

AMENDMENT TO H.R. _____

OFFERED BY MR. WAXMAN

Page 3, line 14, strike “The Secretary” and insert

1 (1) IN GENERAL.—The Secretary

Page 3, beginning on line 17, strike “to build” and all that follows through line 22 and insert “. The Center shall—

2 (A) build, integrate, and aggregate the
3 agency’s expertise in vehicle electronics and
4 other new and emerging technologies;

5 (B) coordinate with all components of the
6 agency responsible for vehicle safety, including
7 research and development, rulemaking, and de-
8 fects investigation; and

9 (C) conduct research into the use of light-
10 weight materials in vehicles, including through
11 the implementation of the Plastic and Com-
12 posite Intensive Vehicle Safety Roadmap (Re-
13 port No. DOT HS 810 863).

14 (2) LIMITATION.—Not more than 20 percent of
15 the funds spent by the Center in a given year may

1 be spent for the purposes described in paragraph
2 (1)(C).

At the end of title I, insert the following (and conform the table of contents in section 1(b) accordingly):

3 **SEC. 109. COMMERCIAL MOTOR VEHICLE ROLLOVER PRE-**
4 **VENTION AND CRASH MITIGATION.**

5 (a) **RULEMAKING.**—Not later than 6 months after
6 the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding pursuant to section 30111
7 of title 49, United States Code, to prescribe or amend a
8 Federal motor vehicle safety standard to reduce commercial motor vehicle rollover and loss of control crashes and
9 mitigate deaths and injuries associated with such crashes
10 for air-braked motor vehicles with a gross vehicle weight
11 rating of more than 26,000 pounds.

14 (b) **REQUIRED PERFORMANCE STANDARDS.**—The
15 rulemaking proceeding initiated under subsection (a) shall
16 establish standards to reduce the occurrence of rollovers
17 consistent with stability enhancing technologies that address both rollovers and loss-of-control crashes.

19 (c) **DEADLINE.**—The Secretary shall issue a final
20 rule under subsection (a) not later than 18 months after
21 the date of enactment of this Act.

At the end of title II, insert the following (and conform the table of contents in section 1(b) accordingly):

1 **SEC. 209. RESTRICTION ON COVERED VEHICLE SAFETY OF-**
2 **FICIALS.**

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

6 **“§ 30107. Restriction on Covered Vehicle Safety Offi-**
7 **cial**

8 “(a) IN GENERAL.—For a period of 1 year after the
9 termination of his or her service or employment, a covered
10 vehicle safety official shall not knowingly make, with the
11 intent to influence, any communication to or appearance
12 before any officer or employee of the National Highway
13 Transportation Safety Administration on behalf of any
14 manufacturer subject to regulation under this chapter in
15 connection with any matter involving vehicle safety on
16 which such person seeks official action by any officer or
17 employee of the National Highway Transportation Safety
18 Administration.

19 “(b) NO EFFECT ON SECTION 207.—This section
20 does not expand, contract, or otherwise affect the applica-
21 tion of any waiver or criminal penalties under section 207
22 of title 18, United States Code.

1 “(c) EFFECTIVE DATE.—This section shall apply to
2 covered vehicle safety officials who terminate service or
3 employment with the National Highway Transportation
4 Safety Administration after the date of enactment of the
5 Motor Vehicle Safety Act of 2010.

6 “(d) DEFINITION.—In this section, the term ‘covered
7 vehicle safety official’ means any officer or employee of
8 the National Highway Transportation Safety Administra-
9 tion who, within the final 12 months of his or her service
10 or employment with the agency, serves or served in a tech-
11 nical or legal capacity, and whose job responsibilities in-
12 clude or included vehicle safety defect investigation, vehi-
13 cle safety compliance, vehicle safety rulemaking, or vehicle
14 safety research, and any officer or employee of the Na-
15 tional Highway Transportation Safety Administration
16 serving in a supervisory or management capacity over such
17 officers or employees.

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

24 “(f) EXCEPTION FOR TESTIMONY.—Nothing in this
25 section shall prevent an individual from giving testimony

1 under oath, or from making statements required to be
2 made under penalty of perjury.”.

3 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
4 United States Code, as amended by section 205, is further
5 amended by adding at the end the following:

6 “(5) SECTION 30107.—A person who violates
7 section 30107 shall be subject to a civil penalty of
8 not more than \$55,000.”.

9 (c) CONFORMING AMENDMENT.—The table of con-
10 tents for chapter 301 of title 49, United States Code, is
11 amended by inserting after the item relating to section
12 30106 the following:

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

At the end of the bill add the following (and conform
the table of contents in section 1(b) accordingly):

13 **TITLE V—ADDITIONAL**
14 **PROVISIONS**

15 **SEC. 501. PREEMPTION OF STATE LAW.**

16 (a) CONGRESSIONAL AUTHORIZATION REQUIRED.—
17 Notwithstanding any other provision of law, the Secretary
18 shall not publish a rule pursuant to section 30111 of title
19 49, United States Code, that addresses the issue of pre-
20 emption of State law seeking damages for personal injury,
21 death, or property damage unless Congress expressly au-
22 thorizes the Secretary to address such preemption.

1 (b) PREEMPTION LANGUAGE.—Any language ad-
2 dressing the issue of preemption contained within regula-
3 tions issued by the Secretary pursuant to section 30111
4 of title 49, United States Code, during the years 2005
5 through 2008 shall not be considered in determining
6 whether any such rule preempts any action under State
7 law seeking damages for personal injury, death, or prop-
8 erty damage unless Congress expressly authorizes the Sec-
9 retary to address such preemption.

