Calendar No. 548

112TH CONGRESS  
2D SESSION  
S. 1449

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

IN THE SENATE OF THE UNITED STATES

JULY 29, 2011

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

NOVEMBER 14, 2012

Reported by Mr. ROCKEFELLER, with an amendment

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

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".
(b) Table of Contents.—The table of contents for 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 equip- ment to defective vehicles and equipment.
Sec. 209. Financial responsibility requirements for importers.
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 sup- pliers, 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. 2. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—HIGHWAY SAFETY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Highway safety programs.—For carrying out section 402 of title 23, United States Code—

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

(B) $243,000,000 for fiscal year 2013.
(2) Highway safety research and development.—For carrying out section 403 of title 23, United States Code—
   (A) $130,000,000 for fiscal year 2012; and
   (B) $139,000,000 for fiscal year 2013.

(3) Combined occupant protection grants.—For carrying out section 405 of title 23, United States Code—
   (A) $44,000,000 for fiscal year 2012; and
   (B) $44,000,000 for fiscal year 2013.

(4) State traffic safety information system improvements.—For carrying out section 408 of title 23, United States Code—
   (A) $44,000,000 for fiscal year 2012; and
   (B) $44,000,000 for fiscal year 2013.

(5) Impaired driving countermeasures.—For carrying out section 410 of title 23, United States Code—
   (A) $139,000,000 for fiscal year 2012; and
   (B) $139,000,000 for fiscal year 2013.

(6) Distracted driving grants.—For carrying out section 411 of title 23, United States Code—
   (A) $39,000,000 for fiscal year 2012; and
   (B) $39,000,000 for fiscal year 2013.
(7) **National Driver Register.**—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

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

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

(8) **High Visibility Enforcement Program.**—For carrying out section 2009 of SAFETEA–LU (Public Law 109–59; 23 U.S.C. note)—

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

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

(9) **Motorcyclist Safety.**—For carrying out section 2010 of SAFETEA–LU (Public Law 109–59; 23 U.S.C. note)—

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

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

(10) **Administrative Expenses.**—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

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

(B) $25,862,674 for fiscal year 2013.
(11) Driver Alcohol Detection System

For Safety Research.—For carrying out section

413 of title 23, United States Code—

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

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

(12) State Graduated Driver Licensing

Laws.—For carrying out section 414 of title 23,

United States Code—

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

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

(b) Prohibition on Other Uses.—Except as other-

wise provided in chapter 4 of title 23, United States

Code, in this title, and in the amendments made by this

title, the amounts made available from the Highway Trust

Fund (other than the Mass Transit Account) for a pro-

gram under such chapter—

(1) shall only be used to carry out such pro-

gram; and

(2) may not be used by States or local govern-

ments for construction purposes.

(c) Applicability of Title 23.—Except as other-

wise provided in chapter 4 of title 23, United States Code,

and in this title, amounts made available under subsection

(a) for fiscal years 2012 and 2013 shall be available for
obligation in the same manner as if such funds were ap-
portioned under chapter 1 of title 23, United States Code.

(d) Regulatory Authority.—Grants awarded under this title shall be in accordance with regulations issued by the Secretary.

(e) State Matching Requirements.—If a grant awarded under this title requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and adminis-
tration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this title (other than plan-
ing or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) Maintenance of Effort.—

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

(2) Waiver.—Upon the request of a State, the Secretary may waive or modify the requirements under paragraph (1) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

(g) Transfers.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraphs (3), (4), (5), (6), (9), (11), and (12) of subsection (a) to the amounts made available under any other of such paragraphs or for purposes authorized under chapter 301 of title 49, United States Code, in order to ensure, to the maximum extent possible, that all funds are obligated.

(h) Grant Application and Deadline.—To receive a grant under this title, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

(i) Allocation to Support State Distracted Driving Laws.—Of the amounts available under subsection (a)(7) for distracted driving grants, the Secretary
may expend, in each fiscal year, up to $5,000,000 for the
development and placement of broadcast media to support
the enforcement of State distracted driving laws.

SEC. 102. HIGHWAY SAFETY PROGRAMS.

(a) Programs Included.—Section 402(a) of title
23, United States Code, is amended to read as follows:

“(a) Program Required.—

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

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

“(A) include programs—

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

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

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

(iv) to prevent accidents and reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles;

(v) to reduce injuries and deaths resulting from accidents involving school buses;

(vi) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles); and

(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures;

(B) improve driver performance, including—

(i) driver education;

(ii) driver testing to determine proficiency to operate motor vehicles; and

(iii) driver examinations (physical, mental, and driver licensing);
improve pedestrian performance and bicycle safety;

(D) include provisions for—

(i) an effective record system of accidents (including resulting injuries and deaths);

(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

(iii) vehicle registration, operation, and inspection; and

(iv) emergency services; and

(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.”.

(b) Administration of State Programs.—Section 402(b)(1) of title 23, United States Code, is amended—

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

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after clause (D) the following:
“(E) beginning on October 1, 2012, provide for a robust, data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;” and

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

(A) in clause (i), by inserting “and high-visibility law enforcement mobilizations coordinated by the Secretary” after “mobilizations”;

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

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

(D) by adding at the end the following:

“(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)).”.

(e) APPROVED HIGHWAY SAFETY PROGRAMS.—Section 402(c) of title 23, United States Code, is amended—

(1) by striking “(c) Funds authorized” and inserting the following:

“(c) USE OF FUNDS.—
“(1) In general.—Funds authorized;’’;

(2) by striking ‘‘Such funds’’ and inserting the following:

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

(3) by striking ‘‘The Secretary shall not’’ and all that follows through ‘‘subsection, a highway safety program’’ and inserting ‘‘A highway safety program’’;

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

(5) by striking ‘‘50 per centum’’ and inserting ‘‘20 percent’’; and

(6) by striking ‘‘The Secretary shall promptly”’ and all that follows and inserting the following:

‘‘(3) REAPPORTIONMENT.—The Secretary shall promptly apportion the funds withheld from a State’s apportionment to the State if the Secretary approves the State’s highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than
July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.”

(d) Use of Highway Safety Program Funds.—

Section 402(g) of title 23, United States Code, is amended to read as follows:

"(g) Savings Provision.—

"(1) In general.—Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for—

"(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

"(B) any purpose for which funds are authorized by section 403.

"(2) Demonstration projects.—A State may use funds made available to carry out this section to assist in demonstration projects carried out by the Secretary under section 403."
(e) IN GENERAL.—Section 402 of title 23, United States Code, is amended—

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

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

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

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

"(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall require each State to develop and submit to the Secretary a highway safety plan that complies with the requirements under this subsection not later than July 1, 2012, and annually thereafter.

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

"(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals; including—

"(i) documentation of current safety levels for each performance measure;
(ii) quantifiable annual performance targets for each performance measure; and

(iii) a justification for each performance target;

(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

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

(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

(E) beginning with the plan submitted by July 1, 2013, a report on the State’s success in meeting State safety goals set forth in the previous year’s highway safety plan; and

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

Review of Highway Safety Plans.—

(A) In general.—Not later than 60 days after the date on which a State’s highway
safety plan is received by the Secretary, the
Secretary shall review and approve or dis-
approve the plan:

"(B) APPROVALS AND DISAPPROVALS.—

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

"(I) the plan is evidence-based
and supported by data;

"(II) the performance targets are
adequate; and

"(III) the plan, once imple-
mented, will allow the State to meet
such targets.

"(ii) DISAPPROVALS.—The Secretary
shall disapprove a State’s highway safety
plan if the Secretary determines that the
plan does not—

"(I) set appropriate performance
targets; or

"(II) provide for evidence-based
programming of funding in a manner
sufficient to allow the State to meet
such targets.
“(C) Actions upon disapproval.—If the Secretary disapproves a State’s highway safety plan, the Secretary shall—

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

“(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

“(D) Review of resubmitted plans.—If the Secretary requires a State to resubmit a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

“(E) Reprogramming authority.—If the Secretary determines that the modifications contained in a State’s resubmitted highway safety plan do not provide for the programming of funding in a manner sufficient to meet the State’s performance goals, the Secretary, in consultation with the State, shall take such action as may be necessary to bring the State’s plan into compliance with the performance targets.
(F) Public notice.—A State shall make the State's highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.”.

