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(Original Signature of Member)

111TH CONGRESS  
2D SESSION

**H. R.** 5381

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. WAXMAN (for himself, Mr. RUSH, Mr. DINGELL, Mr. STUPAK, and Mr. BRALEY of Iowa) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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. Brake override standard.
- Sec. 103. Accelerator control systems.
- Sec. 104. Pedal placement standard.
- Sec. 105. Electronic systems performance standard.
- Sec. 106. Push-button ignition systems standard.
- Sec. 107. Transmission configuration standard.
- Sec. 108. Vehicle event data recorders.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 201. Public availability of early warning data.
- Sec. 202. Improved NHTSA vehicle safety database.
- Sec. 203. Promotion of vehicle defect reporting.
- Sec. 204. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
- Sec. 205. Corporate responsibility for NHTSA reports.
- Sec. 206. Appeal of defect petition rejection.
- Sec. 207. Deadlines for rulemaking.
- Sec. 208. Reports to Congress.

TITLE III—FUNDING

- Sec. 301. Vehicle safety user fee.
- Sec. 302. Authorization of appropriations.

TITLE IV—ENHANCED SAFETY AUTHORITIES

- Sec. 401. Civil penalties.
- Sec. 402. Imminent hazard authority.

3 **SEC. 2. DEFINITIONS.**

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

5 (1) The term “passenger motor vehicle” means  
6 a motor vehicle (as defined in section 30102(a)(6) of  
7 title 49, United States Code) that is rated at less  
8 than 10,000 pounds gross vehicular weight. Such  
9 term does not include—

10 (A) a motorcycle;

1 (B) a trailer; or

2 (C) a low speed vehicle (as defined in sec-  
3 tion 571.3 in title 49, Code of Federal Regula-  
4 tions).

5 (2) The term “Secretary” means the Secretary  
6 of Transportation, acting through the Administrator  
7 of the National Highway Traffic Safety Administra-  
8 tion.

9 **TITLE I—VEHICLE ELECTRONICS AND SAFETY STAND-**  
10 **ARDS**

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

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

23 (b) HONORS RECRUITMENT PROGRAM.—

24 (1) ESTABLISHMENT.—The Secretary shall es-  
25 tablish, within the National Highway Traffic Safety

1 Administration, an honors program for engineering  
2 students and other students interested in vehicle  
3 safety that will enable them to train with engineers  
4 and other safety officials for a career in vehicle safe-  
5 ty. The Secretary is authorized to provide a stipend  
6 to students during their participation in the pro-  
7 gram.

8 (2) TARGETED STUDENT.—The Secretary shall  
9 develop a plan to target and make an aggressive out-  
10 reach to recruit the top 10 percent of science, tech-  
11 nology, engineering and mathematics students at-  
12 tending—

13 (A) 1890 Land Grant Institutions (as de-  
14 fined in section 2 of the Agricultural Research,  
15 Extension, and Education Reform Act of 1998  
16 (7 U.S.C. 7061));

17 (B) Predominantly Black Institutions (as  
18 defined in section 318 of the Higher Education  
19 Act of 1965 (20 U.S.C. 1059e));

20 (C) Tribal Colleges or Universities (as de-  
21 fined in section 316(b) of the Higher Education  
22 Act of 1965 (20 U.S.C. 1059c(b)); and

23 (D) Hispanic Serving Institutions (as de-  
24 fined in section 318 of the Higher Education  
25 Act of 1965 (20 U.S.C. 059e)).

1 **SEC. 102. BRAKE OVERRIDE STANDARD.**

2 (a) UNINTENDED ACCELERATION.—The Secretary  
3 shall initiate a rulemaking proceeding pursuant to section  
4 30111 of title 49, United States Code, to prescribe or  
5 amend a Federal motor vehicle safety standard that would  
6 mitigate unintended acceleration in passenger motor vehi-  
7 cles. The standard—

8 (1) shall establish performance requirements  
9 that enable a driver to bring a passenger motor vehi-  
10 cle safely to a full stop by normal braking applica-  
11 tion even if the vehicle is simultaneously receiving  
12 accelerator input signals;

13 (2) may permit compliance with such require-  
14 ments through a smart pedal system that requires  
15 brake pedal application, after a period of time deter-  
16 mined by the Secretary, to override an accelerator  
17 input signal in order to stop the vehicle; and

18 (3) may permit vehicles to incorporate a means  
19 by which the driver would be able to temporarily dis-  
20 engage the technology or mechanism required under  
21 paragraph (1) to facilitate operations, such as ma-  
22 neuvering trailers, or other operating conditions,  
23 that may require the simultaneous operation of the  
24 service brake and accelerator pedal.

