
24 by a manufacturer for all previously sold vehicles.
25 Notice is required even if the software upgrade or

1 modification is not related to a safety defect or non-
2 compliance with a motor vehicle safety standard.
3 The notice shall include a plain language description
4 of the purpose of the update and that description
5 shall be prominently placed at the beginning of the
6 notice.

7 “(3) INDEX.—Communications required to be
8 submitted to the Secretary under this subsection
9 shall be accompanied by an index to each commu-
10 nication, which—

11 “(A) identifies the make, model, and model
12 year of the affected vehicles;

13 “(B) includes a concise summary of the
14 subject matter of the communication; and

15 “(C) shall be made available by the Sec-
16 retary to the public on the Internet in a search-
17 able format.”.

18 **SEC. 304. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

19 Section 30166(m) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (3)(A), by amending clause
22 (ii) to read as follows:

23 “(ii) customer satisfaction campaigns,
24 customer advisories, recalls, consumer
25 complaints, warranty claims, field reports,

1 technical service bulletins, or other activity
2 involving the repair or replacement of
3 motor vehicles or motor vehicle equip-
4 ment.”; and

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

7 “(C) DISCLOSURE.—

8 “(i) IN GENERAL.—The information
9 provided to the Secretary pursuant to this
10 subsection shall be disclosed publicly unless
11 exempt from disclosure under section
12 552(b) of title 5.

13 “(ii) PRESUMPTION.—In admin-
14 istering this subparagraph, the Secretary
15 shall presume in favor of maximum public
16 availability of information.

17 “(iii) NONEXEMPT INFORMATION.—
18 The Secretary shall presume that the fol-
19 lowing types of information are not exempt
20 from disclosure under section 552(b) of
21 title 5:

22 “(I) Vehicle safety defect infor-
23 mation related to incidents involving
24 death or injury.

1 “(II) Aggregated numbers of
2 property damage claims.

3 “(III) Aggregated numbers of
4 consumer complaints related to poten-
5 tial vehicle defects.”.

6 **SEC. 305. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
7 **PORTS.**

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

11 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—

12 “(1) IN GENERAL.—The Secretary shall require
13 a senior official responsible for safety in each com-
14 pany submitting information to the Secretary in re-
15 sponse to a request for information in a safety de-
16 fect or compliance investigation under this chapter
17 to certify that—

18 “(A) the signing official has reviewed the
19 submission; and

20 “(B) based on the official’s knowledge, the
21 submission does not—

22 “(i) contain any untrue statement of a
23 material fact; or

24 “(ii) omit to state a material fact nec-
25 essary in order to make the statements

1 made not misleading, in light of the cir-
2 cumstances under which such statements
3 were made.

4 “(2) NOTICE.—The certification requirements
5 of this section shall be clearly stated on any request
6 for information under paragraph (1).”.

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

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

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

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

1 **SEC. 306. PASSENGER MOTOR VEHICLE INFORMATION PRO-**
 2 **GRAM.**

3 (a) DEFINITION.—Section 32301 of title 49, United
 4 States Code, is amended—

5 (1) by redesignating paragraphs (1) and (2) as
 6 paragraphs (2) and (3), respectively;

7 (2) by inserting before paragraph (2), as redesi-
 8 gnated, the following:

9 “(1) ‘crash avoidance’ means preventing a
 10 crash;” and

11 (3) in paragraph (2), as redesignated, by strik-
 12 ing the period at the end and inserting “; and”.

13 (b) INFORMATION INCLUDED.—Section 32302(a) of
 14 title 49, United States Code, is amended—

15 (1) in paragraph (2), by inserting “, crash
 16 avoidance, and any other areas the Secretary deter-
 17 mines will improve the safety of passenger motor ve-
 18 hicles” after “crashworthiness”; and

19 (2) by striking paragraph (4).

20 **SEC. 307. PROMOTION OF VEHICLE DEFECT REPORTING.**

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

23 “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-
 24 MATION.—

25 “(1) RULEMAKING REQUIRED.—Not later than
 26 1 year after the date of the enactment of the Motor

1 Vehicle and Highway Safety Improvement Act of
2 2011, the Secretary shall prescribe regulations that
3 require passenger motor vehicle manufacturers—

4 “(A) to affix, in the glove compartment or
5 in another readily accessible location on the ve-
6 hicle, a sticker, decal, or other device that pro-
7 vides, in simple and understandable language,
8 information about how to submit a safety-re-
9 lated motor vehicle defect complaint to the Na-
10 tional Highway Traffic Safety Administration;

11 “(B) to prominently print the information
12 described in subparagraph (A) on a separate
13 page within the owner’s manual; and

14 “(C) to not place such information on the
15 label required under section 3 of the Auto-
16 mobile Information Disclosure Act (15 U.S.C.
17 1232).

18 “(2) APPLICATION.—The requirements under
19 paragraph (1) shall apply to passenger motor vehi-
20 cles manufactured in any model year beginning more
21 than 1 year after the date on which a final rule is
22 published under paragraph (1).”.

1 **SEC. 308. WHISTLEBLOWER PROTECTIONS FOR MOTOR VE-**
2 **HICLE MANUFACTURERS, PART SUPPLIERS,**
3 **AND DEALERSHIP EMPLOYEES.**

4 (a) IN GENERAL.—Subchapter IV of chapter 301 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 30171. Protection of employees providing motor ve-**
8 **hicle safety information**

9 “(a) DISCRIMINATION AGAINST EMPLOYEES OF
10 MANUFACTURERS, PART SUPPLIERS, AND DEALER-
11 SHIPS.—No motor vehicle manufacturer, part supplier, or
12 dealership may discharge an employee or otherwise dis-
13 criminate against an employee with respect to compensa-
14 tion, terms, conditions, or privileges of employment be-
15 cause the employee (or any person acting pursuant to a
16 request of the employee)—

17 “(1) provided, caused to be provided, or is
18 about to provide (with any knowledge of the em-
19 ployer) or cause to be provided to the employer or
20 the Secretary of Transportation information relating
21 to any motor vehicle defect, noncompliance, or any
22 violation or alleged violation of any notification or
23 reporting requirement of this chapter;

24 “(2) has filed, caused to be filed, or is about to
25 file (with any knowledge of the employer) or cause
26 to be filed a proceeding relating to any violation or

1 alleged violation of any motor vehicle defect, non-
2 compliance, or any violation or alleged violation of
3 any notification or reporting requirement of this
4 chapter;

5 “(3) testified or is about to testify in such a
6 proceeding;

7 “(4) assisted or participated or is about to as-
8 sist or participate in such a proceeding; or

9 “(5) objected to, or refused to participate in,
10 any activity that the employee reasonably believed to
11 be in violation of any provision of any Act enforced
12 by the Secretary of Transportation, or any order,
13 rule, regulation, standard, or ban under any such
14 Act.

