

112TH CONGRESS  
1ST SESSION

# S. 1449

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

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IN THE SENATE OF THE UNITED STATES

JULY 29, 2011

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

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Motor Vehicle and Highway Safety Improvement Act of  
6 2011” or “Mariah’s Act”.

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

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

## TITLE I—HIGHWAY SAFETY

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

## TITLE II—ENHANCED SAFETY AUTHORITIES

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

## TITLE III—TRANSPARENCY AND ACCOUNTABILITY

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

## TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

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

#### TITLE V—CHILD SAFETY STANDARDS

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

#### 1 **SEC. 2. DEFINITION.**

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

### 4 **TITLE I—HIGHWAY SAFETY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           (f) MAINTENANCE OF EFFORT.—

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

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

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

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

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

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

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

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

4 “(a) PROGRAM REQUIRED.—

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

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

13 “(A) include programs—

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

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

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

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

1 dents involving motor vehicles and motor-  
2 cycles;

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

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

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

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

17 “(i) driver education;

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

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

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

24 “(D) include provisions for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 “(c) USE OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

8 “(g) SAVINGS PROVISION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(B) APPROVALS AND DISAPPROVALS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10          “(1) COOPERATIVE RESEARCH AND EVALUATION.—

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

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

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

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

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

11          “(m) TEEN TRAFFIC SAFETY PROGRAM.—

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

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

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

24                   “(i) increase safety belt use;

25                   “(ii) reduce speeding;

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

3           “(iv) reduce underage drinking; and

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

7           “(B) may include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “(b) **GENERAL AUTHORITY.**—

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

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

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

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

4                   “(A) independently;

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

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

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

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

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

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

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

12              “(B) Federal laboratories.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(c) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           “(vi) The State—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

“405. Combined occupant protection grants.”.

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

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

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

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

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

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

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

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

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

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

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

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

15           “(2) has designated a TRCC coordinator;

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

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

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

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

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

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

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

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

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

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

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

8           “(2) alcohol-ignition interlock laws.

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

13       “(c) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           “(d) USE OF GRANT AMOUNTS.—

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

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

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

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

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

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

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

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

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

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

11           “(E) alcohol ignition interlock programs;

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

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

16           “(H) conducting—

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

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

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

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

1 assist such professionals in handling impaired  
2 driving cases;

3 “(J) traffic safety resource prosecutors;

4 “(K) judicial outreach liaisons;

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

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

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

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

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

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

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

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

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

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

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

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

1 “(h) DEFINITIONS.—In this section:

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

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

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

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

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

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

“410. Impaired driving countermeasures.”.

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

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

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

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

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

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

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

19 “(3) establishes—

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

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

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

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

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

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

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

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

14              “(4) establishes—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                         and

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

3           “(A) improve traffic safety; and

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

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

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

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

15           “(g) DEFINITIONS.—In this section:

16           “(1) DRIVING.—The term ‘driving’—

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

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

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

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

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

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

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

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

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

“411. Distracted driving grants.”.

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

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

8 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(c) DEFINITIONS.—In this title:

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

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

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

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

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

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

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

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

15 “(b) MINIMUM REQUIREMENTS.—

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

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

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

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

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

5                   “(i) in the learner’s permit stage—

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

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

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

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

25                   “(I) driving while intoxicated;

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

3                   “(III) reckless driving;

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

6                   “(V) speeding; or

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

10                  “(c) RULEMAKING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

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

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

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

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

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

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

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

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

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

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

9 (2) by striking subsection (f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 and

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

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

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

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

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

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

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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



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

3 **“§ 30181. Policy**

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

7 **“§ 30182. Powers and duties**

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

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

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

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

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

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

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

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

6 “(B) travel and related expenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) CONFORMING AMENDMENTS.—

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

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

“30181. Policy.

“30182. Powers and duties.



