

Calendar No. 619110TH CONGRESS
2^D SESSION**S. 694****[Report No. 110-275]**

To direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2007

Mrs. CLINTON (for herself, Mr. SUNUNU, Mr. REED, Mr. KERRY, Mr. DURBIN, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mr. ENSIGN, Mr. MCCAIN, Mr. ROCKEFELLER, Ms. SNOWE, Mr. ISAKSON, Mr. BAUCUS, Mr. TESTER, Mr. WHITEHOUSE, Mr. BROWNBACK, Mr. DORGAN, Mr. WYDEN, Mr. MENENDEZ, Mr. PRYOR, Mr. OBAMA, Mr. BROWN, Mr. DODD, Mrs. MURRAY, Ms. CANTWELL, Mr. KENNEDY, Mr. CONRAD, Mrs. McCASKILL, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MARCH 13, 2008

Reported by Mr. INOUE, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occur-

ring inside or outside of light motor vehicles, 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.**

4 This Act may be cited as the “Cameron Gulbransen
 5 Kids and Cars Safety Act of 2007”.

6 **SEC. 2. RULEMAKING REGARDING CHILD SAFETY.**

7 (a) **POWER WINDOW SAFETY.**—Not later than 18
 8 months after the date of the enactment of this Act, the
 9 Secretary of Transportation (referred to in this Act as the
 10 “Secretary”) shall issue regulations, applicable to light
 11 motor vehicles, requiring power windows and panels to
 12 automatically reverse direction when they detect an ob-
 13 struction to prevent children from being trapped, injured,
 14 or killed.

15 (b) **REARWARD VISIBILITY.**—Not later than 24
 16 months after the date of the enactment of this Act, the
 17 Secretary shall issue regulations, applicable to light motor
 18 vehicles, requiring a rearward visibility performance
 19 standard that provides drivers with a means for detecting
 20 the presence of a person or object behind the vehicle to
 21 prevent death and injury resulting from backing incidents,
 22 particularly incidents involving small children and disabled
 23 persons.

24 (c) **PHASE-IN PERIOD.**—

1 (1) IN GENERAL.—The regulations issued pur-
2 suant to subsections (a) and (b) shall require—

3 (A) a phase-in period, as determined by
4 the Secretary, for compliance with the regula-
5 tions, which period shall commence not later
6 than 6 months after the date on which final
7 rules are issued; and

8 (B) that new light motor vehicles manufac-
9 tured after the date that is 3½ years after the
10 issuance of the final rule shall comply with such
11 regulations.

12 (2) PHASE-IN PRIORITIES.—In requiring the
13 phase-in of rearward visibility performance regula-
14 tions under this subsection, the Secretary shall con-
15 sider whether to give priority during the phase-in to
16 types of light motor vehicles that have a compara-
17 tively larger or longer rear blind zone. If the Sec-
18 retary determines that any type of light motor vehi-
19 cles should be given priority, the Secretary shall
20 issue regulations that specify—

21 (A) which type or types of light motor ve-
22 hicles shall be phased-in first; and

23 (B) the percentages in which such light
24 motor vehicles shall be phased-in.

1 (d) PREVENTING VEHICLES FROM ROLLING
2 AWAY.—

3 (1) IN GENERAL.—Not later than 24 months
4 after the date of the enactment of this Act, the Sec-
5 retary shall issue regulations to require light motor
6 vehicles that are equipped with an automatic trans-
7 mission that includes a “Park” position to have a
8 system that requires the service brake to be de-
9 pressed before the transmission can be shifted out of
10 “Park”. This system shall function in any starting
11 system key position in which the transmission can be
12 shifted out of “Park”.

13 (2) APPLICABILITY.—The regulation issued
14 under paragraph (1) shall apply to light motor vehi-
15 cles manufactured on or after September 1, 2010.

16 (3) PUBLICATION OF NONCOMPLIANT VEHIC-
17 CLES.—

18 (A) INFORMATION SUBMISSION.—Not later
19 than 60 days after the date of the enactment of
20 this Act, for the current model year, and annu-
21 ally thereafter through 2010, each motor vehi-
22 cle manufacturer shall submit to the Secretary
23 the make and model of light motor vehicles that
24 are equipped with automatic transmissions that

1 do not comply with the regulations required
2 under paragraph (1).