15 “(b) COMPLAINT PROCEDURE.—

16 “(1) FILING AND NOTIFICATION.—A person
17 who believes that he or she has been discharged or
18 otherwise discriminated against by any person in
19 violation of subsection (a) may, not later than 180
20 days after the date on which such violation occurs,
21 file (or have any person file on his or her behalf) a
22 complaint with the Secretary of Labor alleging such
23 discharge or discrimination. Upon receipt of such a
24 complaint, the Secretary shall notify, in writing, the
25 person named in the complaint of the filing of the

1 complaint, of the allegations contained in the com-
2 plaint, of the substance of evidence supporting the
3 complaint, and of the opportunities that will be af-
4 farded to such person under paragraph (2).

5 “(2) INVESTIGATION; PRELIMINARY ORDER.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the date of receipt of a complaint
8 filed under paragraph (1) and after affording
9 the person named in the complaint an oppor-
10 tunity to submit to the Secretary a written re-
11 sponse to the complaint and an opportunity to
12 meet with a representative of the Secretary to
13 present statements from witnesses, the Sec-
14 retary shall conduct an investigation and deter-
15 mine whether there is reasonable cause to be-
16 lieve that the complaint has merit and notify, in
17 writing, the complainant and the person alleged
18 to have committed a violation of subsection (a)
19 of the Secretary’s findings. If the Secretary
20 concludes that there is a reasonable cause to
21 believe that a violation of subsection (a) has oc-
22 curred, the Secretary shall accompany the Sec-
23 retary’s findings with a preliminary order pro-
24 viding the relief prescribed by paragraph
25 (3)(B). Not later than 30 days after the date

1 of notification of findings under this paragraph,
2 either the person alleged to have committed the
3 violation or the complainant may file objections
4 to the findings or preliminary order, or both,
5 and request a hearing on the record. The filing
6 of such objections shall not operate to stay any
7 reinstatement remedy contained in the prelimi-
8 nary order. Such hearings shall be conducted
9 expeditiously. If a hearing is not requested in
10 such 30-day period, the preliminary order shall
11 be deemed a final order that is not subject to
12 judicial review.

13 “(B) REQUIREMENTS.—

14 “(i) REQUIRED SHOWING BY COM-
15 PLAINANT.—The Secretary shall dismiss a
16 complaint filed under this subsection and
17 shall not conduct an investigation other-
18 wise required under subparagraph (A) un-
19 less the complainant makes a prima facie
20 showing that any behavior described in
21 paragraphs (1) through (5) of subsection
22 (a) was a contributing factor in the unfa-
23 vorable personnel action alleged in the
24 complaint.

1 “(ii) SHOWING BY EMPLOYER.—Not-
2 withstanding a finding by the Secretary
3 that the complainant has made the show-
4 ing required under clause (i), no investiga-
5 tion otherwise required under subpara-
6 graph (A) shall be conducted if the em-
7 ployer demonstrates, by clear and con-
8 vincing evidence, that the employer would
9 have taken the same unfavorable personnel
10 action in the absence of that behavior.

11 “(iii) CRITERIA FOR DETERMINATION
12 BY SECRETARY.—The Secretary may de-
13 termine that a violation of subsection (a)
14 has occurred only if the complainant dem-
15 onstrates that any behavior described in
16 paragraphs (1) through (5) of subsection
17 (a) was a contributing factor in the unfa-
18 vorable personnel action alleged in the
19 complaint.

20 “(iv) PROHIBITION.—Relief may not
21 be ordered under subparagraph (A) if the
22 employer demonstrates, by clear and con-
23 vincing evidence, that the employer would
24 have taken the same unfavorable personnel
25 action in the absence of that behavior.

1 “(3) FINAL ORDER.—

2 “(A) DEADLINE FOR ISSUANCE; SETTLE-
3 MENT AGREEMENTS.—Not later than 120 days
4 after the date of conclusion of a hearing under
5 paragraph (2), the Secretary shall issue a final
6 order providing the relief prescribed by this
7 paragraph or denying the complaint. At any
8 time before issuance of a final order, a pro-
9 ceeding under this subsection may be termi-
10 nated on the basis of a settlement agreement
11 entered into by the Secretary, the complainant,
12 and the person alleged to have committed the
13 violation.

14 “(B) REMEDY.—If, in response to a com-
15 plaint filed under paragraph (1), the Secretary
16 determines that a violation of subsection (a)
17 has occurred, the Secretary shall order the per-
18 son who committed such violation—

19 “(i) to take affirmative action to
20 abate the violation;

21 “(ii) to reinstate the complainant to
22 his or her former position together with
23 the compensation (including back pay) and
24 restore the terms, conditions, and privi-

1 leges associated with his or her employ-
2 ment; and

3 “(iii) to provide compensatory dam-
4 ages to the complainant.

5 “(C) ATTORNEYS’ FEES.—If such an order
6 is issued under this paragraph, the Secretary,
7 at the request of the complainant, shall assess
8 against the person against whom the order is
9 issued a sum equal to the aggregate amount of
10 all costs and expenses (including attorneys’ and
11 expert witness fees) reasonably incurred, as de-
12 termined by the Secretary, by the complainant
13 for, or in connection with, bringing the com-
14 plaint upon which the order was issued.