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

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

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

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

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

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

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

1 (2) in subsection (b)(2)—

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

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

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

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

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

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

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

“SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT”;

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

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

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

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

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

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

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

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

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

4           and

5           (2) in section 30164—

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

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

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

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

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

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

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

1           “(A) the requirements under this section;

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

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

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

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

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

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

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

20           (2) in paragraph (3)—

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

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

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

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

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

18                  “(A) this chapter;

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

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

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

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

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

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

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

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

18 (b) VEHICLE RECALL INFORMATION.—

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

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

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

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

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

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

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

18 **SEC. 302. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**  
19 **AND MECHANIC PERSONNEL.**

20 The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(C) DISCLOSURE.—

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

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

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

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

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

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

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

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

11           “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) by striking paragraph (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(b) COMPLAINT PROCEDURE.—

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

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

5 “(2) INVESTIGATION; PRELIMINARY ORDER.—

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

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

13 “(B) REQUIREMENTS.—

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

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

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

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

1           “(3) FINAL ORDER.—

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

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

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

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

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

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

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

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

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

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

12 “(4) REVIEW.—

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

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

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

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

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

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

25 The appropriate United States district court

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) POST-EMPLOYMENT POLICY STUDY.—

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

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

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

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

9                   (C) the Secretary of Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (2) in paragraph (2)—

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

18 (B) by striking the second sentence;

19 (3) in paragraph (3)—

20 (A) by striking the first sentence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) by striking section 33112.

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

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

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

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

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

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

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

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

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

17 (b) HONORS RECRUITMENT PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) various pedal mounting configurations; and

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

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

3 (b) DEADLINE.—

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

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

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

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

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

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

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

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

10 (2) may include requirements for—

11 (A) electronic components;

12 (B) the interaction of such components;

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

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

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

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

23 (a) PUSHBUTTON IGNITION STANDARD.—

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

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

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

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

16 (c) DEADLINE.—

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

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

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

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

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

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

8 (a) MANDATORY EVENT DATA RECORDERS.—

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

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

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

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

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

1           the requirements under section 30120 of that  
2           title.

3           (b) LIMITATIONS ON INFORMATION RETRIEVAL.—

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

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

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

17                (B) the owner or lessee consents to the re-  
18                trieval of the information for any purpose, in-  
19                cluding the purpose of diagnosing, servicing, or  
20                repairing the motor vehicle;

21                (C) the information is retrieved pursuant  
22                to an investigation or inspection authorized  
23                under section 30166 of title 49, United States  
24                Code, and the personally identifiable informa-  
25                tion of the owner, lessee, or driver of the vehicle

1 and the vehicle identification number is not dis-  
2 closed in connection with the retrieved informa-  
3 tion; or

4 (D) the information is retrieved for the  
5 purpose of determining the need for, or facili-  
6 tating, emergency medical response in response  
7 to a motor vehicle crash.

8 (c) REVISED REQUIREMENTS FOR EVENT DATA RE-  
9 CORDERS.—The Secretary shall initiate a rulemaking pro-  
10 ceeding to prescribe or amend a Federal motor vehicle  
11 safety standard that revises part 563 of title 49, Code of  
12 Federal Regulations, to require that event data recorders  
13 in passenger motor vehicles record operational data that  
14 can be stored and accessed for retrieval and analysis in  
15 accordance with subsection (d).

16 (d) SPECIFICATIONS.—The rule prescribed under  
17 subsection (c)—

18 (1) shall require event data recorders to capture  
19 and store data related to motor vehicle safety cov-  
20 ering a reasonable time period before, during, and  
21 after a motor vehicle crash or airbag deployment, in-  
22 cluding a rollover;

23 (2) may require that the data to be captured  
24 and stored pursuant to paragraph (1) include infor-  
25 mation about engine performance, steering, braking,

1 acceleration, vehicle speed, seat belt use, airbag de-  
2 ployment, airbag deactivation status, data relating  
3 to vehicle rollover, and any other data the Secretary  
4 considers appropriate;

5 (3) may require such recorders to capture and  
6 store certain events, such as rapid deceleration, full-  
7 throttle acceleration, or full braking that may indi-  
8 cate unintended acceleration, even if there is not a  
9 crash or airbag deployment;

10 (4) may not require information recorded by  
11 such data recorders to include the vehicle's location  
12 unless the Secretary determines that such inclusion  
13 is necessary to determine the need for, or facilitate,  
14 emergency medical response in response to a motor  
15 vehicle crash;