(g) Cooperative Research and Evaluation.—

Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(l) Cooperative Research and Evaluation.—

“(1) Establishment and funding.—Notwithstanding the apportionment formula set forth in subsection (c)(2), $2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection (c) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

“(2) Administration.—The program established under paragraph (1)—
“(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

“(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.”

(h) TEEN TRAFFIC SAFETY PROGRAM.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(m) TEEN TRAFFIC SAFETY PROGRAM.—

“(1) Program authorized.—Subject to the requirements of a State’s highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement a statewide teen traffic safety program to improve traffic safety for teen drivers:

“(2) Strategies.—The program implemented under paragraph (1)—

“(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

“(i) increase safety belt use;

“(ii) reduce speeding;
(iii) reduce impaired and distracted driving;

(iv) reduce underage drinking; and

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

(B) may include—

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

(ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

(v) conducting outreach and providing educational resources for parents;

(vi) establishing State or regional advisory councils comprised of teen drivers
to provide input and recommendations to
the governor and the governor’s safety rep-
resentative on issues related to the safety
of teen drivers;

“(vii) collaborating with law enforce-
ment;

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

“(ix) establishing partnerships and
promoting coordination among community
stakeholders, including public, not-for-profi-
it, and for-profit entities; and

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

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

“(n) AVAILABILITY OF FUNDS.—Notwithstanding
any other provision of law, amounts appropriated to the
Secretary for the National Highway Traffic Safety Admin-
istration shall be available for activities to promote high-
way safety and motor vehicle safety, including activities
specifically designed to urge a State or local legislator or
legislature to favor or oppose the adoption of any specific legislative proposal.”

SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

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

"§ 403. Highway safety research and development

(a) Defined Term.—In this section, the term ‘Federal laboratory’ includes—

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

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

(b) General Authority.—

(1) Research and development activities.—The Secretary may conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

(A) all aspects of highway and traffic safety systems and conditions relating to—
“(i) vehicle, highway, driver, passenger, motocyclist, bicyclist, and pedestrian characteristics;

“(ii) accident causation and investigations;

“(iii) communications;

“(iv) emergency medical services; and

“(v) transportation of the injured;

“(B) human behavioral factors and their effect on highway and traffic safety, including—

“(i) driver education;

“(ii) impaired driving;

“(iii) distracted driving; and

“(iv) new technologies installed in, or brought into, vehicles;

“(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives; and

“(D) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (C).
COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, foreign country, or person (as defined in chapter 1 of title 1); or

(D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).

COLLABORATIVE RESEARCH AND DEVELOPMENT.—

In general.—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is au-
authorized to carry out, on a cost-shared basis, collaborative research and development with—

"(A) non-Federal entities, including State and local governments, foreign countries, colleges, universities, corporations, partnerships, sole proprietorships, organizations serving the interests of children, people with disabilities, low-income populations, and older adults; and trade associations that are incorporated or established under the laws of any State or the United States; and

"(B) Federal laboratories.

"(2) AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides not more than 50 percent of the cost of any research or development project under this subsection.

"(3) USE OF TECHNOLOGY.—The research, development, or use of any technology pursuant to an agreement under this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject

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

"(e) TRAINING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), 1 percent of the total amount available for apportionment to the States for highway safety programs under section 402(c) in each fiscal year shall be available, through the end of the succeeding fiscal year, to the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration—

"(1) to provide training, conducted or developed by Federal or non-Federal entity or personnel, to Federal, State, and local highway safety personnel; and

"(2) to pay for any travel, administrative, and other expenses related to such training;

"(f) DRIVER LICENSING AND FITNESS TO DRIVE CLEARINGHOUSE.—From amounts made available under
this section, the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, is authorized to expend $1,280,000 between October 1, 2011, and September 30, 2013, to establish an electronic clearinghouse and technical assistance service to collect and disseminate research and analysis of medical and technical information and best practices concerning drivers with medical issues that may be used by State driver licensing agencies in making licensing qualification decisions.

"(g) INTERNATIONAL HIGHWAY SAFETY INFORMATION AND COOPERATION.—

"(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may establish an international highway safety information and cooperation program to—

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

"(B) permit the exchange of information with foreign countries about laws, projects, pro-
grams, data, and technology that could be used
to enhance highway safety; and

"(C) allow the Secretary, represented by
the Administrator, to participate and cooperate
in international activities to enhance highway
safety.

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

"(h) PUBLIC HEALTH AUTHORITY.—For purposes of
collecting and analyzing medical data for transportation
safety research purposes under this chapter or chapter
301 of title 49, the term ‘public health authority’ has the
meaning given the term in section 164.501 of title 45,
Code of Federal Regulations, and includes the National
Highway Traffic Safety Administration. Any ‘protected
health information’ (as defined in section 160.103 of title
45, Code of Federal Regulations) collected or received by
the National Highway Traffic Safety Administration in its
capacity as a public health authority may not be subject
to discovery, admitted into evidence, or used in any admin-
istrative, civil, criminal, or other judicial proceeding.
“(i) Prohibition on Certain Disclosures.—Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or chapter 301 shall be made available to the public in a manner that does not identify individuals.

“(j) Model Specifications for Devices.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may—

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

“(2) conduct periodic tests of such devices;

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

and

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

SEC. 104. NATIONAL DRIVER REGISTER.

Section 30302(b) of title 49, United States Code, is amended by adding at the end the following: “The Sec-
16 Secretary shall make continual improvements to modernize the Register's data processing system.’’.

SEC. 105. COMBINED OCCUPANT PROTECTION GRANTS.

(a) In General.—Section 405 of title 23, United States Code, is amended to read as follows:

‘‘§ 405. Combined occupant protection grants

‘‘(a) General Authority.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

‘‘(b) Federal Share.—The Federal share of the costs of activities funded using amounts from grants awarded under this section may not exceed 80 percent for each fiscal year for which a State receives a grant.

‘‘(c) Eligibility.—

‘‘(1) High seat belt use rate.—A State with an observed seat belt use rate of 90 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State—

...
•(A) submits an occupant protection plan during the first fiscal year;

•(B) participates in the Click It or Ticket national mobilization;

•(C) has an active network of child restraint inspection stations; and

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

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

•(A) the State meets all of the requirements under subparagraphs (A) through (D) of paragraph (1); and

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

•(i) The State conducts sustained (ongoing and periodic) seat belt enforcement at a defined level of participation during the year.
"(ii) The State has enacted and enforces a primary enforcement seat belt use law.

"(iii) The State has implemented countermeasure programs for high-risk populations, such as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

"(iv) The State has enacted and enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

"(v) The State has implemented a comprehensive occupant protection program in which the State has—

"(I) conducted a program assessment;

"(II) developed a statewide strategy plan;

"(III) designated an occupant protection coordinator; and

"(IV) established a statewide occupant protection task force.

"(vi) The State—
(I) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

(II) will conduct such an assessment during the first year of the grant.

(d) Use of Grant Amounts.—Grant funds received pursuant to this section may be used to—

(1) carry out a program to support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

(2) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection;

(3) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

(4) carry out a program to provide community child passenger safety services, including programs
about proper seating positions for children and how
to reduce the improper use of child restraints;

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

(iii) establish and maintain information sys-
tems containing data concerning occupant protec-
tion, including the collection and administration of
child passenger safety and occupant protection sur-
veys; and

(iv) carry out a program to educate the public
concerning the dangers of leaving children unat-
tended in vehicles.

(e) GRANT AMOUNT.—The allocation of grant funds
under this section to a State for a fiscal year shall be in
proportion to the State's apportionment under section 402
for fiscal year 2009:

(f) REPORT.—A State that receives a grant under
this section shall submit a report to the Secretary that
documents the manner in which the grant amounts were
obligated and expended and identifies the specific pro-
grams carried out with the grant funds. The report shall
be in a form prescribed by the Secretary and may be com-
bined with other State grant reporting requirements under
chapter 4 of title 23, United States Code.

"(g) DEFINITIONS.—In this section:

"(1) CHILD RESTRAINT.—The term ‘child re-

strain’ means any device (including child safety
seat, booster seat, harness, and excepting seat belts)
designed for use in a motor vehicle to restrain, seat,
or position children who weigh 65 pounds (30 kilo-
grams) or less, and certified to the Federal motor
vehicle safety standard prescribed by the National
Highway Traffic Safety Administration for child re-
straits.