3 (B) PUBLICATION.—Not later than 30
4 days after receiving the information submitted
5 under subparagraph (A), the Secretary shall
6 publish and otherwise make available to the
7 public the make and model of the light motor
8 vehicles that do not comply with the regulations
9 required under paragraph (1). Any vehicle not
10 included in the publication under this subpara-
11 graph will be assumed to comply with the regu-
12 lations issued under paragraph (1).

13 (c) DATABASE ON INJURIES AND DEATHS IN NON-
14 TRAFFIC, NONCRASH EVENTS.—

15 (1) IN GENERAL.—Not later than 6 months
16 after the date of the enactment of this Act, the Sec-
17 retary shall establish and maintain a database of in-
18 juries and deaths in nontraffic, noncrash events in-
19 volving light motor vehicles.

20 (2) CONTENTS.—The database established pur-
21 suant to paragraph (1) shall include information re-
22 garding—

23 (A) the number, types, and causes of inju-
24 ries and deaths resulting from the events de-
25 scribed in paragraph (1);

1 (B) the make, model, and model year of
2 light motor vehicles involved in such events; and

3 (C) other variables that the Secretary de-
4 termines will enhance the value of the database.

5 (3) AVAILABILITY.—The Secretary shall make
6 the information contained in the database estab-
7 lished pursuant to paragraph (1) available to the
8 public.

9 (f) DEFINITIONS.—In this section:

10 (1) LIGHT MOTOR VEHICLE.—The term “light
11 motor vehicle” means a motor vehicle, other than a
12 motorcycle, with a gross vehicle weight rating of not
13 more than 10,000 pounds.

14 (2) REAR BLIND ZONE.—The term “rear blind
15 zone” means the area behind a light motor vehicle
16 which the driver cannot see using the vehicle mirrors
17 and windows provided as original equipment.

18 **SEC. 3. CHILD SAFETY INFORMATION PROGRAM.**

19 (a) IN GENERAL.—Not later than 6 months after the
20 date of the enactment of this Act, the Secretary shall pro-
21 vide information about hazards to children in nontraffic,
22 noncrash incident situations by—

23 (1) supplementing an existing consumer infor-
24 mation program relating to child safety; or

1 ~~(2)~~ creating a new consumer information pro-
 2 gram relating to child safety.

3 ~~(b)~~ PROGRAM REQUIREMENTS.—In carrying out the
 4 program under subsection ~~(a)~~, the Secretary shall—

5 ~~(1)~~ utilize information collected under section
 6 ~~2(e)~~ regarding nontraffic, noncrash injuries, and
 7 other relevant data from private organizations, to es-
 8 tablish priorities for the program;

9 ~~(2)~~ address ways in which parents and care-
 10 givers can reduce risks to small children arising
 11 from backover incidents, hyperthermia in closed ve-
 12 hicles, accidental actuation of power windows, and
 13 any other risks that the Secretary determines should
 14 be addressed; and

15 ~~(3)~~ make information related to the program
 16 available to the public through the Internet and
 17 other means.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Cameron Gulbransen*
 20 *Kids Transportation Safety Act of 2007” or the “K.T. Safe-*
 21 *ty Act of 2007”.*

22 **SEC. 2. RULEMAKING REGARDING CHILD SAFETY.**

23 ~~(a)~~ POWER WINDOW SAFETY.—

24 ~~(1)~~ CONSIDERATION OF RULE.—*Not later than*
 25 *18 months after the date of the enactment of this Act,*

1 *the Secretary of Transportation (referred to in this*
2 *Act as the “Secretary”) shall initiate a rulemaking to*
3 *consider prescribing or amending Federal motor vehi-*
4 *cle safety standards to require power windows and*
5 *panels on motor vehicles to automatically reverse di-*
6 *rection when such power windows and panels detect*
7 *an obstruction to prevent children and others from*
8 *being trapped, injured, or killed.*