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

4 **SEC. 103. ACCELERATOR CONTROL SYSTEMS.**

5 (a) IN GENERAL.—The Secretary shall initiate a  
6 rulemaking proceeding to amend Federal motor vehicle  
7 safety standard 124 to require that at least 1 redundant  
8 circuit or other mechanism be built into accelerator control  
9 systems, including systems controlled by electronic throt-  
10 tle, to maintain vehicle control in the event of failure or  
11 malfunction in the accelerator control system.

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

15 (c) COMBINED.—If the Secretary considers it appro-  
16 priate, the Secretary may combine the rulemaking pro-  
17 ceeding required by subsection (a) with the rulemaking  
18 proceeding required by section 102.

19 **SEC. 104. PEDAL PLACEMENT STANDARD.**

20 (a) CONSIDERATION OF RULE.—Not later than 18  
21 months after the date of the enactment of this Act, the  
22 Secretary shall initiate a rulemaking proceeding pursuant  
23 to section 30111 of title 49, United States Code, to con-  
24 sider prescribing or amending Federal motor vehicle safety  
25 standards to prevent the potential obstruction of pedal

1 movement in passenger motor vehicles by establishing  
2 minimum clearances for passenger motor vehicle foot ped-  
3 als with respect to other pedals and the vehicle floor (in-  
4 cluding aftermarket floor coverings), taking into account  
5 various pedal mounting configurations.

6 (b) DEADLINE FOR DECISION.—If the Secretary de-  
7 termines such safety standards are reasonable, prac-  
8 ticable, and appropriate, the Secretary shall prescribe the  
9 safety standards described in subsection (a) not later than  
10 4 years after the date of enactment of this Act. If the  
11 Secretary determines that no additional safety standards  
12 are reasonable, practicable, and appropriate the Secretary  
13 shall transmit a report to the Committee on Energy and  
14 Commerce of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate describing the reasons such standards were not  
17 prescribed.

18 **SEC. 105. ELECTRONIC SYSTEMS PERFORMANCE STAND-**  
19 **ARD.**

20 (a) IN GENERAL.—Not later than 2 years after the  
21 enactment of this Act, the Secretary shall initiate a rule-  
22 making proceeding pursuant to section 30111 of title 49,  
23 United States Code, to consider requiring electronic sys-  
24 tems in passenger motor vehicles to meet minimum stand-  
25 ards for performance. The Secretary shall consider the

1 findings and recommendations of the National Academy  
2 of Sciences pursuant to its study of electronic vehicle con-  
3 trols and unintended acceleration. The standard may in-  
4 clude requirements for electronic components, the inter-  
5 action of those electronic components, or the effect of sur-  
6 rounding environments on those electronic systems.

7 (b) **DEADLINE FOR DECISION.**—If the Secretary de-  
8 termines such safety standards are reasonable, prac-  
9 ticable, and appropriate, the Secretary shall prescribe the  
10 safety standards described in subsection (a) not later than  
11 4 years after the date of enactment of this Act. If the  
12 Secretary determines that no additional safety standards  
13 are reasonable, practicable, and appropriate the Secretary  
14 shall transmit a report to the Committee on Energy and  
15 Commerce of the House of Representatives and the Com-  
16 mittee on Commerce, Science, and Transportation of the  
17 Senate describing the reasons such standards were not  
18 prescribed.

19 **SEC. 106. PUSH-BUTTON IGNITION SYSTEMS STANDARD.**

20 (a) **IN GENERAL.**—The Secretary shall initiate a  
21 rulemaking proceeding pursuant to section 30111 of title  
22 49, United States Code, to prescribe or amend a Federal  
23 motor vehicle safety standard for passenger motor vehicles  
24 equipped with push-button ignition systems, to establish  
25 the standard operation and function of such systems when

1 used by drivers, including drivers unfamiliar with the vehi-  
2 cle, in an emergency situation when the vehicle is in mo-  
3 tion.

