

[DISCUSSION DRAFT]

APRIL 29, 2010

111TH CONGRESS
2D SESSION

H. R. _____

To require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Motor Vehicle Safety Act of 2010”.

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

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

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

- Sec. 101. Electronics and Engineering Expertise.
- Sec. 102. Vehicle stopping distance and brake override standard.
- Sec. 103. Pedal placement standard.
- Sec. 104. Electronic systems performance standard.
- Sec. 105. Keyless ignition systems standard.
- Sec. 106. Transmission configuration standard.
- Sec. 107. Vehicle event data recorders.

TITLE II—ENHANCED SAFETY AUTHORITIES

- Sec. 201. Civil penalties.
- Sec. 202. Imminent hazard authority.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 301. Public availability of early warning data.
- Sec. 302. Improved NHTSA vehicle safety database.
- Sec. 303. Promotion of vehicle defect reporting.
- Sec. 304. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
- Sec. 305. Corporate responsibility for NHTSA reports.
- Sec. 306. Appeal of defect petition rejection.
- Sec. 307. Deadlines for rulemaking.

TITLE IV—FUNDING

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

3 **SEC. 2. DEFINITIONS.**

4 As used in this Act, the following definitions apply:

5 (1) The term “passenger vehicle” means a
6 motor vehicle (as defined in section 30102(a)(6) of
7 title 49, United States Code), other than a motor-
8 cycle or trailer, that is rated at less than 10,000
9 pounds gross vehicular weight.

10 (2) The term “Secretary” means the Secretary
11 of Transportation, acting through the Administrator

1 of the National Highway Traffic Safety Administra-
2 tion.

3 **TITLE I—VEHICLE ELECTRONICS AND SAFETY STAND-**
4 **ARDS**

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

7 (a) CENTER FOR VEHICLE ELECTRONICS AND
8 EMERGING TECHNOLOGIES.—The Secretary shall estab-
9 lish, within the National Highway Traffic Safety Adminis-
10 tration, a Center for Vehicle Electronics and Emerging
11 Technologies to build, integrate, and aggregate the agen-
12 cy's expertise in vehicle electronics and other new and
13 emerging technologies. The center shall coordinate with all
14 components of the agency responsible for vehicle safety,
15 including research and development, rulemaking, and de-
16 fects investigation.

17 (b) HONORS RECRUITMENT PROGRAM.—The Sec-
18 retary shall establish, within the National Highway Traffic
19 Safety Administration, an honors program for engineering
20 students and other students interested in vehicle safety
21 that will enable them to train with engineers and other
22 safety officials for a career in vehicle safety. The Secretary
23 is authorized to provide a stipend to students during their
24 participation in the program.

1 **SEC. 102. VEHICLE STOPPING DISTANCE AND BRAKE OVER-**
2 **RIDE STANDARD.**

3 (a) UNINTENDED ACCELERATION.—The Secretary
4 shall initiate a rulemaking proceeding to prescribe a Fed-
5 eral motor vehicle safety standard that would prevent un-
6 intended acceleration in passenger vehicles. The stand-
7 ard—

8 (1) shall require manufacturers of passenger ve-
9 hicles to equip the vehicles with a technology or
10 mechanism that enables a driver to bring a vehicle
11 safely to a full stop within a specified distance, to
12 be determined by the Secretary according to the
13 speed, size, and weight of the vehicle, by normal
14 braking pressure even if the vehicle is operating si-
15 multaneously at open throttle;

16 (2) may permit compliance through a smart
17 pedal system that requires brake pedal input, after
18 a period of time, to override the input signal from
19 the accelerator pedal and other functions, in order to
20 safely control the vehicle;

21 (3) shall require that redundant circuits or
22 other mechanisms be built into accelerator control
23 systems, including systems controlled by electronic
24 throttle, to maintain vehicle control in the event of
25 failure of the primary circuit or mechanism; and

1 (4) may permit vehicles to incorporate a means
2 by which the driver would be able to temporarily dis-
3 engage the function required under paragraph (1) to
4 facilitate operations, such as maneuvering trailers,
5 that may require the simultaneous operation of
6 brake and accelerator.