"(2) SEAT BELT.—The term ‘seat belt’

means—

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

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

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

"405. Combined occupant protection grants.”
SEC. 106. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

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

"§ 408. State traffic safety information system improvements

(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States to support the development and implementation of effective State programs that—

(1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

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

(3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;

(4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and
(5) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(b) Federal Share.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this section may not exceed 80 percent.

(c) Eligibility.—A State is not eligible for a grant under this section in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State—

(1) has a functioning traffic records coordinating committee (referred to in this subsection as ‘TRCC’) that meets at least 3 times a year;

(2) has designated a TRCC coordinator;

(3) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State’s core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;

(4) has demonstrated quantitative progress in relation to the significant data program attribute of—
(A) accuracy;
(B) completeness;
(C) timeliness;
(D) uniformity;
(E) accessibility; or
(F) integration of a core highway safety

... and

... has certified to the Secretary that an as-
...essment of the State's highway safety data and
... traffic records system was conducted or updated
during the preceding 5 years.

Use of Grant Amounts.—Grant funds re-
ceived by a State under this section shall be used for mak-
ing data program improvements to core highway safety
databases related to quantifiable, measurable progress in
any of the 6 significant data program attributes set forth
in subsection (c)(4).

Grant Amount.—The allocation of grant funds
under this section to a State for a fiscal year shall be in
proportion to the State's apportionment under section 402
for fiscal year 2009.”

Sec. 107. Impaired Driving Countermeasures.
(a) In General.—Section 410 of title 23, United
States Code, is amended to read as follows:
§ 410. Impaired driving countermeasures

(a) Grants Authorized.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement—

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

(2) alcohol-ignition interlock laws.

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

(c) Eligibility.—

(1) Low-range States.—Low-range States shall be eligible for a grant under this section.

(2) Mid-range States.—A mid-range State shall be eligible for a grant under this section if—

(A) a statewide impaired driving task force in the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or

(B) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.
41

``(2) High-range States.—A high-range State shall be eligible for a grant under this section if the State—

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

``(ii) will conduct such an assessment during the first year of the grant;

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

``(i) addresses any recommendations from the assessment conducted under sub-paragraph (A);

``(ii) includes a detailed plan for spending any grant funds provided under this section; and

``(iii) describes how such spending supports the statewide comprehensive program;

``(C)(i) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the agency’s review and approval;
• (ii) annually updates the statewide plan in each subsequent year of the grant; and

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

• (D) appoints an impaired driving coordinator—

  • (i) to coordinate the State’s activities to address enforcement and adjudication of laws to address driving while impaired by alcohol; and

  • (ii) to oversee the implementation of the statewide plan.

• (d) Use of Grant Amounts.—

  • (1) Required Programs.—High-range States shall use grant funds for—

  • (A) high visibility enforcement efforts; and

  • (B) any of the activities described in paragraph (2) if—

    • (i) the activity is described in the statewide plan; and

    • (ii) the Secretary approves the use of funding for such activity.

  • (2) Authorized Programs.—Medium-range and low-range States may use grant funds for—
“(A) any of the purposes described in paragraph (1);

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

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

“(D) court support of high visibility enforcement efforts;

“(E) alcohol ignition interlock programs;

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

“(G) establishing driving while intoxicated courts;

“(H) conducting—

“(i) standardized field sobriety training;

“(ii) advanced roadside impaired driving evaluation training; and

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

“(I) training and education of criminal justice professionals (including law enforcement, prosecutors, judges and probation officers) to
assist such professionals in handling impaired driving cases;

      "(J) traffic safety resource prosecutors;
      "(K) judicial outreach liaisons;
      "(L) equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;
      "(M) training on the use of alcohol screening and brief intervention; and
      "(N) developing impaired driving information systems.

"(3) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification:

      "(e) GRANT AMOUNT.—Subject to subsection (g), the allocation of grant funds to a State under this section for a fiscal year shall be in proportion to the State’s apportionment under section 402(c) for fiscal year 2009.

      "(f) CHANGES IN THE AVERAGE IMPAIRED DRIVING FATALITY RATE.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may change the average impaired driving fa-
tality rate that establishes the Low-range, Mid-range, and
High-range under this section every 3 years, based upon
changing conditions across the Nation.

"(g) Grants to States That Adopt and En-
force Mandatory Alcohol-Ignition Interlock
Laws.—

"(1) In general.—The Secretary shall make a
separate grant under this section to each State that
adopts and is enforcing a mandatory alcohol-ignition
interlock law for all individuals convicted of driving
under the influence of alcohol or of driving while in-
toxicated.

"(2) Use of funds.—Such grants may be
used by recipient States only for costs associated
with the State’s alcohol-ignition interlock program,
including screening, assessment, and program and
offender oversight.

"(3) Allocation.—Funds made available
under this subsection shall be allocated among
States described in paragraph (1) on the basis of the
apportionment formula under section 402(c).

"(4) Funding.—Not more than 15 percent of
the amounts made available to carry out this section
in a fiscal year shall be made available by the Sec-
retary for making grants under this subsection.
(h) DEFINITIONS.—In this section:

(1) AVERAGE IMPAIRED DRIVING FATALITY RATE.—The term ‘average impaired driving fatality rate’ means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.

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

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

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

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by
striking the item relating to section 410 and inserting the following:

"410. Impaired driving countermeasures."

SEC. 108. DISTRACTED DRIVING GRANTS.

(a) In General.—Section 411 of title 23, United States Code, is amended to read as follows:

"§ 411. Distracted driving grants

(a) In General.—The Secretary shall award a grant under this section to any State that enacts and enforces a statute that meets the requirements set forth in subsections (b) and (c).

(b) Prohibition on Texting While Driving.—A State statute meets the requirements set forth in this subsection if the statute—

(1) prohibits drivers from texting through a personal wireless communications device while driving;

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

(3) establishes—

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

(B) increased fines for repeat violations; and

(4) provides increased civil and criminal penalties than would otherwise apply if a vehicle acci-
dent is caused by a driver who is using such a device in violation of the statute.

"(c) Prohibition on Youth Cell Phone Use While Driving.—A State statute meets the requirements set forth in this subsection if the statute—

"(1) prohibits a driver who is younger than 18 years of age from using a personal wireless communications device while driving;

"(2) makes violation of the statute a primary offense;

"(3) requires distracted driving issues to be tested as part of the State driver's license examination;

"(4) establishes—

"(A) a minimum fine for a first violation of the statute; and

"(B) increased fines for repeat violations; and

"(5) provides increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using such a device in violation of the statute.

"(d) Permitted Exceptions.—A statute that meets the requirements set forth in subsections (b) and (c) may provide exceptions for—
• a driver who uses a personal wireless communications device to contact emergency services;
• emergency services personnel who use a personal wireless communications device while—
  • operating an emergency services vehicle; and
  • engaged in the performance of their duties as emergency services personnel; and
• an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual’s employment if such use is permitted under the regulations promulgated pursuant to section 31152 of title 49.

(e) Use of Grant Funds.—Of the grant funds received by a State under this section—
• at least 50 percent shall be used—
  • to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;
  • for traffic signs that notify drivers about the distracted driving law of the State; or
  • for law enforcement costs related to the enforcement of the distracted driving law; and
(2) up to 50 percent may be used for other projects that—

(A) improve traffic safety; and

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

(f) ADDITIONAL GRANTS.—In fiscal year 2012, the Secretary may use up to 25 percent of the funding available for grants under this section to award grants to States that—

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

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

(g) DEFINITIONS.—In this section:

(1) Driving.—The term ‘driving’—

(A) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

(B) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.
(2) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

"(A) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

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

(3) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

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

(5) TEXTING.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication."
(b) CONFORMING AMENDMENT.—The analysis for
chapter 4 of title 23, United States Code, is amended by
striking the item relating to section 411 and inserting the
following:
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411. Distracted driving grants.
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SEC. 109. HIGH VISIBILITY ENFORCEMENT PROGRAM.

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

(1) in subsection (a)—

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

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

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

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

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

(5) by striking subsection (f); and
(6) by redesignating subsection (g) as sub-
section (f).

SEC. 110. MOTORCYCLIST SAFETY.

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

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

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

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

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

(a) In General.—Chapter 4 of title 23, United
States Code, is amended by adding at the end the fol-
lowing:

§ 413. In-vehicle alcohol detection device research

“(a) In General.—The Administrator of the Na-
tional Highway Traffic Safety Administration shall carry
out a collaborative research effort under chapter 301 of
title 49, United States Code, to continue to explore the
feasibility and the potential benefits of; and the public pol-
icy challenges associated with, more widespread deploy-
ment of in-vehicle technology to prevent alcohol-impaired
driving.