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

7 **SEC. 107. TRANSMISSION CONFIGURATION STANDARD.**

8 (a) IN GENERAL.—The Secretary shall initiate a  
9 rulemaking proceeding pursuant to section 30111 of title  
10 49, United States Code, to revise Federal motor vehicle  
11 safety standard 102, to improve the recognition of the  
12 gear selector positions for drivers, including drivers unfa-  
13 miliar with the vehicle, and to improve the conspicuity of  
14 the neutral position.

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

18 **SEC. 108. VEHICLE EVENT DATA RECORDERS.**

19 (a) REQUIRED EVENT DATA RECORDERS.—Not later  
20 than 6 months after the date of the enactment of this sec-  
21 tion, the Secretary shall modify the regulation contained  
22 in part 563 of title 49, Code of Federal Regulations, to  
23 require that passenger motor vehicles sold in the United  
24 States be equipped with an event data recorder that meets  
25 the requirements for event data recorders set forth in such

1 part. The Secretary shall require manufacturers to include  
2 such event data recorders in their entire fleet beginning  
3 in model year 2015.

4 (b) REQUIREMENTS FOR EVENT DATA RECORD-  
5 ERS.—The Secretary shall initiate a rulemaking pro-  
6 ceeding pursuant to section 30111 of title 49, United  
7 States Code, to require that the event data recorders re-  
8 quired to be installed in passenger motor vehicles pursuant  
9 to subsection (a) continuously record vehicle operational  
10 data that can be stored and accessed for retrieval and  
11 analysis in accordance with subsections (c) and (d).

12 (c) SPECIFICATIONS.—The rule—

13 (1) shall require such recorders to store data  
14 covering a reasonable time before, during, and after  
15 a crash or airbag deployment, including information  
16 on engine performance, steering, braking, accelera-  
17 tion, vehicle speed, seat belt use, and airbag deploy-  
18 ment level, deactivation status, deployment time, and  
19 deployment stage, and may require such recorders to  
20 store other data, such as data related to vehicle roll-  
21 overs, as the Secretary considers appropriate;

22 (2) shall require such recorders to store data  
23 covering at least a sufficient period of time to cap-  
24 ture all relevant data from a crash, including vehicle

1        rollovers, and shall establish appropriate recording  
2        times for capturing data prior to a crash event;

3            (3) may require such recorders to capture cer-  
4        tain events such as rapid deceleration and full brak-  
5        ing lasting more than 10 seconds, even if there is  
6        not a crash or airbag deployment;

7            (4) may not require information recorded or  
8        transmitted by such data recorders to include the ve-  
9        hicle location, except for the purposes of emergency  
10       response;

11           (5) shall require that data stored on such re-  
12        corders be accessible, regardless of vehicle manufac-  
13        turer or model, with commercially available equip-  
14        ment;

15           (6) shall specify any data format requirements  
16        or other requirements, including a standardized data  
17        access port, the Secretary determines appropriate to  
18        facilitate accessibility and analysis; and

19           (7) shall require that such recorders meet at  
20        least the performance requirements for crash resist-  
21        ance included in part 563 of title 49, Code of Fed-  
22        eral Regulations (as amended January 14, 2008),  
23        and, if the Secretary determines that these require-  
24        ments do not provide adequate temperature, crash,

1 or water resistance, shall establish such additional  
2 standards.

3 (d) LIMITATIONS ON INFORMATION RETRIEVAL.—

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

9 (2) PRIVACY.—The rule issued under sub-  
10 section (b) shall provide that information recorded  
11 or transmitted by such a data recorder may not be  
12 retrieved by a person other than the owner or lessee  
13 of the motor vehicle in which the recorder is in-  
14 stalled 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; or

21 (C) the information is retrieved by a gov-  
22 ernment motor vehicle safety agency for the  
23 purpose of improving motor vehicle safety if the  
24 personally identifiable information of the owner,  
25 lessee, or driver of the vehicle and the vehicle

1 identification number is not disclosed in connec-  
2 tion with the retrieved information.