16 (5) shall require that data stored on such re-  
17 corders be accessible, regardless of vehicle manufac-  
18 turer or model, with commercially available equip-  
19 ment;

20 (6) shall specify data format requirements;

21 (7) may require an interoperable data access  
22 port to facilitate universal accessibility and analysis;

23 (8) shall require that such recorders meet the  
24 performance requirements for crash resistance in-  
25 cluded in part 563 of title 49, Code of Federal Reg-

1       ulations, and, if the Secretary determines that such  
2       requirements do not provide adequate temperature,  
3       crash, or water resistance, may include additional  
4       performance requirements;

5           (9) shall establish requirements for preventing  
6       unauthorized access to the data stored on an event  
7       data recorder in order to protect the security, integ-  
8       rity, and authenticity of the data; and

9           (10) shall include a definition of the term  
10      “motor vehicle crash”.

11      (e) DISCLOSURE OF EXISTENCE AND PURPOSE OF  
12      EVENT DATA RECORDER.—The rule issued under sub-  
13      section (c) shall require that any owner’s manual or simi-  
14      lar documentation provided to the first purchaser of a pas-  
15      senger motor vehicle for purposes other than resale—

16           (1) disclose that the vehicle is equipped with  
17      such a data recorder; and

18           (2) explain the purpose of the data recorder.

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

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

4 **SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER'S VIEW.**  
 5

6 (a) VISUAL ENTERTAINMENT SCREENS IN DRIVER'S  
 7 VIEW.—Not later than 2 years after the date of the enact-  
 8 ment of this Act, the Secretary of Transportation shall  
 9 issue a final rule that prescribes a Federal motor vehicle  
 10 safety standard prohibiting electronic screens from dis-  
 11 playing broadcast television, movies, video games, and  
 12 other forms of similar visual entertainment that is visible  
 13 to the driver while driving.

14 (b) EXCEPTIONS.—The standard prescribed under  
 15 subsection (a) shall allow electronic screens that display  
 16 information or images regarding operation of the vehicle,  
 17 vehicle surroundings, and telematic functions, such as the  
 18 vehicles navigation and communications system, weather,  
 19 time, or the vehicle's audio system.

20 **TITLE V—CHILD SAFETY**  
 21 **STANDARDS**

22 **SEC. 501. CHILD SAFETY SEATS.**

23 (a) PROTECTION FOR LARGER CHILDREN.—Not  
 24 later than 1 year after the date of the enactment of this  
 25 Act, the Secretary shall issue a final rule amending Fed-

1 eral Motor Vehicle Safety Standard Number 213 to estab-  
2 lish frontal crash protection requirements for child re-  
3 straint systems for children weighing more than 65  
4 pounds.

5 (b) SIDE IMPACT CRASHES.—Not later than 2 years  
6 after the date of the enactment of this Act, the Secretary  
7 shall issue a final rule amending Federal Motor Vehicle  
8 Safety Standard Number 213 to improve the protection  
9 of children seated in child restraint systems during side  
10 impact crashes.

11 (c) FRONTAL IMPACT TEST PARAMETERS.—

12 (1) COMMENCEMENT.—Not later than 2 years  
13 after the date of the enactment of this Act, the Sec-  
14 retary shall commence a rulemaking proceeding to  
15 amend test parameters under Federal Motor Vehicle  
16 Safety Standard Number 213 to better replicate real  
17 world conditions.

18 (2) FINAL RULE.—Not later than 4 years after  
19 the date of the enactment of this Act, the Secretary  
20 shall issue a final rule pursuant to paragraph (1).

21 **SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.**

22 (a) INITIATION OF RULEMAKING PROCEEDING.—Not  
23 later than 1 year after the date of the enactment of this  
24 Act, the Secretary shall initiate a rulemaking proceeding  
25 to—

1           (1) amend Federal Motor Vehicle Safety Stand-  
2           ard Number 225 (relating to child restraint anchor-  
3           age systems) to improve the visibility of, accessibility  
4           to, and ease of use for lower anchorages and tethers  
5           in all rear seat seating positions if such anchorages  
6           and tethers are feasible; and

7           (2) amend Federal Motor Vehicle Safety Stand-  
8           ard Number 213 (relating to child restraint systems)  
9           or Federal Motor Vehicle Safety Standard Number  
10          225 (relating to child restraint anchorage sys-  
11          tems)—

12                   (A) to establish a maximum allowable  
13                   weight of the child and child restraint for  
14                   standardizing the recommended use of child re-  
15                   straint anchorage systems in all vehicles; and

16                   (B) to provide the information described in  
17                   subparagraph (A) to the consumer.