“(b) REPORTS.—The Administrator shall submit a
report annually to the Senate Committee on Commerce,
Science, and Transportation and the House of Represen-
tatives Committee on Transportation and Infrastructure—

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

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

“(c) DEFINITIONS.—In this title:

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

“(2) LEGAL LIMIT.—The term ‘legal limit’
means a blood alcohol concentration of 0.08 percent
or greater (as specified by chapter 163 of title 23,
United States Code) or such other percentage limita-
tion as may be established by applicable Federal,
State, or local law.”.
(b) CLERICAL AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by inserting after the item relating to section 412 the following:

"412. In-vehicle alcohol detection device research."

SEC. 112. STATE GRADUATED DRIVER LICENSING LAWS.

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

"§ 414. State Graduated Driver Licensing Incentive Grant

(a) GRANTS AUTHORIZED.—Subject to the requirements of this section, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in subsection (b).

(b) MINIMUM REQUIREMENTS.—

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

(2) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this paragraph if the State’s driver’s license laws include—
"(A) a learner’s permit stage that—

"(i) is at least 6 months in duration;

"(ii) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

"(iii) remains in effect until the driver—

"(I) reaches 16 years of age and enters the intermediate stage; or

"(II) reaches 18 years of age;

"(B) an intermediate stage that—

"(i) commences immediately after the expiration of the learner’s permit stage;

"(ii) is at least 6 months in duration;

"(iii) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation;

"(iv) restricts driving at night;

"(v) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and
"(vi) remains in effect until the driver reaches 18 years of age; and

"(C) any other requirement prescribed by the Secretary of Transportation, including—

"(i) in the learner's permit stage—

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

"(II) a driver training course;

and

"(III) a requirement that the driver be accompanied and supervised by a licensed driver, who is at least 21 years of age, at all times while such driver is operating a motor vehicle;

and

"(ii) in the learner's permit or intermediate stage; a requirement, in addition to any other penalties imposed by State law, that the grant of an unrestricted driver's license be automatically delayed for any individual who, during the learner's permit or intermediate stage, is convicted of a driving-related offense, including—

"(I) driving while intoxicated,
(II) misrepresentation of his or her true age;

(III) reckless driving;

(IV) driving without wearing a seat belt;

(V) speeding; or

(VI) any other driving-related offense, as determined by the Secretary.

(c) RULEMAKING.—

(1) IN GENERAL.—The Secretary shall promulgate regulations necessary to implement the requirements under subsection (b), in accordance with the notice and comment provisions under section 553 of title 5, United States Code.

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

(A) in connection with work performed on, or for the operation of, a farm owned by
family members who are directly related to the applicant or licensee; or

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

(d) ALLOCATION.—Grant funds allocated to a State under this section for a fiscal year shall be in proportion to a State’s apportionment under section 402 for such fiscal year.

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

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

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

(3) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

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

(5) carrying out a teen traffic safety program described in section 402(m).
SEC. 113. AGENCY ACCOUNTABILITY.

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

(1) by amending subsection (a) to read as follows:

"(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

"(1) In General.—Except as provided under paragraph (2), the Secretary shall conduct a review of each State highway safety program at least once every 3 years.

"(2) Exceptions.—The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate.

"(3) Components.—Reviews under this subsection shall include—

"(A) a management evaluation of all grant programs funded under this chapter;

"(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

"(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices
and programs that have been evaluated for effectiveness; and

(ii) the development of recommendations on how each State could—

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

(ii) provide a management and oversight plan for such grant programs.”; and

(2) by striking subsection (f).

SEC. 114. EMERGENCY MEDICAL SERVICES.

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

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

(1) Establishment.—The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall establish a National Emergency Medical Services Advisory Council (referred to in this subsection as the ‘Advisory Council’).

(2) Membership.—The Advisory Council shall be composed of 25 members, who—

(A) shall be appointed by the Secretary of Transportation; and
“(B) shall collectively be representative of all sectors of the emergency medical services community.

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

“(A) the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues; and

“(B) the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation.

“(4) ADMINISTRATION.—The Administrator of the National Highway Traffic Safety Administration shall provide administrative support to the Advisory Council, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

“(5) LEADERSHIP.—The members of the Advisory Council shall annually select a chairperson of the Council.

“(6) MEETINGS.—The Advisory Council shall meet as frequently as is determined necessary by the chairperson of the Council.
“(7) ANNUAL REPORTS.—The Advisory Council shall prepare an annual report to the Secretary of Transportation regarding the Council’s actions and recommendations.”.

**SEC. 115. EFFECTIVE DATE.**

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

**TITLE II—ENHANCED SAFETY AUTHORITIES**

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

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

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

“(i) is not a system, part, or component of a motor vehicle; and

“(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding motor vehicles and highway users against risk of accident, injury, or death.”.
SEC. 202. PERMIT REMINDER SYSTEM FOR NON-USE OF SAFETY BELTS.

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

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

(2) by amending section 30124 to read as follows:

"§ 30124. Nonuse of safety belts

"A motor vehicle safety standard prescribed under this chapter may not require a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt."

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

"Sec. 30124. Nonuse of safety belts."

SEC. 203. CIVIL PENALTIES.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "30123(d)" and inserting "30123(a)"; and
(ii) by striking "$15,000,000" and inserting "$250,000,000"; and

(b) in paragraph (3), by striking "$15,000,000" and inserting "$250,000,000";

and

(2) by amending subsection (c) to read as follows:

"(c) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY OR COMPROMISE.—In determining the amount of a civil penalty or compromise under this section, the Secretary of Transportation shall consider the nature, circumstances, extent, and gravity of the violation. Such determination shall include, as appropriate—

"(1) the nature of the defect or noncompliance;

"(2) knowledge by the person charged of its obligation to recall or notify the public;

"(3) the severity of the risk of injury;

"(4) the occurrence or absence of injury;

"(5) the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance;

"(6) the existence of an imminent hazard;

"(7) actions taken by the person charged to identify, investigate, or mitigate the condition;"
“(8) the appropriateness of such penalty in relation to the size of the business of the person charged, including the potential for undue adverse economic impacts;

“(9) whether the person has previously been assessed civil penalties under this section during the most recent 5 years; and

“(10) other appropriate factors.”.

(b) Civil Penalty Criteria.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(e) of title 49, United States Code.

(c) Construction.—Nothing in this section may be construed as preventing the imposition of penalties under section 30165 of title 49, United States Code, before the issuance of a final rule under subsection (b).

SEC. 204. MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by adding at the end the following:
"§ 30181. Policy

The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter.

"§ 30182. Powers and duties

(a) In general—The Secretary of Transportation shall—

(1) conduct motor vehicle safety research, development, and testing programs and activities, including new and emerging technologies that impact or may impact motor vehicle safety;

(2) collect and analyze all types of motor vehicle and highway safety data and related information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

(A) accidents involving motor vehicles;

and

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

(3) promote, support, and advance the education and training of motor vehicle safety staff of
the National Highway Traffic Safety Administration, including using program funds for—

  "(A) planning, implementing, conducting, and presenting results of program activities; and

  "(B) travel and related expenses;

  "(4) obtain experimental and other motor vehicles and motor vehicle equipment for research or testing;

  "(5)(A) use any test motor vehicles and motor vehicle equipment suitable for continued use, as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

  "(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;

  "(6) award grants to States and local governments, interstate authorities, and nonprofit institutions; and

  "(7) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partner-
ships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and foreign governments and research organizations.

"(b) Use of Public Agencies.—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

"(c) Facilities.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety.

"(d) Availability of Information, Patents, and Developments.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public without charge. The owner of a background patent may not be deprived of a right under the patent.

"§ 30183. Public health authority

"For purposes of collecting and analyzing medical data for transportation safety research under this chapter
or chapter 4 of title 23; the term ‘public health authority’
(as defined in section 164.501 of title 45, Code of Federal
Regulations); shall include the National Highway Traffic
Safety Administration. Any ‘protected health information’
(as defined in section 160.103 of title 45, Code of Federal
Regulations) collected or received by the National High-
way Traffic Safety Administration in its capacity as a
public health authority may not be subject to discovery,
be admitted into evidence, or be used in any administra-
tive, civil, criminal, or other judicial proceeding.