3 (3) TAMPER RESISTANCE.—The rule issued  
4 under subsection (b) shall establish performance re-  
5 quirements for preventing unauthorized access to the  
6 data stored on such event data recorder in order to  
7 protect the security, integrity, and authenticity of  
8 the data.

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

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

21 (g) DEADLINE FOR RULEMAKING.—The Secretary  
22 shall issue a final rule under subsection (a) not later than  
23 3 years after the date of enactment of this Act.

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

3     **SEC. 201. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

4             (a) IN GENERAL.—Section 30166(m) of title 49,  
5 United States Code, is amended by in paragraph (4), by  
6 striking subparagraph (C) and inserting the following:

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

12            (b) REGULATIONS.—Not later than 2 years after the  
13 date of enactment of this Act, the Secretary shall issue  
14 regulations regarding public access to information sub-  
15 mitted pursuant to section 30166(m). The Secretary may  
16 establish categories of information provided pursuant to  
17 such section that must be made available to the public and  
18 categories that are exempt from public disclosure under  
19 section 552(b) of title 5, United States Code.

20            (c) CONSULTATION.—In conducting the rulemaking  
21 required under subsection (a), the Secretary shall consult  
22 with the Director of the Office of Government Information  
23 Services within the National Archives and the Director of  
24 the Office of Information Policy of the Department of Jus-  
25 tice.

1 (d) PRESUMPTION AND LIMITATION.—The Secretary  
2 shall issue the regulations with a presumption in favor of  
3 maximum public availability of information. The following  
4 types of information shall not be eligible for protection  
5 under section 552(b)(4) of title 5, United States Code, and  
6 shall not be withheld from public disclosure:

7 (1) Production information regarding passenger  
8 motor vehicles, information on incidents involving  
9 death or injury, and numbers of property damage  
10 claims.

11 (2) Aggregated numbers of consumer com-  
12 plaints.

13 (e) NULLIFICATION OF PRIOR REGULATIONS.—Be-  
14 ginning 2 years after the date of the enactment of this  
15 Act, the regulations establishing early warning reporting  
16 class determinations in Appendix C of section 512 of title  
17 49, Code of Federal Regulations, shall have no force or  
18 effect.

19 **SEC. 202. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

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

1 (1) improving organization and functionality,  
2 including design features such as drop-down menus,  
3 and allowing for data to be searched, aggregated,  
4 and downloaded;

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

7 (3) improving searchability about specific vehi-  
8 cles and issues through standardization of commonly  
9 used search terms.

10 (b) **VEHICLE RECALL INFORMATION.**—The Secretary  
11 shall require that motor vehicle recall information be made  
12 available to consumers on the Internet, searchable by vehi-  
13 cle identification number in a format that preserves con-  
14 sumer privacy. The Secretary may initiate a rulemaking  
15 proceeding to require that such information be available  
16 on manufacturer websites or through other reasonable  
17 means.

18 (c) **ACCESSIBILITY OF MANUFACTURER COMMUNICA-**  
19 **TIONS.**—Section 30166(f) of title 49, United States Code,  
20 is amended by inserting “, and make available on a pub-  
21 licly accessible Internet website,” after “Secretary of  
22 Transportation”.

23 **SEC. 203. PROMOTION OF VEHICLE DEFECT REPORTING.**

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

1       “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-  
2 MATION.—

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

16           “(2) APPLICATION.—The requirements estab-  
17 lished under paragraph (1) shall apply to passenger  
18 motor vehicles manufactured in model years begin-  
19 ning more than 1 year after the date on which a  
20 final rule is published under that paragraph.”.

21 **SEC. 204. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**  
22 **AND MECHANIC PERSONNEL.**

23 The Secretary shall—

24           (1) establish a means by which mechanics,  
25 automobile dealership personnel, and automobile

1 manufacturer personnel may contact the National  
2 Highway Traffic Safety Administration directly and  
3 confidentially regarding potential passenger auto-  
4 mobile safety defects; and

5 (2) publicize the means for contacting the Na-  
6 tional Highway Traffic Safety Administration in a  
7 manner that targets mechanics, automobile dealer-  
8 ship personnel, and manufacturer personnel.