7 (b) DEADLINE.—The Secretary shall issue a final
8 rule under subsection (a) within 1 year after the date of
9 enactment of this Act.

10 (c) LEAD-TIME.—The standard prescribed under sub-
11 section (a) shall provide not more than 2 model years of
12 regulatory lead-time.

13 **SEC. 103. PEDAL PLACEMENT STANDARD.**

14 (a) IN GENERAL.—The Secretary shall initiate a
15 rulemaking proceeding to prescribe a Federal motor vehi-
16 cle safety standard that would prevent potential obstruc-
17 tion of pedal movement in passenger vehicles by estab-
18 lishing minimum clearances for passenger vehicle foot ped-
19 als with respect to other pedals, the vehicle floor (including
20 aftermarket floor coverings), and any other potential ob-
21 struction to pedal movement, taking into account various
22 pedal mounting configurations.

23 (b) DEADLINE.—The Secretary shall issue a final
24 rule under subsection (a) within 2 years after the date
25 of enactment of this Act.

1 (c) COMBINED RULEMAKING.—If appropriate, the
2 Secretary may combine the rulemaking proceeding re-
3 quired by subsection (a) with the rulemaking proceeding
4 required by section 102.

5 (d) LEAD-TIME.—The standard prescribed under
6 subsection (a) shall provide not more than 2 model years
7 of regulatory lead-time.

8 **SEC. 104. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
9 **ARD.**

10 (a) IN GENERAL.—The Secretary shall initiate a
11 rulemaking proceeding to require electronic systems in
12 passenger vehicles to meet minimum performance stand-
13 ards. Such a rule may include requirements for electronic
14 components, the interaction of those electronic compo-
15 nents, or the effect of surrounding environments on those
16 electronic systems.

17 (b) DEADLINE.—The Secretary shall issue a final
18 rule under subsection (a) within 3 years after the date
19 of enactment of this Act.

20 (c) LEAD-TIME.—The standard prescribed under sub-
21 section (a) shall provide not more than 2 model years of
22 regulatory lead-time.

23 **SEC. 105. KEYLESS IGNITION SYSTEMS STANDARD.**

24 (a) IN GENERAL.—The Secretary shall initiate a
25 rulemaking proceeding to prescribe a Federal motor vehi-

1 cle safety standard for passenger vehicles with keyless and
2 push-button ignition systems, to establish—

3 (1) the means by which a driver who may be
4 unfamiliar with the vehicle uses the ignition system
5 to safely bring a vehicle under control during an
6 emergency situation; and

7 (2) the appropriate labeling, size, and location
8 of the controls for such systems.

9 (b) DEADLINE.—The Secretary shall issue a final
10 rule under subsection (a) within 1 year after the date of
11 enactment of this Act.

12 (c) LEAD-TIME.—The standard prescribed under sub-
13 section (a) shall provide not more than 2 model years of
14 regulatory lead-time.

15 **SEC. 106. TRANSMISSION CONFIGURATION STANDARD.**

16 (a) IN GENERAL.—The Secretary shall initiate a
17 rulemaking proceeding to prescribe a Federal motor vehi-
18 cle safety standard for passenger vehicles requiring an in-
19 tuitive configuration and labeling of gear shifting controls
20 for drivers, including drivers unfamiliar with the vehicle,
21 and that makes the neutral position conspicuous.

22 (b) DEADLINE.—The Secretary shall issue a final
23 rule under subsection (a) within 1 year after the date of
24 enactment of this Act.

1 (c) LEAD-TIME.—The standard prescribed under sub-
2 section (a) shall provide not more than 1 model year of
3 regulatory lead-time.

4 **SEC. 107. VEHICLE EVENT DATA RECORDERS.**

5 (a) MANDATORY EVENT DATA RECORDERS.—Not
6 later than 60 days after the date of enactment of this Act,
7 the Secretary shall require that all passenger vehicles be
8 equipped with an event data recorder that meets the re-
9 quirements for such recorders established in part 563 of
10 title 49, Code of Federal Regulations. The Secretary shall
11 require compliance with such requirement for all pas-
12 senger vehicles manufactured in the first model year that
13 is 2 years after the date of enactment of this Act.