§ 30184. Prohibition on certain disclosures

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

(b) Conforming Amendments.—

(1) Amendment of chapter analysis.—The
chapter analysis for chapter 301 of title 49, United
States Code, is amended by adding at the end the
following:

'SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

30181. Policy.
30182. Powers and duties.'
(2) DELETION OF REDUNDANT MATERIAL.—

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

(A) in the chapter analysis, by striking the item relating to section 30168; and

(B) by striking section 30168.

SEC. 205. ODOMETER REQUIREMENTS DEFINITION.

Section 32702(5) of title 49, United States Code, is amended by inserting “or system of components” after “instrument”.

SEC. 206. ELECTRONIC DISCLOSURES OF ODOMETER INFORMATION.

Section 32705 of title 49, United States Code, is amended by adding at the end the following:

“(g) Electronic Disclosures.—In carrying out this section, the Secretary may prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”

SEC. 207. INCREASED PENALTIES AND DAMAGES FOR ODOMETER FRAUD.

Chapter 327 of title 49, United States Code, is amended—

(1) in section 32709(a)(1)—
(A) by striking "$2,000" and inserting "$10,000"; and

(B) by striking "$100,000" and inserting "$1,000,000"; and

(2) in section 32710(a), by striking "$1,500" and inserting "$10,000".

SEC. 208. EXTEND PROHIBITIONS ON IMPORTING NON-COMPLIANT VEHICLES AND EQUIPMENT TO DEFECTIVE VEHICLES AND EQUIPMENT.

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

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

"(3) Except as provided in this section, section 30114, subsections (i) and (j) of section 30120, and subchapter III, a person may not sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle or motor vehicle equipment if the vehicle or equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b). Nothing in this paragraph may be construed to prohibit the importation of a new motor vehicle that receives a required recall remedy before being sold to a consumer in the United States."; and
(2) in subsection (b)(2)—
(A) in subparagraph (A), by striking "or"
at the end;
(B) in subparagraph (B), by adding "or"
at the end; and
(C) by adding at the end the following:

"(C) having no reason to know, despite ex-
ercising reasonable care, that a motor vehicle or
motor vehicle equipment contains a defect re-
lated to motor vehicle safety about which notice
was given under section 30118(c) or an order
was issued under section 30118(b);".

SEC. 209. FINANCIAL RESPONSIBILITY REQUIREMENTS
FOR IMPORTERS.

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

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

"SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT";

(2) in the heading for subchapter III, by strik-
ing "NONCOMPLYING"; and

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

"(b) FINANCIAL RESPONSIBILITY REQUIREMENT,—
(1) Rulemaking.—The Secretary of Transportation may issue regulations requiring each person that imports a motor vehicle or motor vehicle equipment into the customs territory of the United States, including a registered importer (or any successor in interest), provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under section 30117(b), sections 30118 through 30121, and section 30166(f).

(2) Refusal of admission.—If the Secretary of Transportation believes that a person described in paragraph (1) has not provided and maintained evidence of sufficient financial responsibility to meet the obligations referred to in paragraph (1), the Secretary of Homeland Security may refuse the admission into the customs territory of the United States of any motor vehicle or motor vehicle equipment imported by the person.

SEC. 210. CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT.

Chapter 301 of title 49, United States Code, is amended—
(1) in the chapter analysis, by striking the item relating to section 30164 and inserting the following:

"30164. Service of process; conditions on importation of vehicles and equipment."

and

(2) in section 30164—

(A) in the section heading, by adding ";

CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT" at the end; and

(B) by adding at the end the following:

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

"(1) the product by name; the manufacturer's address, or such other identifying information as the Secretary may, by rule, request; and

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

"(d) RULEMAKING.—The Secretary may issue regulations that—

"(1) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer’s compliance with—
"(A) the requirements under this section;

"(B) any rules issued with respect to such requirements; or

"(C) any other requirements under this chapter or rules issued with respect to such requirements;

"(2) provide an opportunity for the manufacturer to present information before the Secretary's determination as to whether the manufacturer's imports should be restricted; and

"(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment;".

SEC. 211. PORT INSPECTIONS; SAMPLES FOR EXAMINATION OR TESTING.

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

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "(including at United States ports of entry)" after "held for introduction in interstate commerce";

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

(3) by adding at the end the following:

"(4) shall obtain from the Secretary of Homeland Security without charge, upon the request of the Secretary of Transportation, a reasonable number of samples of motor vehicle equipment being offered for import; and

(5) shall instruct the Secretary of Homeland Security to refuse admission of the motor vehicle equipment into the customs territory of the United States if the Secretary of Transportation determines, after examination of the samples obtained under paragraph (4) or through other means, that such refusal is warranted due to noncompliance with—

(A) this chapter;

(B) a regulation prescribed under this chapter; or

(C) an order issued under this chapter."
TITLE III—TRANSPARENCY AND ACCOUNTABILITY

SEC. 301. IMPROVED NHTSA VEHICLE SAFETY DATABASE.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall improve public accessibility to information on the National Highway Traffic Safety Administration’s publicly accessible vehicle safety databases by—

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

(2) providing greater consistency in presentation of vehicle safety issues; and

(3) improving searchability about specific vehicles and issues through standardization of commonly used search terms.

(b) VEHICLE RECALL INFORMATION.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall require that motor vehicle safety recall information—

(A) is available to the public on the Internet;
(B) is searchable by vehicle make and model and vehicle identification number;

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

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

(2) RULEMAKING.—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in paragraph (1), with respect to that manufacturer's motor vehicles, at no cost on a publicly accessible Internet website.

(3) DATABASE AWARENESS PROMOTION ACTIVITIES.—The Secretary, in consultation with the heads of other relevant agencies, shall promote consumer awareness of the information made available to the public pursuant to this subsection.

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

The Secretary shall—

(1) establish a means by which mechanics, passenger motor vehicle dealership personnel, and passenger motor vehicle manufacturer personnel may directly and confidentially contact the National
Highway Traffic Safety Administration to report potential passenger motor vehicle safety defects; and

(2) publicize the means for contacting the National Highway Traffic Safety Administration in a manner that targets mechanics, passenger motor vehicle dealership personnel, and manufacturer personnel.

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

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

(1) by striking "A manufacturer shall give the Secretary of Transportation" and inserting the following:

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

(2) by adding at the end the following:

"(2) NOTICES.—Communications required to be submitted to the Secretary and made available on a publicly accessible Internet website under this subsection shall include all notices to dealerships of software upgrades and modifications recommended by a manufacturer for all previously sold vehicles. Notice is required even if the software upgrade or
modification is not related to a safety defect or non-compliance with a motor vehicle safety standard.

The notice shall include a plain language description of the purpose of the update and that description shall be prominently placed at the beginning of the notice.

“(3) INDEX.—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, which—

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

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

“(C) shall be made available by the Secretary to the public on the Internet in a searchable format.”

SEC. 304. PUBLIC AVAILABILITY OF EARLY WARNING DATA.

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

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

“(ii) customer satisfaction campaigns; customer advisories; recalls; consumer complaints; warranty claims; field reports;
technical service bulletins, or other activity involving the repair or replacement of motor vehicles or motor vehicle equipment.”; and

(2) in paragraph (4), by amending subparagraph (C) to read as follows:

“(C) Disclosure.—

“(i) In general.—The information provided to the Secretary pursuant to this subsection shall be disclosed publicly unless exempt from disclosure under section 552(b) of title 5.

“(ii) Presumption.—In administering this subparagraph, the Secretary shall presume in favor of maximum public availability of information.

“(iii) Nonexempt information.—The Secretary shall presume that the following types of information are not exempt from disclosure under section 552(b) of title 5:

“(I) Vehicle safety defect information related to incidents involving death or injury.
(II) Aggregated numbers of property damage claims.

(III) Aggregated numbers of consumer complaints related to potential vehicle defects.

SEC. 305. CORPORATE RESPONSIBILITY FOR NHTSA REPORTS.