9 **SEC. 205. CORPORATE RESPONSIBILITY FOR NHTSA RE-**  
10 **PORTS.**

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

14 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—  
15 The Secretary shall require, for each company submitting  
16 information to the Secretary in response to a request for  
17 information in a safety or compliance investigation under  
18 this chapter, that a senior official responsible for safety  
19 residing in the United States certify that—

20 “(1) the signing official has reviewed the sub-  
21 mission; and

22 “(2) based on the official’s knowledge, the sub-  
23 mission does not contain any untrue statement of a  
24 material fact or omit to state a material fact nec-  
25 essary in order to make the statements made, in

1 light of the circumstances under which such state-  
2 ments were made, not misleading.”.

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

5 (1) by striking “A person” in paragraph (3)  
6 and inserting “Except as provided in paragraph (4),  
7 a person”; and

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

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

19 **SEC. 206. APPEAL OF DEFECT PETITION REJECTION.**

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

22 “(f) JUDICIAL REVIEW.—A decision of the Secretary  
23 to deny a petition filed under subsection (a)(2) of this sec-  
24 tion is agency action subject to judicial review under chap-  
25 ter 7 of title 5, and such action shall not be considered

1 committed to agency discretion within the meaning of sec-  
2 tion 701(a)(2) of such title. A person aggrieved by the  
3 denial of a petition may obtain judicial review by filing  
4 an action in the court of appeals of the United States for  
5 the circuit in which the person resides or has its principal  
6 place of business or the United States Court of Appeals  
7 for the District of Columbia Circuit not more than 180  
8 days after notice of the denial of the petition is published  
9 in the Federal Register.”.

10 **SEC. 207. DEADLINES FOR RULEMAKING.**

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

14 (1) notify the Committee on Energy and Com-  
15 merce of the House of Representatives and the Sen-  
16 ate Committee on Commerce, Science, and Trans-  
17 portation and explain why that deadline cannot be  
18 met; and

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

20 **SEC. 208. REPORTS TO CONGRESS.**

21 (a) **STUDY ON EARLY WARNING DATA.**—Not later  
22 than 3, 5, 7, and 9 years after the date of enactment of  
23 this Act, the Office of the Inspector General of the Depart-  
24 ment of Transportation shall complete a study of the utili-  
25 zation of Early Warning data by the National Highway

1 Traffic Safety Administration (NHTSA). Each study shall  
2 evaluate the following:

3 (1) The number and type of requests for infor-  
4 mation made by the NHTSA based on data received  
5 in the Early Warning Reporting system.

6 (2) The number of safety defect investigations  
7 opened by NHTSA using any information reported  
8 to the agency through the Early Warning Reporting  
9 system.

10 (3) The nature and vehicle defect category of  
11 all such safety defect investigations.

12 (4) The number of investigations described in  
13 paragraph (2) that are subsequently closed without  
14 further action.

15 (5) The duration of each investigation described  
16 in paragraph (2)

17 (6) The percentage of each investigation that  
18 result in a finding of a safety defect or recall by the  
19 agency.

20 (7) Other information the Office of the Inspec-  
21 tor General deems appropriate.

22 (b) REPORT ON OPERATIONS OF THE CENTER FOR  
23 VEHICLE ELECTRONICS AND EMERGING TECH-  
24 NOLOGIES.—Not later than 3 years after the date of en-  
25 actment of this Act, the Secretary shall report to Congress

1 regarding the operations of the Center for Vehicle Elec-  
2 tronics and Emerging Technologies. Such report shall in-  
3 clude information about the accomplishments of the Cen-  
4 ter, the role the Center plays in integrating and aggre-  
5 gating expertise across NHTSA, and priorities of the Cen-  
6 ter over the next 5 years.