15 “(D) FRIVOLOUS COMPLAINTS.—If the
16 Secretary determines that a complaint under
17 paragraph (1) is frivolous or has been brought
18 in bad faith, the Secretary may award to the
19 prevailing employer a reasonable attorney’s fee
20 not exceeding \$1,000.

21 “(E) DE NOVO REVIEW.—With respect to
22 a complaint under paragraph (1), if the Sec-
23 retary of Labor has not issued a final decision
24 within 210 days after the filing of the com-
25 plaint and if the delay is not due to the bad

1 faith of the employee, the employee may bring
2 an original action at law or equity for de novo
3 review in the appropriate district court of the
4 United States, which shall have jurisdiction
5 over such an action without regard to the
6 amount in controversy, and which action shall,
7 at the request of either party to the action, be
8 tried by the court with a jury. The action shall
9 be governed by the same legal burdens of proof
10 specified in paragraph (2)(B) for review by the
11 Secretary of Labor.

12 “(4) REVIEW.—

13 “(A) APPEAL TO COURT OF APPEALS.—
14 Any person adversely affected or aggrieved by
15 an order issued under paragraph (3) may ob-
16 tain review of the order in the United States
17 Court of Appeals for the circuit in which the
18 violation, with respect to which the order was
19 issued, allegedly occurred or the circuit in which
20 the complainant resided on the date of such vio-
21 lation. The petition for review shall be filed not
22 later than 60 days after the date of the
23 issuance of the final order of the Secretary. Re-
24 view shall conform to chapter 7 of title 5. The
25 commencement of proceedings under this sub-

1 paragraph shall not, unless ordered by the
2 court, operate as a stay of the order.

3 “(B) LIMITATION ON COLLATERAL AT-
4 TACK.—An order of the Secretary with respect
5 to which review could have been obtained under
6 subparagraph (A) shall not be subject to judi-
7 cial review in any criminal or other civil pro-
8 ceeding.

9 “(5) ENFORCEMENT OF ORDER BY SEC-
10 RETARY.—Whenever any person fails to comply with
11 an order issued under paragraph (3), the Secretary
12 may file a civil action in the United States district
13 court for the district in which the violation was
14 found to occur to enforce such order. In actions
15 brought under this paragraph, the district courts
16 shall have jurisdiction to grant all appropriate relief,
17 including injunctive relief and compensatory dam-
18 ages.

19 “(6) ENFORCEMENT OF ORDER BY PARTIES.—

20 “(A) COMMENCEMENT OF ACTION.—A per-
21 son on whose behalf an order was issued under
22 paragraph (3) may commence a civil action
23 against the person to whom such order was
24 issued to require compliance with such order.

25 The appropriate United States district court

1 shall have jurisdiction, without regard to the
2 amount in controversy or the citizenship of the
3 parties, to enforce such order.

4 “(B) ATTORNEY FEES.—The court, in
5 issuing any final order under this paragraph,
6 may award costs of litigation (including reason-
7 able attorney and expert witness fees) to any
8 party whenever the court determines such
9 award is appropriate.

10 “(c) MANDAMUS.—Any nondiscretionary duty im-
11 posed under this section shall be enforceable in a man-
12 damus proceeding brought under section 1361 of title 28.

13 “(d) NONAPPLICABILITY TO DELIBERATE VIOLA-
14 TIONS.—Subsection (a) shall not apply with respect to an
15 employee of a motor vehicle manufacturer, part supplier,
16 or dealership who, acting without direction from such
17 motor vehicle manufacturer, part supplier, or dealership
18 (or such person’s agent), deliberately causes a violation
19 of any requirement relating to motor vehicle safety under
20 this chapter.”.

21 (b) CONFORMING AMENDMENT.—The table of sec-
22 tions for chapter 301 of title 49, United States Code, is
23 amended by inserting after the item relating to section
24 30170 the following:

“30171. Protection of employees providing motor vehicle safety information.”.

1 **SEC. 309. ACTIVITIES TO PROMOTE MOTOR VEHICLE AND**
 2 **HIGHWAY SAFETY.**

3 (a) IN GENERAL.—Section 30105 of title 49, United
 4 States Code, is amended to read as follows:

5 **“§ 30105. Activities to promote motor vehicle and**
 6 **highway safety**

7 “Notwithstanding any other provision of law,
 8 amounts appropriated to the Secretary for the National
 9 Highway Traffic Safety Administration shall be available
 10 for activities to promote motor vehicle and highway safety,
 11 including activities specifically designed to urge State or
 12 local legislators or legislatures to favor or oppose the adop-
 13 tion of any specific legislative proposal.”.

14 (b) CONFORMING AMENDMENT.—The item relating
 15 to section 30105 in the analysis of chapter 301 is amended
 16 to read as follows:

“30105. Activities to promote motor vehicle and highway safety.”.

17 **SEC. 310. ANTI-REVOLVING DOOR.**

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

21 **“§ 30107. Restriction on covered motor vehicle safety**
 22 **officials**

23 “(a) IN GENERAL.—During the 2-year period after
 24 the termination of his or her service or employment, a cov-
 25 ered vehicle safety official may not knowingly make, with

1 the intent to influence, any communication to or appear-
2 ance before any officer or employee of the National High-
3 way Traffic Safety Administration on behalf of any manu-
4 facturer subject to regulation under this chapter in con-
5 nection with any matter involving motor vehicle safety on
6 which such person seeks official action by any officer or
7 employee of the National Highway Traffic Safety Admin-
8 istration.

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

17 “(c) SPECIAL RULE FOR DETAILEES.—For purposes
18 of this section, a person who is detailed from 1 depart-
19 ment, agency, or other entity to another department,
20 agency, or other entity shall, during the period such per-
21 son is detailed, be deemed to be an officer or employee
22 of both departments, agencies, or such entities.