(a) In General.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

"(o) Corporate Responsibility for Reports.—

"(I) In General.—The Secretary shall require a senior official responsible for safety in each company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that—

"(A) the signing official has reviewed the submission; and

"(B) based on the official's knowledge, the submission does not—

"(i) contain any untrue statement of a material fact; or

"(ii) omit to state a material fact necessary in order to make the statements..."
made not misleading, in light of the circumstances under which such statements were made:

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

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

(1) in paragraph (3), by striking "A person" and inserting "Except as provided in paragraph (4), a person"; and

(2) by adding at the end the following:

""(4) FALSE, MISLEADING, OR INCOMPLETE REPORTS.—A person who knowingly and willfully submits materially false, misleading, or incomplete information to the Secretary, after certifying the same information as accurate and complete under the certification process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than $5,000 per day. The maximum penalty under this paragraph for a related series of daily violations is $5,000,000.""
SEC. 306. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

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

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

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) ‘crash avoidance’ means preventing a crash;"; and

(3) in paragraph (2), as redesignated, by striking the period at the end and inserting "; and".

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

(1) in paragraph (2), by inserting ", crash avoidance, and any other areas the Secretary determines will improve the safety of passenger motor vehicles" after "crashworthiness"; and

(2) by striking paragraph (4).

SEC. 307. PROMOTION OF VEHICLE DEFECT REPORTING.

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

"(d) MOTOR VEHICLE DEFECT REPORTING INFORMATION.—

(1) RULEMAKING REQUIRED.—Not later than 1 year after the date of the enactment of the Motor
Vehicle and Highway Safety Improvement Act of 2011, the Secretary shall prescribe regulations that require passenger motor vehicle manufacturers—

"(A) to affix, in the glove compartment or in another readily accessible location on the vehicle, a sticker, decal, or other device that provides, in simple and understandable language, information about how to submit a safety-related motor vehicle defect complaint to the National Highway Traffic Safety Administration;

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

"(C) to not place such information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(2) APPLICATION.—The requirements under paragraph (1) shall apply to passenger motor vehicles manufactured in any model year beginning more than 1 year after the date on which a final rule is published under paragraph (1)."
SEC. 308. WHISTLEBLOWER PROTECTIONS FOR MOTOR VEHICLE MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIP EMPLOYEES.

(a) In general.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

§ 30171. Protection of employees providing motor vehicle safety information

(a) Discrimination against employees of manufacturers, part suppliers, and dealerships.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or
alleged violation of any motor vehicle defect, non-
compliance, or any violation or alleged violation of
any notification or reporting requirement of this
chapter;

"(3) testified or is about to testify in such a
proceeding;

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

"(5) objected to, or refused to participate in,
any activity that the employee reasonably believed to
be in violation of any provision of any Act enforced
by the Secretary of Transportation, or any order,
rule; regulation, standard, or ban under any such
Act.

"(b) COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person
who believes that he or she has been discharged or
otherwise discriminated against by any person in
violation of subsection (a) may, not later than 180
days after the date on which such violation occurs,
file (or have any person file on his or her behalf) a
complaint with the Secretary of Labor alleging such
discharge or discrimination. Upon receipt of such a
complaint, the Secretary shall notify, in writing, the
person named in the complaint of the filing of the
complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date
of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.
“(ii) Showing by employer.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

“(iii) Criteria for determination by Secretary.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(iv) Prohibition.—Relief may not be ordered under subparagraph (A) if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.
"(3) Final order.—

"(A) Deadline for issuance; settlement agreements.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

"(B) Remedy.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

"(i) to take affirmative action to abate the violation;

"(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privi-
leges associated with his or her employment; and

(1) to provide compensatory damages to the complainant.

(C) ATTORNEYS’ FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

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

(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad
faith of the employee, the employee may bring
an original action at law or equity for de novo
review in the appropriate district court of the
United States, which shall have jurisdiction
over such an action without regard to the
amount in controversy, and which action shall,
at the request of either party to the action, be
tried by the court with a jury. The action shall
be governed by the same legal burdens of proof
specified in paragraph (2)(B) for review by the
Secretary of Labor.

"(4) Review.—

"(A) APPEAL TO COURT OF APPEALS.—
Any person adversely affected or aggrieved by
an order issued under paragraph (3) may ob-
tain review of the order in the United States
Court of Appeals for the circuit in which the
violation, with respect to which the order was
issued, allegedly occurred or the circuit in which
the complainant resided on the date of such vio-
lation. The petition for review shall be filed not
later than 60 days after the date of the
issuance of the final order of the Secretary. Re-
view shall conform to chapter 7 of title 5. The
commencement of proceedings under this sub-
paragraph shall not, unless ordered by the court, operate as a stay of the order.

`(B) Limitation on collateral attack.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

`(5) Enforcement of order by Secretary.—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

`(6) Enforcement of order by parties.—

`(A) Commencement of action.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court
shall have jurisdiction, without regard to the
amount in controversy or the citizenship of the
parties, to enforce such order:

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

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

"(d) NONAPPLICABILITY TO DELIBERATE VIOL-
ATIONS.—Subsection (a) shall not apply with respect to an
employee of a motor vehicle manufacturer, part supplier,
or dealership who, acting without direction from such
motor vehicle manufacturer, part supplier, or dealership
(or such person's agent), deliberately causes a violation
of any requirement relating to motor vehicle safety under
this chapter."

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

"30171. Protection of employees providing motor vehicle safety information."
SEC. 309. ACTIVITIES TO PROMOTE MOTOR VEHICLE AND HIGHWAY SAFETY.

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

"§ 30105. Activities to promote motor vehicle and highway safety

Notwithstanding any other provision of law, amounts appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for activities to promote motor vehicle and highway safety, including activities specifically designed to urge State or local legislators or legislatures to favor or oppose the adoption of any specific legislative proposal."

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

"30105. Activities to promote motor vehicle and highway safety."

SEC. 310. ANTI-REVOLVING DOOR.

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

"§ 30107. Restriction on covered motor vehicle safety officials

(a) IN GENERAL.—During the 2-year period after the termination of his or her service or employment, a covered vehicle safety official may not knowingly make, with
the intent to influence, any communication to or appear-
ance before any officer or employee of the National High-
way Traffic Safety Administration on behalf of any manu-
facturer subject to regulation under this chapter in con-
nection with any matter involving motor vehicle safety on
which such person seeks official action by any officer or
employee of the National Highway Traffic Safety Admin-
istration.

"(b) MANUFACTURERS.—It is unlawful for any manu-
facturer or other person subject to regulation under this
chapter to employ or contract for the services of an indi-
vidual to whom subsection (a) applies during the 2-year
period commencing on the individual's termination of em-
ployment with the National Highway Traffic Safety Ad-
ministration in a capacity in which the individual is pro-
hibited from serving during that period.

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

"(d) SAVINGS PROVISION.—Nothing in this section
may be construed to expand, contract, or otherwise affect
the application of any waiver or criminal penalties under section 207 of title 18.

"(e) Exception for Testimony.—Nothing in this section may be construed to prevent an individual from giving testimony under oath, or from making statements required to be made under penalty of perjury.

"(f) Defined Term.—In this section, the term ‘covered vehicle safety official’ means any officer or employee of the National Highway Traffic Safety Administration—

"(1) who, during the final 12 months of his or her service or employment with the agency, serves or served in a technical or legal capacity, and whose job responsibilities include or included vehicle safety defect investigation, vehicle safety compliance, vehicle safety rulemaking, or vehicle safety research; and

"(2) who serves in a supervisory or management capacity over an officer or employee described in paragraph (1).

"(g) Effective Date.—This section shall apply to covered vehicle safety officials who terminate service or employment with the National Highway Traffic Safety Administration after the date of the enactment of the Motor Vehicle and Highway Safety Improvement Act of 2011."
(b) Civil Penalty.—Section 30165(a) of title 49, United States Code, as amended by this title, is further amended by adding at the end the following:

"(5) Improper Influence.—An individual who violates section 30107(a) is liable to the United States Government for a civil penalty, as determined under section 216(b) of title 18, for an offense under section 207 of that title. A manufacturer or other person subject to regulation under this chapter who violates section 30107(b) is liable to the United States Government for a civil penalty equal to the sum of—

"(A) an amount equal to not less than $100,000; and

"(B) an amount equal to 90 percent of the annual compensation or fee paid or payable to the individual with respect to whom the violation occurred."

(c) Study of Department of Transportation Policies on Official Communication With Former Motor Vehicle Safety Issue Employees.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall—
(1) review the Department of Transportation’s policies and procedures applicable to official communication with former employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their tenure at the Department, including any limitations on the ability of such employees to submit comments, or otherwise communicate directly with the Department, on motor vehicle safety issues; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the Inspector General’s findings, conclusions, and recommendations for strengthening those policies and procedures to minimize the risk of undue influence without compromising the ability of the Department to employ and retain highly qualified individuals for such responsibilities.