14 (b) REVISED REQUIREMENTS FOR EVENT DATA RE-
15 CORDERS.—The Secretary shall initiate a rulemaking pro-
16 ceeding requiring that the event data recorders required
17 to be installed in passenger vehicles pursuant to subsection
18 (a)—

19 (1) be temperature, water, crash, and tamper
20 resistant; and

21 (2) continuously record vehicle operational data
22 that can be accessed for retrieval and analysis in ac-
23 cordance with subsections (c) and (d).

24 (c) SPECIFICATIONS.—The rule—

1 (1) shall require such recorders to record, for a
2 reasonable time before, during, and after a crash or
3 airbag deployment, information that includes engine
4 performance, steering, braking, acceleration, vehicle
5 speed, seat belt use, and airbag deployment level, de-
6 activation status, deployment time, and deployment
7 stage, and may require such recorders to record
8 other data, such as data related to vehicle rollovers,
9 as the Secretary considers appropriate;

10 (2) shall require such recorders to store data
11 for at least 60 seconds prior to, and 15 seconds
12 after, a crash or airbag deployment;

13 (3) may require such recorders to capture cer-
14 tain events such as rapid deceleration, full-throttle
15 acceleration lasting more than 15 seconds, and full
16 braking lasting more than 10 seconds, even if there
17 is not a crash or airbag deployment;

18 (4) may not require information recorded or
19 transmitted by such data recorders to include the ve-
20 hicle's location;

21 (5) shall require that data stored on such re-
22 corders be accessible, regardless of vehicle manufac-
23 turer or model, with commercially available equip-
24 ment; and

1 (6) shall specify any data format requirements
2 or other requirements, including an interoperable
3 data access port, the Secretary determines appropriate to facilitate accessibility and analysis.

4 (d) LIMITATIONS ON INFORMATION RETRIEVAL.—

5 (1) OWNERSHIP OF DATA.—The rule issued
6 under subsection (b) shall provide that any data in
7 a data recorder required under the rule is the property of the owner or lessee of the motor vehicle in
8 which the data recorder is installed.

9 (2) PRIVACY.—The rule issued under subsection (b) shall provide that information recorded
10 or transmitted by such a data recorder may not be retrieved by a person other than the owner or lessee
11 of the motor vehicle in which the recorder is installed unless—

12 (A) a court authorizes retrieval of the information in furtherance of a legal proceeding;

13 (B) the owner or lessee consents to the retrieval of the information for any purpose, including the purpose of diagnosing, servicing, or
14 repairing the motor vehicle; or

15 (C) the information is retrieved by a government motor vehicle safety agency for the purpose of improving motor vehicle safety if the
16 purpose of improving motor vehicle safety if the
17 purpose of improving motor vehicle safety if the
18 purpose of improving motor vehicle safety if the
19 purpose of improving motor vehicle safety if the
20 purpose of improving motor vehicle safety if the
21 purpose of improving motor vehicle safety if the
22 purpose of improving motor vehicle safety if the
23 purpose of improving motor vehicle safety if the
24 purpose of improving motor vehicle safety if the
25 purpose of improving motor vehicle safety if the

1 personally identifiable information of the owner,
2 lessee, or driver of the vehicle and the vehicle
3 identification number is not disclosed in connec-
4 tion with the retrieved information.

5 (e) DISCLOSURE OF EXISTENCE AND PURPOSE OF
6 EVENT DATA RECORDER.—The rule issued under sub-
7 section (b) shall provide that any owner’s manual or simi-
8 lar documentation provided to the first purchaser of a pas-
9 senger vehicle for purposes other than resale shall disclose
10 that the vehicle is equipped with such a data recorder and
11 explain the purpose of the recorder.

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

17 (g) DEADLINE FOR RULEMAKING.—The Secretary
18 shall issue a final rule under subsection (b) not later than
19 3 years after the date of enactment of this Act.

20 (h) LEAD TIME.—The rule issued under subsection
21 (b) shall take effect beginning with passenger vehicles
22 manufactured in the first model year that is 2 years after
23 the date on which a final rule is issued under this section.