23 “(d) SAVINGS PROVISION.—Nothing in this section
24 may be construed to expand, contract, or otherwise affect

1 the application of any waiver or criminal penalties under
2 section 207 of title 18.

3 “(e) EXCEPTION FOR TESTIMONY.—Nothing in this
4 section may be construed to prevent an individual from
5 giving testimony under oath, or from making statements
6 required to be made under penalty of perjury.

7 “(f) DEFINED TERM.—In this section, the term ‘cov-
8 ered vehicle safety official’ means any officer or employee
9 of the National Highway Traffic Safety Administration—

10 “(1) who, during the final 12 months of his or
11 her service or employment with the agency, serves or
12 served in a technical or legal capacity, and whose job
13 responsibilities include or included vehicle safety de-
14 fect investigation, vehicle safety compliance, vehicle
15 safety rulemaking, or vehicle safety research; and

16 “(2) who serves in a supervisory or manage-
17 ment capacity over an officer or employee described
18 in paragraph (1).

19 “(g) EFFECTIVE DATE.—This section shall apply to
20 covered vehicle safety officials who terminate service or
21 employment with the National Highway Traffic Safety
22 Administration after the date of the enactment of the
23 Motor Vehicle and Highway Safety Improvement Act of
24 2011.”.

1 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
2 United States Code, as amended by this title, is further
3 amended by adding at the end the following:

4 “(5) IMPROPER INFLUENCE.—An individual
5 who violates section 30107(a) is liable to the United
6 States Government for a civil penalty, as determined
7 under section 216(b) of title 18, for an offense
8 under section 207 of that title. A manufacturer or
9 other person subject to regulation under this chapter
10 who violates section 30107(b) is liable to the United
11 States Government for a civil penalty equal to the
12 sum of—

13 “(A) an amount equal to not less than
14 \$100,000; and

15 “(B) an amount equal to 90 percent of the
16 annual compensation or fee paid or payable to
17 the individual with respect to whom the viola-
18 tion occurred.”.

19 (c) STUDY OF DEPARTMENT OF TRANSPORTATION
20 POLICIES ON OFFICIAL COMMUNICATION WITH FORMER
21 MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.—Not later
22 than 1 year after the date of the enactment of this Act,
23 the Inspector General of the Department of Transpor-
24 tation shall—

1 (1) review the Department of Transportation's
2 policies and procedures applicable to official commu-
3 nication with former employees concerning motor ve-
4 hicle safety compliance matters for which they had
5 responsibility during the last 12 months of their ten-
6 ure at the Department, including any limitations on
7 the ability of such employees to submit comments, or
8 otherwise communicate directly with the Depart-
9 ment, on motor vehicle safety issues; and

10 (2) submit a report to the Committee on Com-
11 merce, Science, and Transportation of the Senate
12 and the Committee on Energy and Commerce of the
13 House of Representatives that contains the Inspec-
14 tor General's findings, conclusions, and rec-
15 ommendations for strengthening those policies and
16 procedures to minimize the risk of undue influence
17 without compromising the ability of the Department
18 to employ and retain highly qualified individuals for
19 such responsibilities.

20 (d) POST-EMPLOYMENT POLICY STUDY.—

21 (1) IN GENERAL.—The Inspector General of
22 the Department of Transportation shall conduct a
23 study of the Department's policies relating to post-
24 employment restrictions on employees who perform
25 functions related to transportation safety.

1 (2) REPORT.—Not later than 1 year after the
2 date of the enactment of this Act, the Inspector
3 General shall submit a report containing the results
4 of the study conducted under paragraph (1) to—

5 (A) the Committee on Commerce, Science,
6 and Transportation of the Senate;

7 (B) the Committee on Energy and Com-
8 merce of the House of Representatives; and

9 (C) the Secretary of Transportation.

10 (3) USE OF RESULTS.—The Secretary of
11 Transportation shall review the results of the study
12 conducted under paragraph (1) and take whatever
13 action the Secretary determines to be appropriate.

14 (e) CONFORMING AMENDMENT.—The table of con-
15 tents for chapter 301 of title 49, United States Code, is
16 amended by inserting after the item relating to section
17 30106 the following:

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

18 **SEC. 311. STUDY OF CRASH DATA COLLECTION.**

19 (a) IN GENERAL.—Not later than 1 year after the
20 date of the enactment of this Act, the Secretary shall sub-
21 mit a report to the Committee on Commerce, Science, and
22 Transportation of the Senate the Committee on Energy
23 and Commerce of the House of Representatives regarding
24 the quality of data collected through the National Auto-

1 motive Sampling System, including the Special Crash In-
2 vestigations Program.

3 (b) REVIEW.—The Administrator of the National
4 Highway Traffic Safety Administration (referred to in this
5 section as the “Administration”) shall conduct a com-
6 prehensive review of the data elements collected from each
7 crash to determine if additional data should be collected.
8 The review under this subsection shall include input from
9 interested parties, including suppliers, automakers, safety
10 advocates, the medical community, and research organiza-
11 tions.

12 (c) CONTENTS.—The report issued under this section
13 shall include—

14 (1) the analysis and conclusions the Adminis-
15 tration can reach from the amount of motor vehicle
16 crash data collected in a given year;

17 (2) the additional analysis and conclusions the
18 Administration could reach if more crash investiga-
19 tions were conducted each year;

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

23 (4) the results of the comprehensive review con-
24 ducted pursuant to subsection (b);

1 (5) recommendations for improvements to the
2 Administration's data collection program; and

3 (6) the resources needed by the Administration
4 to implement such recommendations.