(d) POST-EMPLOYMENT POLICY STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Department’s policies relating to post-employment restrictions on employees who perform functions related to transportation safety.
(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit a report containing the results of the study conducted under paragraph (1) to—

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

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Secretary of Transportation.

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

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

"30107. Restriction on covered motor vehicle safety officials."

SEC. 311. STUDY OF CRASH DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate the Committee on Energy and Commerce of the House of Representatives regarding the quality of data collected through the National Auto-
motive Sampling System, including the Special Crash Investigations Program.

(b) REVIEW.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the "Administration") shall conduct a comprehensive review of the data elements collected from each crash to determine if additional data should be collected. The review under this subsection shall include input from interested parties, including suppliers, automakers, safety advocates, the medical community, and research organizations.

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

(1) the analysis and conclusions the Administration can reach from the amount of motor vehicle crash data collected in a given year;

(2) the additional analysis and conclusions the Administration could reach if more crash investigations were conducted each year;

(3) the number of investigations per year that would allow for optimal data analysis and crash information;

(4) the results of the comprehensive review conducted pursuant to subsection (b);
(5) recommendations for improvements to the Administration’s data collection program; and

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

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

(a) UPDATE OF MEANS OF PROVIDING NOTIFICATION.—Section 30119(d) of title 49, United States Code, is amended—

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

(2) in paragraph (2)—

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

(B) by striking the second sentence;

(3) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting “to the notification required under paragraphs (1) and (2)” after “addition”; and

(C) by inserting “by the manufacturer” after “given”; and
(4) in paragraph (4), by striking "by certified mail or quicker means if available" and inserting "in the manner prescribed by the Secretary, by regulation".

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

(1) in the subsection heading, by striking "SECOND" and inserting "ADDITIONAL";

(2) by striking "If the Secretary" and inserting the following:

"(1) SECOND NOTIFICATION.—If the Secretary"; and

(3) by adding at the end the following:

"(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after considering the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

"(A) to send additional notifications in the manner prescribed by the Secretary, by regulation;

"(B) to take additional steps to locate and notify each person registered under State law..."
as the owner or lessee of the most recent pur-
chaser or lessee, as appropriate; and

"(C) to emphasize the magnitude of the
safety risk caused by the defect or noneompli-
ance in such notification.".

SEC. 313. EXPANDING CHOICES OF REMEDY AVAILABLE TO
MANUFACTURERS OF REPLACEMENT EQUIP-
MENT.

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

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

"(B) if replacement equipment, by repair-
ing the equipment, replacing the equipment
with identical or reasonably equivalent equip-
ment, or by refunding the purchase price.";

(2) in the heading of subsection (i), by adding
"OF NEW VEHICLES OR EQUIPMENT" at the end;
and

(3) in the heading of subsection (j), by striking
"REPLACED" and inserting "REPLACEMENT".
SEC. 314. RECALL OBLIGATIONS AND BANKRUPTCY OF MANUFACTURER.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by inserting the following after section 30120:

"§ 30120A. Recall obligations and bankruptcy of a manufacturer

"A manufacturer’s filing of a petition in bankruptcy under chapter 11 of title 11, does not negate the manufacturer’s duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer’s obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority, pursuant to section 3710 of such chapter, to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer’s products. This section shall apply equally to actions of a manufacturer taken before or after the filing of a petition in bankruptcy."

(b) Conforming Amendment.—The chapter analysis of chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30120 the following:

"30120a. Recall obligations and bankruptcy of a manufacturer."
SEC. 315. REPEAL OF INSURANCE REPORTS AND INFORMATION PROVISION.

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

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

(2) by striking section 33112.

SEC. 316. MONRONEY STICKER TO PERMIT ADDITIONAL SAFETY RATING CATEGORIES.

Section 3(g)(2) of the Automobile Information Disclosure Act (15 U.S.C. 1232(g)(2)), is amended by inserting “safety rating categories that may include” after “refers to”.

TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

SEC. 401. NHTSA ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

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

(1) IN GENERAL.—The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the “Council”) to build, integrate, and aggregate the Administration’s expertise
in passenger motor vehicle electronics and other new
and emerging technologies.

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

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

(b) HONORS RECRUITMENT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall es-
tablish, within the National Highway Traffic Safety
Administration, an honors program for engineering
students; computer science students; and other stu-
dents interested in vehicle safety that will enable
such students to train with engineers and other safe-
ty officials for a career in vehicle safety.
110

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

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

SEC. 402. VEHICLE STOPPING DISTANCE AND BRAKE OVE-
RIDE STANDARD.

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

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

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

(3) may permit compliance through a system
that requires brake pedal application, after a period
of time determined by the Secretary, to override an
accelerator pedal input signal in order to stop the
vehicle;

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

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

SEC. 403. PEDAL PLACEMENT STANDARD.

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

(1) various pedal mounting configurations; and

(2) minimum clearances for passenger motor
vehicle foot pedals with respect to other pedals, the
vehicle floor (including aftermarket floor coverings);
and any other potential obstructions to pedal movement that the Secretary determines to be relevant.

(b) **DEADLINE.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), the Secretary shall issue a final rule to implement the safety standard described in subsection (a) not later than 3 years after the date of the enactment of this Act.

(2) **REPORT.**—If the Secretary determines that a pedal placement standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

(c) **COMBINED RULEMAKING.**—The Secretary may combine the rulemaking proceeding required under subsection (a) with the rulemaking proceeding required under section 402.
SEC. 404. ELECTRONIC SYSTEMS PERFORMANCE STANDARD.

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

(1) requires electronic systems in passenger motor vehicles to meet minimum performance requirements; and

(2) may include requirements for—

(A) electronic components;

(B) the interaction of such components;

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

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

(b) NATIONAL ACADEMY OF SCIENCES.—In conducting the rulemaking under subsection (a), the Secretary shall consider the findings and recommendations of the National Academy of Sciences, if any, pursuant to its study of electronic vehicle controls.

SEC. 405. PUSHBUTTON IGNITION SYSTEMS STANDARD.

(a) Pushbutton Ignition Standard.—

(1) In General.—The Secretary shall initiate a rulemaking proceeding to consider a Federal motor vehicle safety standard for passenger motor...
vehicles with pushbutton ignition systems that establishes a standardized operation of such systems when used by drivers, including drivers who may be unfamiliar with such systems, in an emergency situation when the vehicle is in motion.

(2) OTHER IGNITION SYSTEMS.—In the rule-making proceeding initiated under paragraph (1), the Secretary may include any other ignition-starting mechanism that the Secretary determines should be considered.

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

(c) DEADLINE.—

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

(2) REPORT.—If the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the
Secretary shall submit a report describing the reasons for not prescribing such standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 406. VEHICLE EVENT DATA RECORDERS.

(a) MANDATORY EVENT DATA RECORDERS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall revise part 563 of title 49, Code of Federal Regulations, to require, beginning with model year 2015, that new passenger motor vehicles sold in the United States be equipped with an event data recorder that meets the requirements under that part.

(2) PENALTY.—The violation of any provision under part 563 of title 49, Code of Federal Regulations—

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

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

(C) shall not subject a manufacturer (as defined in section 30102(a)(5) of that title) to
the requirements under section 30120 of that title.

(b) LIMITATIONS ON INFORMATION RETRIEVAL.—

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

(2) PRIVACY.—Data recorded or transmitted by such a data recorder may not be retrieved by a person other than the owner or lessee of the motor vehicle in which the recorder is installed unless—

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

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

(C) the information is retrieved pursuant to an investigation or inspection authorized under section 30166 of title 49, United States Code, and the personally identifiable information of the owner, lessee, or driver of the vehicle
and the vehicle identification number is not disclosed in connection with the retrieved information; or

(D) the information is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash.

(e) Revised Requirements for Event Data Recorders.—The Secretary shall initiate a rulemaking proceeding to prescribe or amend a Federal motor vehicle safety standard that revises part 563 of title 49, Code of Federal Regulations, to require that event data recorders in passenger motor vehicles record operational data that can be stored and accessed for retrieval and analysis in accordance with subsection (d).