1 **TITLE II—ENHANCED SAFETY**
2 **AUTHORITIES**

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

4 Section 30165 of title 49, United States Code, is
5 amended—

6 (1) in subsection (a)(1)—

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

9 (B) by striking the third sentence; and

10 (2) in subsection (a)(3)—

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

13 (B) by striking the third sentence.

14 **SEC. 202. IMMINENT HAZARD AUTHORITY.**

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

18 “(3) IMMINENT HAZARDS.—

19 “(A) ORDERS.—Notwithstanding the pro-
20 cedures set forth in paragraphs (1) and (2), if
21 the Secretary decides that a motor vehicle or an
22 item of motor vehicle replacement equipment is
23 not compliant with a motor vehicle safety
24 standard or contains a defect related to motor
25 vehicle safety and presents an imminent hazard

1 to public safety that may result in death or se-
2 rious bodily harm, the Secretary—

3 “(i) shall notify the manufacturer of
4 the motor vehicle or replacement equip-
5 ment of the decision that the vehicle or
6 equipment poses an imminent safety haz-
7 ard to the public and the basis for that de-
8 cision;

9 “(ii) may order the manufacturer and
10 any person having a legal relationship with
11 the manufacturer, including dealers and
12 distributors, to stop any further produc-
13 tion, sale, offer for sale, lease, offer for
14 lease, distribution, the introduction or de-
15 livery for introduction in interstate com-
16 merce, or importation into the United
17 States of that motor vehicle or item of re-
18 placement equipment; and

19 “(iii) may order the manufacturer and
20 any person having a legal relationship with
21 the manufacturer, including dealers and
22 distributors, to notify purchasers of the ve-
23 hicle or item of replacement equipment of
24 the Secretary’s decision that the vehicle or
25 the item of replacement equipment poses

1 an imminent safety hazard and provide the
2 purchaser of such vehicle or item of re-
3 placement equipment with information ex-
4 plaining the safety risk and actions the
5 purchasers can take to reduce that risk.”.

6 (b) JUDICIAL REVIEW OF RECALL ORDERS.—Section
7 30161 of title 49, United States Code, is amended—

8 (1) in subsection (a)—

9 (A) by striking “A person” and inserting
10 “(1) A person”; and

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

12 “(2) A person adversely affected by an order issued
13 under section 30118 may apply for review of the order
14 by filing a petition for review in court of appeals of the
15 United States for the circuit in which the person resides
16 or has its principal place of business or the United States
17 Court of Appeals for the District of Columbia Circuit. The
18 petition must be filed not later than 59 days after the
19 order is issued.”; and

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

21 “(f) AVAILABILITY OF REVIEW.—An action of the
22 Secretary with respect to which review could have been
23 obtained under subsection (a)(2) shall not be subject to
24 judicial review in a civil action for enforcement.”.

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

3 **SEC. 301. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

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

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

8 “(ii) customer satisfaction campaigns,
9 customer advisories, recalls, consumer
10 complaints, warranty claims, field reports,
11 dealer communications, or other informa-
12 tion involving the repair or replacement of,
13 or software upgrades for, motor vehicles or
14 motor vehicle equipment.”; and

15 (2) in paragraph (4), by striking subparagraph
16 (C) and inserting the following:

17 “(C) DISCLOSURE.—The information pro-
18 vided to the Secretary pursuant to this sub-
19 section shall be disclosed publicly unless exempt
20 from disclosure under section 552(b) of title
21 5.”.

22 (b) REGULATIONS.—Not later than 2 years after the
23 date of enactment of this Act, the Secretary shall issue
24 regulations establishing categories of information provided
25 to the Secretary pursuant to this subsection that must be

1 made available to the public. The Secretary may also es-
2 tablish categories of information that may be withheld
3 from public disclosure under paragraphs (4) and (6) of
4 section 552(b) of title 5, United States Code.

5 (c) CONSULTATION.—In conducting the rulemaking
6 required under subsection (a), the Secretary shall consult
7 with the Director of the Office of Government Information
8 Services within the National Archives and the Director of
9 the Office of Information Policy of the Department of Jus-
10 tice.