7 (c) STUDY OF CRASH DATA COLLECTION.—Not later  
8 than 1 year after the date of enactment of this Act, the  
9 Secretary shall issue a report regarding the quality of data  
10 collected through the National Automotive Sampling Sys-  
11 tem, including the Special Crash Investigations, and rec-  
12 ommendations for improvements to this data collection  
13 program. The report shall include information regard-  
14 ing—

15 (1) the analysis and conclusions NHTSA can  
16 reach based on the amount of data collected in a  
17 given year, and the additional analysis and conclu-  
18 sions NHTSA could reach if more crash investiga-  
19 tions were conducted each year;

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

23 (3) the results of a comprehensive review of the  
24 data elements collected from each crash to determine  
25 if additional data should be collected; which review

1 shall include input from interested parties, such as  
2 suppliers, automakers, safety advocates, the medical  
3 community and research organizations; and

4 (4) the resources that would be necessary for  
5 NHTSA to implement these recommendations.

6 (d) SUBMISSION OF REPORTS.—Each report shall be  
7 submitted to the Committee on Energy and Commerce of  
8 the House of Representatives and to the Committee on  
9 Commerce, Science, and Transportation of the Senate  
10 upon completion.

## 11 **TITLE III—FUNDING**

### 12 **SEC. 301. VEHICLE SAFETY USER FEE.**

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

#### 16 **“§ 30107. Vehicle Safety User Fee**

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

21 “(b) ASSESSMENT AND COLLECTION OF VEHICLE  
22 SAFETY FEES.—Beginning 1 year after the date of enact-  
23 ment of the Motor Vehicle Safety Act of 2010, the Sec-  
24 retary shall assess and collect, in accordance with this sec-  
25 tion, a vehicle safety user fee from the manufacturer for

1 each motor vehicle that is certified as compliant with ap-  
2 plicable motor vehicle safety standards pursuant to section  
3 30115.

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

7 “(d) USE.—Amounts in the Vehicle Safety Fund  
8 shall be available to the Secretary, as provided in sub-  
9 section (i), for making expenditures to meet the obliga-  
10 tions of the United States to carry out vehicle safety pro-  
11 grams of the National Highway Traffic Safety Adminis-  
12 tration.

13 “(e) VEHICLE SAFETY USER FEE.—

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

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

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

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

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

23 “(2) SUBSEQUENT YEARS.—The fee assessed  
24 under this section for each vehicle certified after the  
25 third year in which such fees are assessed shall be

1       adjusted by the Secretary by notice published in the  
2       Federal Register to reflect the total percentage  
3       change that occurred in the Consumer Price Index  
4       for all Urban Consumers for the 12 month period  
5       ending June 30 preceding the fiscal year for which  
6       fees are being established.

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

11      “(f) RULEMAKING.—Not later than 9 months after  
12      the date of enactment of the Motor Vehicle Safety Act of  
13      2010, the Secretary shall promulgate rules governing the  
14      collection and payment of fees pursuant to this section.

15      “(g) LIMITATIONS.—

16           “(1) IN GENERAL.—Fees under this section  
17      shall not be collected for a fiscal year unless appro-  
18      priations for vehicle safety programs of the National  
19      Highway Traffic Safety Administration for such fis-  
20      cal year (excluding the amount of fees appropriated  
21      for such fiscal year) are equal to or greater than the  
22      amount of appropriations for vehicle safety pro-  
23      grams of the National Highway Traffic Safety Ad-  
24      ministration for fiscal year 2010.

1           “(2) AUTHORITY.—If the Secretary does not  
2           assess fees under this section during any portion of  
3           a fiscal year because of paragraph (1), the Secretary  
4           may assess and collect such fees, without any modi-  
5           fication in the rate, at a later date in such fiscal  
6           year notwithstanding the provisions of subsection  
7           (e)(3) relating to the date fees are to be paid.

8           “(h) COLLECTION OF UNPAID FEES.—In any case  
9           where the Secretary does not receive payment of a fee as-  
10          sessed under this section within 30 days after it is due,  
11          such fee shall be treated as a claim of the United States  
12          Government subject to subchapter II of chapter 37 of title  
13          31.

14          “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
15          tion to funds appropriated under section 30104, there is  
16          authorized to be appropriated from the Vehicle Safety  
17          Fund to the Secretary for the National Highway Traffic  
18          Safety Administration for each fiscal year in which fees  
19          are collected under subsection (b) an amount equal to the  
20          total amount collected during the previous fiscal year from  
21          fees assessed pursuant to this section. Such amounts are  
22          authorized to remain available until expended.