18          (b) FINAL RULE.—

19                   (1) IN GENERAL.—Except as provided under  
20                   paragraph (2), the Secretary shall issue a final rule  
21                   under subsection (a) not later than 3 years after the  
22                   date of the enactment of this Act.

23                   (2) REPORT.—If the Secretary determines that  
24                   an amendment to the standard referred to in sub-  
25                   section (a) does not meet the requirements and con-

1       siderations set forth in subsections (a) and (b) of  
2       section 30111 of title 49, United States Code, the  
3       Secretary shall submit a report describing the rea-  
4       sons for not prescribing such a standard to—

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

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

9       **SEC. 503. REAR SEAT BELT REMINDERS.**

10       (a) INITIATION OF RULEMAKING PROCEEDING.—Not  
11       later than 2 years after the date of the enactment of this  
12       Act, the Secretary shall initiate a rulemaking proceeding  
13       to amend Federal Motor Vehicle Safety Standard Number  
14       208 (relating to occupant crash protection) to provide a  
15       safety belt use warning system for designated seating posi-  
16       tions in the rear seat.

17       (b) FINAL RULE.—

18               (1) IN GENERAL.—Except as provided under  
19       paragraph (2), the Secretary shall issue a final rule  
20       under subsection (a) not later than 3 years after the  
21       date of the enactment of this Act.

22               (2) REPORT.—If the Secretary determines that  
23       an amendment to the standard referred to in sub-  
24       section (a) is not warranted based on the require-  
25       ments and considerations set forth in subsections (a)

1 and (b) of section 30111 of title 49, United States  
2 Code, the Secretary shall submit a report describing  
3 the reasons for not prescribing such a standard to—

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

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

8 **SEC. 504. UNATTENDED PASSENGER REMINDERS.**

9 (a) SAFETY RESEARCH INITIATIVE.—Not later than  
10 2 years after the date of the enactment of this Act, the  
11 Secretary shall complete research into the development of  
12 performance requirements to warn drivers that a child or  
13 other unattended passenger remains in a rear seating posi-  
14 tion after the vehicle motor is disengaged.

15 (b) SPECIFICATIONS.—In carrying out subsection (a),  
16 the Secretary shall consider performance requirements  
17 that—

18 (1) sense weight, the presence of a buckled seat  
19 belt, or other indications of the presence of a child  
20 or other passenger; and

21 (2) provide an alert to prevent hyperthermia  
22 and hypothermia that can result in death or severe  
23 injuries.

24 (c) RULEMAKING OR REPORT.—

1           (1) RULEMAKING.—Not later than 1 year after  
2 the completion of each research and testing initiative  
3 required under subsection (a), the Secretary shall  
4 initiate a rulemaking proceeding to issue a Federal  
5 motor vehicle safety standard if the Secretary deter-  
6 mines that such a standard meets the requirements  
7 and considerations set forth in subsections (a) and  
8 (b) of section 30111 of title 49, United States Code.

9           (2) REPORT.—If the Secretary determines that  
10 the standard described in subsection (a) does not  
11 meet the requirements and considerations set forth  
12 in subsections (a) and (b) of section 30111 of title  
13 49, United States Code, the Secretary shall submit  
14 a report describing the reasons for not prescribing  
15 such a standard to—

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

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

20 **SEC. 505. NEW DEADLINE.**

21           If the Secretary determines that any deadline for  
22 issuing a final rule under this Act cannot be met, the Sec-  
23 retary shall—

24           (1) provide the Committee on Commerce,  
25           Science, and Transportation of the Senate and the

1 Committee on Energy and Commerce of the House  
2 of Representatives with an explanation for why such  
3 deadline cannot be met; and  
4 (2) establish a new deadline for that rule.

○