5 **SEC. 312. UPDATE MEANS OF PROVIDING NOTIFICATION;**
6 **IMPROVING EFFICACY OF RECALLS.**

7 (a) UPDATE OF MEANS OF PROVIDING NOTIFICA-
8 TION.—Section 30119(d) of title 49, United States Code,
9 is amended—

10 (1) by striking, in paragraph (1), “by first class
11 mail” and inserting “in the manner prescribed by
12 the Secretary, by regulation”;

13 (2) in paragraph (2)—

14 (A) by striking “(except a tire) shall be
15 sent by first class mail” and inserting “shall be
16 sent in the manner prescribed by the Secretary,
17 by regulation,”; and

18 (B) by striking the second sentence;

19 (3) in paragraph (3)—

20 (A) by striking the first sentence;

21 (B) by inserting “to the notification re-
22 quired under paragraphs (1) and (2)” after
23 “addition”; and

24 (C) by inserting “by the manufacturer”
25 after “given”; and

1 (4) in paragraph (4), by striking “by certified
2 mail or quicker means if available” and inserting “in
3 the manner prescribed by the Secretary, by regula-
4 tion”.

5 (b) IMPROVING EFFICACY OF RECALLS.—Section
6 30119(e) of title 49, United States Code, is amended—

7 (1) in the subsection heading, by striking “SEC-
8 OND” and inserting “ADDITIONAL”;

9 (2) by striking “If the Secretary” and inserting
10 the following:

11 “(1) SECOND NOTIFICATION.—If the Sec-
12 retary”; and

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

14 “(2) ADDITIONAL NOTIFICATIONS.—If the Sec-
15 retary determines, after considering the severity of
16 the defect or noncompliance, that the second notifi-
17 cation by a manufacturer does not result in an ade-
18 quate number of motor vehicles or items of replace-
19 ment equipment being returned for remedy, the Sec-
20 retary may order the manufacturer—

21 “(A) to send additional notifications in the
22 manner prescribed by the Secretary, by regula-
23 tion;

24 “(B) to take additional steps to locate and
25 notify each person registered under State law

1 as the owner or lessee or the most recent pur-
2 chaser or lessee, as appropriate; and

3 “(C) to emphasize the magnitude of the
4 safety risk caused by the defect or noncompli-
5 ance in such notification.”.

6 **SEC. 313. EXPANDING CHOICES OF REMEDY AVAILABLE TO**
7 **MANUFACTURERS OF REPLACEMENT EQUIP-**
8 **MENT.**

9 Section 30120 of title 49, United States Code, is
10 amended—

11 (1) in subsection (a)(1), by amending subpara-
12 graph (B) to read as follows:

13 “(B) if replacement equipment, by repair-
14 ing the equipment, replacing the equipment
15 with identical or reasonably equivalent equip-
16 ment, or by refunding the purchase price.”;

17 (2) in the heading of subsection (i), by adding
18 “OF NEW VEHICLES OR EQUIPMENT” at the end;
19 and

20 (3) in the heading of subsection (j), by striking
21 “REPLACED” and inserting “REPLACEMENT”.

1 **SEC. 314. RECALL OBLIGATIONS AND BANKRUPTCY OF**
2 **MANUFACTURER.**

3 (a) IN GENERAL.—Chapter 301 of title 49, United
4 States Code, is amended by inserting the following after
5 section 30120:

6 **“§ 30120A. Recall obligations and bankruptcy of a**
7 **manufacturer**

8 “A manufacturer’s filing of a petition in bankruptcy
9 under chapter 11 of title 11, does not negate the manufac-
10 turer’s duty to comply with section 30112 or sections
11 30115 through 30120 of this title. In any bankruptcy pro-
12 ceeding, the manufacturer’s obligations under such sec-
13 tions shall be treated as a claim of the United States Gov-
14 ernment against such manufacturer, subject to subchapter
15 II of chapter 37 of title 31, United States Code, and given
16 priority, pursuant to section 3710 of such chapter, to en-
17 sure that consumers are adequately protected from any
18 safety defect or noncompliance determined to exist in the
19 manufacturer’s products. This section shall apply equally
20 to actions of a manufacturer taken before or after the fil-
21 ing of a petition in bankruptcy.”.

22 (b) CONFORMING AMENDMENT.—The chapter anal-
23 ysis of chapter 301 of title 49, United States Code, is
24 amended by inserting after the item relating to section
25 30120 the following:

“30120a. Recall obligations and bankruptcy of a manufacturer.”.

1 **SEC. 315. REPEAL OF INSURANCE REPORTS AND INFORMA-**
 2 **TION PROVISION.**

3 Chapter 331 of title 49, United States Code, is
 4 amended—

5 (1) in the chapter analysis, by striking the item
 6 relating to section 33112; and

7 (2) by striking section 33112.

8 **SEC. 316. MONRONEY STICKER TO PERMIT ADDITIONAL**
 9 **SAFETY RATING CATEGORIES.**

10 Section 3(g)(2) of the Automobile Information Dis-
 11 closure Act (15 U.S.C. 1232(g)(2)), is amended by insert-
 12 ing “safety rating categories that may include” after “re-
 13 fers to”.

14 **TITLE IV—VEHICLE ELECTRONICS AND SAFETY STAND-**
 15 **ARDS**

17 **SEC. 401. NHTSA ELECTRONICS, SOFTWARE, AND ENGI-**
 18 **NEERING EXPERTISE.**

19 (a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE
 20 SOFTWARE, AND EMERGING TECHNOLOGIES.—

21 (1) IN GENERAL.—The Secretary shall estab-
 22 lish, within the National Highway Traffic Safety Ad-
 23 ministration, a Council for Vehicle Electronics, Vehi-
 24 cle Software, and Emerging Technologies (referred
 25 to in this section as the “Council”) to build, inte-
 26 grate, and aggregate the Administration’s expertise

1 in passenger motor vehicle electronics and other new
2 and emerging technologies.

3 (2) IMPLEMENTATION OF ROADMAP.—The
4 Council shall research the inclusion of emerging
5 lightweight plastic and composite technologies in
6 motor vehicles to increase fuel efficiency, lower emis-
7 sions, meet fuel economy standards, and enhance
8 passenger motor vehicle safety through continued
9 utilization of the Administration’s Plastic and Com-
10 posite Intensive Vehicle Safety Roadmap (Report
11 No. DOT HS 810 863).