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

17 (1) Production information regarding passenger
18 vehicles, information on incidents involving death or
19 injury, and numbers of property damage claims.

20 (2) Aggregated numbers of consumer com-
21 plaints.

22 (e) NULLIFICATION OF PRIOR REGULATIONS.—Be-
23 ginning 2 years after the date of the enactment of this
24 Act, the regulations establishing early warning reporting
25 class determinations in Appendix C of section 512 of title

1 49, Code of Federal Regulations, shall have no force or
2 effect.

3 **SEC. 302. 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 design features such as dropdown menus,
11 and allowing for data to be searched, aggregated,
12 and 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.—The Secretary
19 shall require that motor vehicle recall information be made
20 available to consumers on the Internet, searchable by vehi-
21 cle identification number in a format that preserves con-
22 sumer privacy. The Secretary may initiate a rulemaking
23 proceeding to require that such information be available
24 on manufacturer websites or through other reasonable
25 means.

1 (c) ACCESSIBILITY OF MANUFACTURER COMMUNICA-
2 TIONS.—Section 30166(f) of title 49, United States Code,
3 is amended by inserting “, and make available on a pub-
4 licly accessible Internet website,” after “Secretary of
5 Transportation”.

6 **SEC. 303. PROMOTION OF VEHICLE DEFECT REPORTING.**

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

9 “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-
10 MATION.—

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

24 “(2) APPLICATION.—The requirements estab-
25 lished under paragraph (1) shall apply to passenger

1 motor vehicles manufactured in model years begin-
2 ning more than 1 year after the date on which a
3 final rule is published under that paragraph.”.

4 **SEC. 304. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
5 **AND MECHANIC PERSONNEL.**

6 The Secretary shall—

7 (1) establish a means by which mechanics,
8 automobile dealership personnel, and automobile
9 manufacturer personnel may contact the National
10 Highway Traffic Safety Administration directly and
11 confidentially regarding potential passenger auto-
12 mobile safety defects; and

13 (2) publicize the means for contacting the Na-
14 tional Highway Traffic Safety Administration in a
15 manner that targets mechanics, automobile dealer-
16 ship personnel, and manufacturer personnel.

17 **SEC. 305. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
18 **PORTS.**

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

22 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—
23 The Secretary shall require, for each company submitting
24 information to the Secretary in response to a preliminary
25 safety investigation, or in response to an official safety in-

1 vestigation under this chapter, that the principal executive
2 officer or officers residing in the United States certify
3 that—

4 “(1) the signing officer has reviewed the sub-
5 mission; and

6 “(2) based on the officer’s knowledge, the sub-
7 mission does not contain any untrue statement of a
8 material fact or omit to state a material fact nec-
9 essary in order to make the statements made, in
10 light of the circumstances under which such state-
11 ments were made, not misleading.”.

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

14 (1) by striking “A person” in paragraph (3)
15 and inserting “Except as provided in paragraph (4),
16 a person”; and

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

18 “(4) FALSE, MISLEADING OR INCOMPLETE RE-
19 PORTS.—A person who knowingly and willfully sub-
20 mits materially false, misleading, or incomplete in-
21 formation to the Secretary, after certifying the same
22 information as accurate and complete under the cer-
23 tification process established pursuant to section
24 30166(o), shall be subject to a civil penalty of not
25 more than \$50,000 per day. The maximum penalty

1 under this paragraph for a related series of daily
2 violations is \$250,000,000.”.

3 **SEC. 306. APPEAL OF DEFECT PETITION REJECTION.**

4 Section 30162 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(f) JUDICIAL REVIEW.—A decision of the Secretary
7 to deny a petition under this section is agency action sub-
8 ject to judicial review under chapter 7 of title 5, and such
9 action shall not be considered committed to agency discre-
10 tion within the meaning of section 701(a)(2) of such title.
11 A person aggrieved by the denial of a petition may obtain
12 judicial review by filing an action in the United States dis-
13 trict court for the District of Columbia or the judicial dis-
14 trict in which such person resides or has its principal place
15 of business no more than 180 days after notice of the de-
16 nial of the petition is published in the Federal Register.”.