9 (2) *DEADLINE FOR DECISION.—If the Secretary*
10 *determines such safety standards are reasonable,*
11 *practicable, and appropriate, the Secretary shall pre-*
12 *scribe, under section 30111 of title 49, United States*
13 *Code, the safety standards described in paragraph (1)*
14 *not later than 30 months after the date of enactment*
15 *of this Act. If the Secretary determines that no addi-*
16 *tional safety standards are reasonable, practicable,*
17 *and appropriate, the Secretary shall—*

18 (A) *not later than 30 months after the date*
19 *of enactment of this Act, transmit a report to the*
20 *Committee on Energy and Commerce of the*
21 *House of Representatives and the Committee on*
22 *Commerce, Science, and Transportation of the*
23 *Senate describing the reasons such standards*
24 *were not prescribed; and*

1 (B) publish and otherwise make available to
2 the public through the Internet and other means
3 (such as the “Buying a Safer Car” brochure) in-
4 formation regarding which vehicles are or are
5 not equipped with power windows and panels
6 that automatically reverse direction when an ob-
7 struction is detected.

8 (b) *REARWARD VISIBILITY*.—Not later than 12 months
9 after the date of the enactment of this Act, the Secretary
10 shall initiate a rulemaking to revise Federal Motor Vehicle
11 Safety Standard 111 (FMVSS 111) to expand the required
12 field of view to enable the driver of a motor vehicle to detect
13 areas behind the motor vehicle to reduce death and injury
14 resulting from backing incidents, particularly incidents in-
15 volving small children and disabled persons. The Secretary
16 may prescribe different requirements for different types of
17 motor vehicles to expand the required field of view to enable
18 the driver of a motor vehicle to detect areas behind the
19 motor vehicle to reduce death and injury resulting from
20 backing incidents, particularly incidents involving small
21 children and disabled persons. Such standard may be met
22 by the provision of additional mirrors, sensors, cameras,
23 or other technology to expand the driver’s field of view. The
24 Secretary shall prescribe final standards pursuant to this

1 *subsection not later than 36 months after the date of enact-*
2 *ment of this Act.*

3 *(c) PHASE-IN PERIOD.—*

4 *(1) PHASE-IN PERIOD REQUIRED.—The safety*
5 *standards prescribed pursuant to subsections (a) and*
6 *(b) shall establish a phase-in period for compliance,*
7 *as determined by the Secretary, and require full com-*
8 *pliance with the safety standards not later than 48*
9 *months after the date on which the final rule is*
10 *issued.*

11 *(2) PHASE-IN PRIORITIES.—In establishing the*
12 *phase-in period of the rearward visibility safety*
13 *standards required under subsection (b), the Secretary*
14 *shall consider whether to require the phase-in accord-*
15 *ing to different types of motor vehicles based on data*
16 *demonstrating the frequency by which various types*
17 *of motor vehicles have been involved in backing inci-*
18 *dents resulting in injury or death. If the Secretary*
19 *determines that any type of motor vehicle should be*
20 *given priority, the Secretary shall issue regulations*
21 *that specify—*

22 *(A) which type or types of motor vehicles*
23 *shall be phased-in first; and*

24 *(B) the percentages by which such motor ve-*
25 *hicles shall be phased-in.*

1 (d) *PREVENTING MOTOR VEHICLES FROM ROLLING*
2 *AWAY.*—

3 (1) *REQUIREMENT.*—*Each motor vehicle with an*
4 *automatic transmission that includes a “park” posi-*
5 *tion manufactured for sale after September 1, 2010,*
6 *shall be equipped with a system that requires the serv-*
7 *ice brake to be depressed before the transmission can*
8 *be shifted out of “park”. This system shall function*
9 *in any starting system key position in which the*
10 *transmission can be shifted out of “park”.*

11 (2) *TREATMENT AS MOTOR VEHICLE SAFETY*
12 *STANDARD.*—*A violation of paragraph (1) shall be*
13 *treated as a violation of a motor vehicle safety stand-*
14 *ard prescribed under section 30111 of title 49, United*
15 *States Code, and shall be subject to enforcement by the*
16 *Secretary under chapter 301 of such title.*

17 (3) *PUBLICATION OF NONCOMPLIANT VEHI-*
18 *CLES.*—

19 (A) *INFORMATION SUBMISSION.*—*Not later*
20 *than 60 days after the date of the enactment of*
21 *this Act, for the current model year and annu-*
22 *ally thereafter through 2010, each motor vehicle*
23 *manufacturer shall transmit to the Secretary the*
24 *make and model of motor vehicles with auto-*
25 *matic transmissions that include a “park” posi-*

1 tion that do not comply with the requirements of
2 paragraph (1).