12 (3) INTRA-AGENCY COORDINATION.—The Coun-
13 cil shall coordinate with all components of the Ad-
14 ministration responsible for vehicle safety, including
15 research and development, rulemaking, and defects
16 investigation.

17 (b) HONORS RECRUITMENT PROGRAM.—

18 (1) ESTABLISHMENT.—The Secretary shall es-
19 tablish, within the National Highway Traffic Safety
20 Administration, an honors program for engineering
21 students, computer science students, and other stu-
22 dents interested in vehicle safety that will enable
23 such students to train with engineers and other safe-
24 ty officials for a career in vehicle safety.

1 (2) STIPEND.—The Secretary is authorized to
2 provide a stipend to students during their participa-
3 tion in the program established pursuant to para-
4 graph (1).

5 (c) ASSESSMENT.—The Council, in consultation with
6 affected stakeholders, shall assess the implications of
7 emerging safety technologies in passenger motor vehicles,
8 including the effect of such technologies on consumers,
9 product availability, and cost.

10 **SEC. 402. VEHICLE STOPPING DISTANCE AND BRAKE OVER-**
11 **RIDE STANDARD.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Secretary shall prescribe a Federal motor
14 vehicle safety standard that—

15 (1) mitigates unintended acceleration in pas-
16 senger motor vehicles;

17 (2) establishes performance requirements, based
18 on the speed, size, and weight of the vehicle, that en-
19 able a driver to bring a passenger motor vehicle
20 safely to a full stop by normal braking application
21 even if the vehicle is simultaneously receiving accel-
22 erator input signals, including a full-throttle input
23 signal;

24 (3) may permit compliance through a system
25 that requires brake pedal application, after a period

1 of time determined by the Secretary, to override an
2 accelerator pedal input signal in order to stop the
3 vehicle;

4 (4) requires that redundant circuits or other
5 mechanisms be built into accelerator control sys-
6 tems, including systems controlled by electronic
7 throttle, to maintain vehicle control in the event of
8 failure of the primary circuit or mechanism; and

9 (5) may permit vehicles to incorporate a means
10 to temporarily disengage the function required under
11 paragraph (2) to facilitate operations, such as ma-
12 neuvering trailers or climbing steep hills, which may
13 require the simultaneous operation of brake and ac-
14 celerator.

15 **SEC. 403. PEDAL PLACEMENT STANDARD.**

16 (a) IN GENERAL.—The Secretary shall initiate a
17 rulemaking proceeding to consider a Federal motor vehicle
18 safety standard that would mitigate potential obstruction
19 of pedal movement in passenger motor vehicles, after tak-
20 ing into account—

21 (1) various pedal mounting configurations; and

22 (2) minimum clearances for passenger motor
23 vehicle foot pedals with respect to other pedals, the
24 vehicle floor (including aftermarket floor coverings),

1 and any other potential obstructions to pedal move-
2 ment that the Secretary determines to be relevant.

3 (b) DEADLINE.—

4 (1) IN GENERAL.—Except as provided under
5 paragraph (2), the Secretary shall issue a final rule
6 to implement the safety standard described in sub-
7 section (a) not later than 3 years after the date of
8 the enactment of this Act.

9 (2) REPORT.—If the Secretary determines that
10 a pedal placement standard does not meet the re-
11 quirements and considerations set forth in sub-
12 sections (a) and (b) of section 30111 of title 49,
13 United States Code, the Secretary shall submit a re-
14 port describing the reasons for not prescribing such
15 standard to—

16 (A) the Committee on Commerce, Science,
17 and Transportation of the Senate; and

18 (B) the Committee on Energy and Com-
19 merce of the House of Representatives.

20 (c) COMBINED RULEMAKING.—The Secretary may
21 combine the rulemaking proceeding required under sub-
22 section (a) with the rulemaking proceeding required under
23 section 402.

1 **SEC. 404. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
2 **ARD.**

3 (a) IN GENERAL.—Not later than 4 years after the
4 date of the enactment of this Act, the Secretary shall issue
5 a final rule that prescribes or amends a Federal motor
6 vehicle safety standard that—

7 (1) requires electronic systems in passenger
8 motor vehicles to meet minimum performance re-
9 quirements; and

10 (2) may include requirements for—

11 (A) electronic components;

12 (B) the interaction of such components;

13 (C) security needs for those systems to
14 prevent unauthorized access; or

15 (D) the effect of surrounding environments
16 on those electronic systems.

17 (b) NATIONAL ACADEMY OF SCIENCES.—In con-
18 ducting the rulemaking under subsection (a), the Sec-
19 retary shall consider the findings and recommendations of
20 the National Academy of Sciences, if any, pursuant to its
21 study of electronic vehicle controls.

22 **SEC. 405. PUSHBUTTON IGNITION SYSTEMS STANDARD.**

23 (a) PUSHBUTTON IGNITION STANDARD.—

24 (1) IN GENERAL.—The Secretary shall initiate
25 a rulemaking proceeding to consider a Federal
26 motor vehicle safety standard for passenger motor

1 vehicles with pushbutton ignition systems that estab-
2 lishes a standardized operation of such systems
3 when used by drivers, including drivers who may be
4 unfamiliar with such systems, in an emergency situ-
5 ation when the vehicle is in motion.

6 (2) OTHER IGNITION SYSTEMS.—In the rule-
7 making proceeding initiated under paragraph (1),
8 the Secretary may include any other ignition-start-
9 ing mechanism that the Secretary determines should
10 be considered.

11 (b) PUSHBUTTON IGNITION SYSTEM DEFINED.—The
12 term “pushbutton ignition system” means a mechanism,
13 such as the push of a button, for starting a passenger
14 motor vehicle that does not involve the physical insertion
15 and turning of a tangible key.

16 (c) DEADLINE.—

17 (1) IN GENERAL.—Except as provided under
18 paragraph (2), the Secretary shall issue a final rule
19 to implement the standard described in subsection
20 (a) not later than 2 years after the date of the en-
21 actment of this Act.