17 **SEC. 307. DEADLINES FOR RULEMAKING.**

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

21 (1) notify the Committee on Energy and Com-
22 merce of the House of Representatives and the Sen-
23 ate Committee on Commerce, Science, and Trans-
24 portation and explain why that deadline cannot be
25 met; and

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

2 **TITLE IV—FUNDING**

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

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

7 **“SEC. 30107. VEHICLE SAFETY USER FEE.**

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

12 “(b) ASSESSMENT AND COLLECTION OF VEHICLE
13 SAFETY FEES.—Beginning 1 year after the date of enact-
14 ment of the Motor Vehicle Safety Act of 2010, the Sec-
15 retary shall assess and collect, in accordance with this sec-
16 tion, a vehicle safety user fee from the manufacturer for
17 each motor vehicle that is certified as compliant with ap-
18 plicable motor vehicle safety standards pursuant to section
19 30115.

20 “(c) DEPOSIT.—The Secretary shall deposit any fees
21 collected pursuant to subsection (b) into the Vehicle Safe-
22 ty Fund established by subsection (a).

23 “(d) USE.—Amounts in the Vehicle Safety Fund
24 shall be available to the Secretary, as provided in appro-
25 priation Acts enacted after the date of enactment of the

1 Motor Vehicle Safety Act of 2010, for making expendi-
2 tures to meet the obligations of the United States to carry
3 out vehicle safety programs of the National Highway Traf-
4 fic Safety Administration. Such amounts are authorized
5 to remain available until expended.

6 “(e) VEHICLE SAFETY USER FEE.—

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

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

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

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

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

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

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

5 “(f) RULEMAKING.—Not later than 9 months after
6 the date of enactment of the Motor Vehicle Safety Act of
7 2010, the Secretary shall promulgate rules governing the
8 collection and payment of fees pursuant to this section.

9 “(g) LIMITATIONS.—

10 “(1) IN GENERAL.—Fees under this section
11 shall not be collected, or if already collected, shall be
12 refunded, for a fiscal year unless appropriations for
13 vehicle safety programs of the National Highway
14 Traffic Safety Administration for such fiscal year
15 (excluding the amount of fees appropriated for such
16 fiscal year) are equal to or greater than the amount
17 of appropriations for vehicle safety programs of the
18 National Highway Traffic Safety Administration for
19 fiscal year 2010.

20 “(2) AUTHORITY.—If the Secretary does not
21 assess fees under this section during any portion of
22 a fiscal year because of paragraph (1), the Secretary
23 may assess and collect such fees, without any modi-
24 fication in the rate, at a later date in such fiscal

1 year notwithstanding the provisions of subsection
2 (e)(3) relating to the date fees are to be paid.

3 “(h) COLLECTION OF UNPAID FEES.—In any case
4 where the Secretary does not receive payment of a fee as-
5 sessed under this section within 30 days after it is due,
6 such fee shall be treated as a claim of the United States
7 Government subject to subchapter II of chapter 37 of title
8 31.

9 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
10 tion to funds appropriated under section 30104, there is
11 authorized to be appropriated to the Secretary for the Na-
12 tional Highway Traffic Safety Administration for each fis-
13 cal year in which fees are collected under subsection (b)
14 an amount equal to the total revenue amount collected
15 during the previous fiscal year from fees assessed pursu-
16 ant to this section.”.

17 (b) CLERICAL AMENDMENT.—The analysis for such
18 chapter is amended by inserting after the item relating
19 to section 30106 the following:

“30107. Vehicle safety user fee.”.

20 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 30104 of title 49, United States Code, is
22 amended—

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

1 (2) by striking “in each fiscal year beginning”
2 and all that follows and inserting “and to carry out
3 the Motor Vehicle Safety Act of 2010—
4 “(1) \$200,000,000 for fiscal year 2011;
5 “(2) \$240,000,000 for fiscal year 2012; and
6 “(3) \$280,000,000 for fiscal year 2013.”.