3 (B) *PUBLICATION.*—Not later than 30 days
4 after receiving the information submitted under
5 subparagraph (A), the Secretary shall publish
6 and otherwise make available to the public
7 through the Internet and other means the make
8 and model of the applicable motor vehicles that
9 do not comply with the requirements of para-
10 graph (1). Any motor vehicle not included in the
11 publication under this subparagraph shall be
12 presumed to comply with such requirements.

13 (e) *DEFINITION OF MOTOR VEHICLE.*—As used in this
14 Act and for purposes of the motor vehicle safety standards
15 described in subsections (a) and (b), the term “motor vehi-
16 cle” has the meaning given such term in section 30102(a)(6)
17 of title 49, United States Code, except that such term shall
18 not include—

19 (1) a motorcycle or trailer (as such terms are de-
20 fined in section 571.3 of title 49, Code of Federal Reg-
21 ulations); or

22 (2) any motor vehicle that is rated at more than
23 10,000 pounds gross vehicular weight.

24 (f) *DATABASE ON INJURIES AND DEATHS IN NON-*
25 *TRAFFIC, NONCRASH EVENTS.*—

1 (1) *IN GENERAL.*—Not later than 6 months after
2 the date of the enactment of this Act, the Secretary
3 shall establish and maintain a database of injuries
4 and deaths in nontraffic, noncrash events involving
5 motor vehicles.

6 (2) *CONTENTS.*—The database established pursu-
7 ant to paragraph (1) shall include information re-
8 garding—

9 (A) the number, types, and causes of inju-
10 ries and deaths resulting from the events de-
11 scribed in paragraph (1);

12 (B) the make, model, and model year of
13 motor vehicles involved in such events; and

14 (C) other variables that the Secretary deter-
15 mines will enhance the value of the database.

16 (3) *AVAILABILITY.*—The Secretary shall make the
17 information contained in the database established
18 pursuant to paragraph (1) available to the public
19 through the Internet and other means.

20 **SEC. 3. CHILD SAFETY INFORMATION PROGRAM.**

21 (a) *IN GENERAL.*—Not later than 6 months after the
22 date of the enactment of this Act, the Secretary shall provide
23 information about hazards to children in nontraffic,
24 noncrash incident situations by—

1 (1) *supplementing an existing consumer infor-*
2 *mation program relating to child safety; or*

3 (2) *creating a new consumer information pro-*
4 *gram relating to child safety.*

5 (b) *PROGRAM REQUIREMENTS.—In carrying out the*
6 *program under subsection (a), the Secretary shall—*

7 (1) *utilize information collected pursuant to sec-*
8 *tion 2(f) regarding nontraffic, noncrash injuries, and*
9 *other relevant data the Secretary considers appro-*
10 *priate, to establish priorities for the program;*

11 (2) *address ways in which parents and care-*
12 *givers can reduce risks to small children arising from*
13 *back over incidents, hyperthermia in closed motor ve-*
14 *hicles, accidental actuation of power windows, and*
15 *any other risks the Secretary determines should be ad-*
16 *dressed; and*

17 (3) *make information related to the program*
18 *available to the public through the Internet and other*
19 *means.*

20 **SEC. 4. DEADLINES.**

21 *If the Secretary determines that the deadlines applica-*
22 *ble under this Act cannot be met, the Secretary shall—*

23 (1) *establish new deadlines; and*

24 (2) *notify the Committee on Energy and Com-*
25 *merce of the House of Representatives and the Com-*

1 *mittee on Commerce, Science, and Transportation of*
2 *the Senate of the new deadlines and describing the*
3 *reasons the deadlines specified under this Act could*
4 *not be met.*

Amend the title so as to read: “A bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of motor vehicles, and for other purposes.”.

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110TH CONGRESS
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A BILL

To direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

MARCH 13, 2008

Reported with an amendment and an amendment to the title