22 (2) REPORT.—If the Secretary determines that
23 a standard does not meet the requirements and con-
24 siderations set forth in subsections (a) and (b) of
25 section 30111 of title 49, United States Code, the

1 Secretary shall submit a report describing the rea-
2 sons for not prescribing such standard to—

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

5 (B) the Committee on Energy and Com-
6 merce of the House of Representatives.

7 **SEC. 406. VEHICLE EVENT DATA RECORDERS.**

8 (a) MANDATORY EVENT DATA RECORDERS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary shall revise part 563 of title 49, Code of Fed-
12 eral Regulations, to require, beginning with model
13 year 2015, that new passenger motor vehicles sold in
14 the United States be equipped with an event data
15 recorder that meets the requirements under that
16 part.

17 (2) PENALTY.—The violation of any provision
18 under part 563 of title 49, Code of Federal Regula-
19 tions—

20 (A) shall be deemed to be a violation of
21 section 30112 of title 49, United States Code;

22 (B) shall be subject to civil penalties under
23 section 30165(a) of that title; and

24 (C) shall not subject a manufacturer (as
25 defined in section 30102(a)(5) of that title) to

1 the requirements under section 30120 of that
2 title.

3 (b) LIMITATIONS ON INFORMATION RETRIEVAL.—

4 (1) OWNERSHIP OF DATA.—Any data in an
5 event data recorder required under part 563 of title
6 49, Code of Federal Regulations, regardless of when
7 the passenger motor vehicle in which it is installed
8 was manufactured, is the property of the owner or
9 lessee of the passenger motor vehicle in which the
10 data recorder is installed.

11 (2) PRIVACY.—Data recorded or transmitted by
12 such a data recorder may not be retrieved by a per-
13 son other than the owner or lessee of the motor vehi-
14 cle in which the recorder is installed unless—

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

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

21 (C) the information is retrieved pursuant
22 to an investigation or inspection authorized
23 under section 30166 of title 49, United States
24 Code, and the personally identifiable informa-
25 tion of the owner, lessee, or driver of the vehicle

1 and the vehicle identification number is not dis-
2 closed in connection with the retrieved informa-
3 tion; or

4 (D) the information is retrieved for the
5 purpose of determining the need for, or facili-
6 tating, emergency medical response in response
7 to a motor vehicle crash.

8 (c) REVISED REQUIREMENTS FOR EVENT DATA RE-
9 CORDERS.—The Secretary shall initiate a rulemaking pro-
10 ceeding to prescribe or amend a Federal motor vehicle
11 safety standard that revises part 563 of title 49, Code of
12 Federal Regulations, to require that event data recorders
13 in passenger motor vehicles record operational data that
14 can be stored and accessed for retrieval and analysis in
15 accordance with subsection (d).

16 (d) SPECIFICATIONS.—The rule prescribed under
17 subsection (c)—

18 (1) shall require event data recorders to capture
19 and store data related to motor vehicle safety cov-
20 ering a reasonable time period before, during, and
21 after a motor vehicle crash or airbag deployment, in-
22 cluding a rollover;

23 (2) may require that the data to be captured
24 and stored pursuant to paragraph (1) include infor-
25 mation about engine performance, steering, braking,

1 acceleration, vehicle speed, seat belt use, airbag de-
2 ployment, airbag deactivation status, data relating
3 to vehicle rollover, and any other data the Secretary
4 considers appropriate;

5 (3) may require such recorders to capture and
6 store certain events, such as rapid deceleration, full-
7 throttle acceleration, or full braking that may indi-
8 cate unintended acceleration, even if there is not a
9 crash or airbag deployment;

10 (4) may not require information recorded by
11 such data recorders to include the vehicle's location
12 unless the Secretary determines that such inclusion
13 is necessary to determine the need for, or facilitate,
14 emergency medical response in response to a motor
15 vehicle crash;

16 (5) shall require that data stored on such re-
17 corders be accessible, regardless of vehicle manufac-
18 turer or model, with commercially available equip-
19 ment;

20 (6) shall specify data format requirements;

21 (7) may require an interoperable data access
22 port to facilitate universal accessibility and analysis;

23 (8) shall require that such recorders meet the
24 performance requirements for crash resistance in-
25 cluded in part 563 of title 49, Code of Federal Reg-

1 ulations, and, if the Secretary determines that such
2 requirements do not provide adequate temperature,
3 crash, or water resistance, may include additional
4 performance requirements;

5 (9) shall establish requirements for preventing
6 unauthorized access to the data stored on an event
7 data recorder in order to protect the security, integ-
8 rity, and authenticity of the data; and

9 (10) shall include a definition of the term
10 “motor vehicle crash”.

11 (e) DISCLOSURE OF EXISTENCE AND PURPOSE OF
12 EVENT DATA RECORDER.—The rule issued under sub-
13 section (c) shall require that any owner’s manual or simi-
14 lar documentation provided to the first purchaser of a pas-
15 senger motor vehicle for purposes other than resale—

16 (1) disclose that the vehicle is equipped with
17 such a data recorder; and

18 (2) explain the purpose of the data recorder.

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

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

4 **SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER'S VIEW.**
5

6 (a) VISUAL ENTERTAINMENT SCREENS IN DRIVER'S
7 VIEW.—Not later than 2 years after the date of the enact-
8 ment of this Act, the Secretary of Transportation shall
9 issue a final rule that prescribes a Federal motor vehicle
10 safety standard prohibiting electronic screens from dis-
11 playing broadcast television, movies, video games, and
12 other forms of similar visual entertainment that is visible
13 to the driver while driving.

14 (b) EXCEPTIONS.—The standard prescribed under
15 subsection (a) shall allow electronic screens that display
16 information or images regarding operation of the vehicle,
17 vehicle surroundings, and telematic functions, such as the
18 vehicles navigation and communications system, weather,
19 time, or the vehicle's audio system.