23          “(j) CREDITING AND AVAILABILITY OF FEES.—Fees  
24          authorized under subsection (b) shall be collected and

1 available for obligation only to the extent and in the  
2 amount provided in advance in appropriations Acts.”.

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

“30107. Vehicle safety user fee.”.

6 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 30104 of title 49, United States Code, is  
8 amended—

9 (1) by striking “\$98,313,500”; and

10 (2) by striking “in each fiscal year beginning”

11 and all that follows and inserting “and to carry out

12 the Motor Vehicle Safety Act of 2010—

13 “(1) \$200,000,000 for fiscal year 2011;

14 “(2) \$240,000,000 for fiscal year 2012; and

15 “(3) \$280,000,000 for fiscal year 2013.”.

16 **TITLE IV—ENHANCED SAFETY**  
17 **AUTHORITIES**

18 **SEC. 401. CIVIL PENALTIES.**

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

21 (1) in subsection (a)(1)—

22 (A) in the first sentence by striking

23 “\$5,000” and inserting “\$25,000”; and

24 (B) in the third sentence, by striking

25 “\$15,000,000” and inserting “\$200,000,000”;

1 (2) in subsection (a)(3)—

2 (A) in the second sentence by striking

3 “\$5,000” and inserting “\$25,000” ; and

4 (B) in the third sentence, by striking

5 “\$15,000,000” and inserting “\$200,000,000”;

6 and

7 (3) by striking subsection (c) and inserting the

8 following:

9 “(c) RELEVANT FACTORS IN DETERMINING AMOUNT  
10 OF PENALTY OR COMPROMISE.—In determining the  
11 amount of a civil penalty or compromise, the nature, cir-  
12 cumstances, extent, and gravity of the violation shall be  
13 considered. This shall include, where appropriate, the na-  
14 ture of the defect or noncompliance, the severity of the  
15 risk of injury, the occurrence or absence of injury, the  
16 number of motor vehicles or items of motor vehicle equip-  
17 ment distributed with the defect or noncompliance, the ex-  
18 istence of an imminent hazard, the appropriateness of  
19 such penalty in relation to the size of the business of the  
20 person charged, recognizing the potential for undue ad-  
21 verse economic impacts on small businesses, and such  
22 other factors as appropriate.”.

23 (b) CIVIL PENALTY CRITERIA.—Not later than 1  
24 year after the date of enactment of this Act, and in ac-  
25 cordance with the procedures of section 553 of title 5,

1 United States Code, the Secretary shall issue a final regu-  
2 lation providing its interpretation of the penalty factors  
3 described in section 30165(c) of title 49, United States  
4 Code, as added by subsection (a).

5 (c) CONSTRUCTION.—Nothing in this section shall be  
6 construed as preventing the imposition of penalties under  
7 section 30165 of title 49, United States Code, prior to  
8 the issuance of a final rule pursuant to subsection (b).

9 **SEC. 402. IMMINENT HAZARD AUTHORITY.**

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

13 “(3) IMMINENT HAZARD ORDERS.—If the Sec-  
14 retary of Transportation in making a decision under  
15 subsection (a) also initially decides that such defect  
16 or noncompliance presents a substantial likelihood of  
17 death or serious injury to the public, the Secretary  
18 shall notify such manufacturer. The opportunity for  
19 the manufacturer to present information, views, and  
20 arguments in accordance with paragraph (1) shall be  
21 provided as soon as practicable but not later than 10  
22 calendar days after the initial decision. The Sec-  
23 retary shall expedite proceedings for a decision and  
24 order under paragraph (1) and shall, as appropriate,  
25 issue an imminent hazard order.”.

1           (b) PROCEDURES.—Not later than 2 years after the  
2 date of enactment of this Act, the Secretary shall issue  
3 procedures for the issuance and enforcement of imminent  
4 hazard orders under section 30118(b)(3) of title 49,  
5 United States Code (as added by subsection (a)), con-  
6 sistent with the provisions of chapter 301 of such title and  
7 the Administrative Procedures Act.