20 **TITLE V—CHILD SAFETY**
21 **STANDARDS**

22 **SEC. 501. CHILD SAFETY SEATS.**

23 (a) PROTECTION FOR LARGER CHILDREN.—Not
24 later than 1 year after the date of the enactment of this
25 Act, the Secretary shall issue a final rule amending Fed-

1 eral Motor Vehicle Safety Standard Number 213 to estab-
2 lish frontal crash protection requirements for child re-
3 straint systems for children weighing more than 65
4 pounds.

5 (b) SIDE IMPACT CRASHES.—Not later than 2 years
6 after the date of the enactment of this Act, the Secretary
7 shall issue a final rule amending Federal Motor Vehicle
8 Safety Standard Number 213 to improve the protection
9 of children seated in child restraint systems during side
10 impact crashes.

11 (c) FRONTAL IMPACT TEST PARAMETERS.—

12 (1) COMMENCEMENT.—Not later than 2 years
13 after the date of the enactment of this Act, the Sec-
14 retary shall commence a rulemaking proceeding to
15 amend test parameters under Federal Motor Vehicle
16 Safety Standard Number 213 to better replicate real
17 world conditions.

18 (2) FINAL RULE.—Not later than 4 years after
19 the date of the enactment of this Act, the Secretary
20 shall issue a final rule pursuant to paragraph (1).

21 **SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.**

22 (a) INITIATION OF RULEMAKING PROCEEDING.—Not
23 later than 1 year after the date of the enactment of this
24 Act, the Secretary shall initiate a rulemaking proceeding
25 to—

1 (1) amend Federal Motor Vehicle Safety Stand-
2 ard Number 225 (relating to child restraint anchor-
3 age systems) to improve the visibility of, accessibility
4 to, and ease of use for lower anchorages and tethers
5 in all rear seat seating positions if such anchorages
6 and tethers are feasible; and

7 (2) amend Federal Motor Vehicle Safety Stand-
8 ard Number 213 (relating to child restraint systems)
9 or Federal Motor Vehicle Safety Standard Number
10 225 (relating to child restraint anchorage sys-
11 tems)—

12 (A) to establish a maximum allowable
13 weight of the child and child restraint for
14 standardizing the recommended use of child re-
15 straint anchorage systems in all vehicles; and

16 (B) to provide the information described in
17 subparagraph (A) to the consumer.

18 (b) FINAL RULE.—

19 (1) IN GENERAL.—Except as provided under
20 paragraph (2), the Secretary shall issue a final rule
21 under subsection (a) not later than 3 years after the
22 date of the enactment of this Act.

23 (2) REPORT.—If the Secretary determines that
24 an amendment to the standard referred to in sub-
25 section (a) does not meet the requirements and con-

1 siderations set forth in subsections (a) and (b) of
2 section 30111 of title 49, United States Code, the
3 Secretary shall submit a report describing the rea-
4 sons for not prescribing such a standard to—

5 (A) the Committee on Commerce, Science,
6 and Transportation of the Senate; and

7 (B) the Committee on Energy and Com-
8 merce of the House of Representatives.

9 **SEC. 503. REAR SEAT BELT REMINDERS.**

10 (a) INITIATION OF RULEMAKING PROCEEDING.—Not
11 later than 2 years after the date of the enactment of this
12 Act, the Secretary shall initiate a rulemaking proceeding
13 to amend Federal Motor Vehicle Safety Standard Number
14 208 (relating to occupant crash protection) to provide a
15 safety belt use warning system for designated seating posi-
16 tions in the rear seat.

17 (b) FINAL RULE.—

18 (1) IN GENERAL.—Except as provided under
19 paragraph (2), the Secretary shall issue a final rule
20 under subsection (a) not later than 3 years after the
21 date of the enactment of this Act.

22 (2) REPORT.—If the Secretary determines that
23 an amendment to the standard referred to in sub-
24 section (a) is not warranted based on the require-
25 ments and considerations set forth in subsections (a)

1 and (b) of section 30111 of title 49, United States
2 Code, the Secretary shall submit a report describing
3 the reasons for not prescribing such a standard to—

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

6 (B) the Committee on Energy and Com-
7 merce of the House of Representatives.

8 **SEC. 504. UNATTENDED PASSENGER REMINDERS.**

9 (a) SAFETY RESEARCH INITIATIVE.—Not later than
10 2 years after the date of the enactment of this Act, the
11 Secretary shall complete research into the development of
12 performance requirements to warn drivers that a child or
13 other unattended passenger remains in a rear seating posi-
14 tion after the vehicle motor is disengaged.

15 (b) SPECIFICATIONS.—In carrying out subsection (a),
16 the Secretary shall consider performance requirements
17 that—

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

21 (2) provide an alert to prevent hyperthermia
22 and hypothermia that can result in death or severe
23 injuries.

24 (c) RULEMAKING OR REPORT.—

1 (1) RULEMAKING.—Not later than 1 year after
2 the completion of each research and testing initiative
3 required under subsection (a), the Secretary shall
4 initiate a rulemaking proceeding to issue a Federal
5 motor vehicle safety standard if the Secretary deter-
6 mines that such a standard meets the requirements
7 and considerations set forth in subsections (a) and
8 (b) of section 30111 of title 49, United States Code.

9 (2) REPORT.—If the Secretary determines that
10 the standard described in subsection (a) does not
11 meet the requirements and considerations set forth
12 in subsections (a) and (b) of section 30111 of title
13 49, United States Code, the Secretary shall submit
14 a report describing the reasons for not prescribing
15 such a standard to—

16 (A) the Committee on Commerce, Science,
17 and Transportation of the Senate; and

18 (B) the Committee on Energy and Com-
19 merce of the House of Representatives.

20 **SEC. 505. NEW DEADLINE.**

21 If the Secretary determines that any deadline for
22 issuing a final rule under this Act cannot be met, the Sec-
23 retary shall—

24 (1) provide the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Energy and Commerce of the House
2 of Representatives with an explanation for why such
3 deadline cannot be met; and
4 (2) establish a new deadline for that rule.

○