(d) Specifications.—The rule prescribed under subsection (e)—

(1) shall require event data recorders to capture and store data related to motor vehicle safety covering a reasonable time period before, during, and after a motor vehicle crash or airbag deployment, including a rollover;

(2) may require that the data to be captured and stored pursuant to paragraph (1) include information about engine performance, steering, braking,
acceleration, vehicle speed, seat belt use, airbag deployment, airbag deactivation status, data relating to vehicle rollover, and any other data the Secretary considers appropriate;

(3) may require such recorders to capture and store certain events, such as rapid deceleration, full-throttle acceleration, or full braking that may indicate unintended acceleration, even if there is not a crash or airbag deployment;

(4) may not require information recorded by such data recorders to include the vehicle’s location unless the Secretary determines that such inclusion is necessary to determine the need for, or facilitate, emergency medical response in response to a motor vehicle crash;

(5) shall require that data stored on such recorders be accessible, regardless of vehicle manufacturer or model, with commercially available equipment;

(6) shall specify data format requirements;

(7) may require an interoperable data access port to facilitate universal accessibility and analysis;

(8) shall require that such recorders meet the performance requirements for crash resistance included in part 563 of title 49, Code of Federal Reg-
ulations; and, if the Secretary determines that such requirements do not provide adequate temperature, crash, or water resistance, may include additional performance requirements;

(9) shall establish requirements for preventing unauthorized access to the data stored on an event data recorder in order to protect the security, integrity, and authenticity of the data; and

(10) shall include a definition of the term “motor vehicle crash”.

(e) Disclosure of Existence and Purpose of Event Data Recorder.—The rule issued under subsection (c) shall require that any owner's manual or similar documentation provided to the first purchaser of a passenger motor vehicle for purposes other than resale—

(1) disclose that the vehicle is equipped with such a data recorder; and

(2) explain the purpose of the data recorder.

(f) Access to Event Data Recorders in Defect Investigations.—Section 30166(e)(3)(C) of title 49, United States Code, is amended by inserting “‘including any electronic data contained within the vehicle’s diagnostic system or event data recorder’’ after “equipment”.
(g) Deadline for Rulemaking.—The Secretary shall issue a final rule under subsection (c) not later than 3 years after the date of the enactment of this Act.

SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER’S VIEW.

(a) Visual Entertainment Screens in Driver’s View.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall issue a final rule that prescribes a Federal motor vehicle safety standard prohibiting electronic screens from displaying broadcast television, movies, video games, and other forms of similar visual entertainment that is visible to the driver while driving.

(b) Exceptions.—The standard prescribed under subsection (a) shall allow electronic screens that display information or images regarding operation of the vehicle, vehicle surroundings, and telematic functions, such as the vehicles navigation and communications system, weather, time, or the vehicle’s audio system.

TITLE V—CHILD SAFETY STANDARDS

SEC. 501. CHILD SAFETY SEATS.

(a) Protection for Larger Children.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule amending Fed-
eral Motor Vehicle Safety Standard Number 213 to establish frontal crash protection requirements for child restraint systems for children weighing more than 65 pounds.

(b) Side Impact Crashes.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to improve the protection of children seated in child restraint systems during side impact crashes.

(c) Frontal Impact Test Parameters.—

(1) Commencement.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend test parameters under Federal Motor Vehicle Safety Standard Number 213 to better replicate real world conditions.

(2) Final Rule.—Not later than 4 years after the date of the enactment of this Act, the Secretary shall issue a final rule pursuant to paragraph (1).

SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.

(a) Initiation of Rulemaking Proceeding.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to—
(1) amend Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchor systems) to improve the visibility of, accessibility to, and ease of use for lower anchorages and tethers in all rear seat seating positions if such anchorages and tethers are feasible; and

(2) amend Federal Motor Vehicle Safety Standard Number 213 (relating to child restraint systems) or Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorages systems)—

(A) to establish a maximum allowable weight of the child and child restraint for standardizing the recommended use of child restraint anchorages systems in all vehicles; and

(B) to provide the information described in subparagraph (A) to the consumer.

(b) Final Rule.—

(1) In general.—Except as provided under paragraph (2), the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of the enactment of this Act.

(2) Report.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and con-
siderations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 503. REAR SEAT BELT REMINDERS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 208 (relating to occupant crash protection) to provide a safety belt use warning system for designated seating positions in the rear seat.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of the enactment of this Act.

(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) is not warranted based on the requirements and considerations set forth in subsections (a)
and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 504. UNATTENDED PASSENGER REMINDERS.

(a) SAFETY RESEARCH INITIATIVE.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete research into the development of performance requirements to warn drivers that a child or other unattended passenger remains in a rear seating position after the vehicle motor is disengaged.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider performance requirements that—

(1) sense weight, the presence of a buckled seat belt, or other indications of the presence of a child or other passenger; and

(2) provide an alert to prevent hyperthermia and hypothermia that can result in death or severe injuries.

(c) RULEMAKING OR REPORT.—
(1) **RULEMAKING.**—Not later than 1 year after
the completion of each research and testing initiative
required under subsection (a), the Secretary shall
initiate a rulemaking proceeding to issue a Federal
motor vehicle safety standard if the Secretary deter-
dines that such a standard meets the requirements
and considerations set forth in subsections (a) and
(b) of section 30111 of title 49, United States Code.

(2) **REPORT.**—If the Secretary determines that
the standard described in subsection (a) does not
meet the requirements and considerations set forth
in subsections (a) and (b) of section 30111 of title
49, United States Code, the Secretary shall submit
a report describing the reasons for not prescribing
such a standard to—

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

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

**SEC. 505. NEW DEADLINE.**

If the Secretary determines that any deadline for
issuing a final rule under this Act cannot be met, the Sec-
retary shall—

(1) provide the Committee on Commerce,
Science, and Transportation of the Senate and the
Committee on Energy and Commerce of the House of Representatives with an explanation for why such deadline cannot be met; and

(2) establish a new deadline for that rule.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.

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. 211. Port inspections; samples for examination or testing.
TITLE III—TRANSPARENCY AND ACCOUNTABILITY

Sec. 303. Consumer notice of software updates and other communications with dealers.
Sec. 304. Public availability of early warning data.
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. Anti-revolving door.
Sec. 310. Study of crash data collection.
Sec. 311. Update means of providing notification; improving efficacy of recalls.
Sec. 312. Expanding choices of remedy available to manufacturers of replacement equipment.
Sec. 313. Recall obligations and bankruptcy of manufacturer.
Sec. 314. Repeal of insurance reports and information provision.
Sec. 315. Monroney sticker to permit additional safety rating categories.

TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

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.

TITLE VI—IMPROVED DAYTIME AND NIGHTTIME VISIBILITY OF AGRICULTURAL EQUIPMENT

Sec. 601. Rulemaking on visibility of agricultural equipment.

1 SEC. 2. DEFINITION.

2 In this Act, the term “Secretary” means the Secretary

3 of Transportation.
TITLE I—HIGHWAY SAFETY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Highway safety programs.—For carrying out section 402 of title 23, United States Code—
   (A) $243,000,000 for fiscal year 2012; and
   (B) $243,000,000 for fiscal year 2013.

(2) Highway safety research and development.—For carrying out section 403 of title 23, United States Code—
   (A) $130,000,000 for fiscal year 2012; and
   (B) $139,000,000 for fiscal year 2013.

(3) Combined occupant protection grants.—For carrying out section 405 of title 23, United States Code—
   (A) $44,000,000 for fiscal year 2012; and
   (B) $44,000,000 for fiscal year 2013.

(4) State traffic safety information system improvements.—For carrying out section 408 of title 23, United States Code—
   (A) $44,000,000 for fiscal year 2012; and
   (B) $44,000,000 for fiscal year 2013.
(5) IMPAIRED DRIVING COUNTERMEASURES.—
For carrying out section 410 of title 23, United States Code—

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

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

(6) Distracted Driving Grants.—For carrying out section 411 of title 23, United States Code—

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

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

(7) National Driver Register.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

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

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

(8) High Visibility Enforcement Program.—
For carrying out section 2009 of SAFETEA–LU (23 U.S.C. 402 note)—

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

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

(9) Motorcyclist Safety.—For carrying out section 2010 of SAFETEA–LU (23 U.S.C. 402 note)—

(A) $6,000,000 for fiscal year 2012; and
(B) $6,000,000 for fiscal year 2013.

(10) **Administrative expenses.**—For administrative and related operating expenses of the National Highway Traffic Safety Administration in carrying out chapter 4 of title 23, United States Code, and this title—

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

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

(11) **Driver alcohol detection system for safety research.**—For carrying out section 413 of title 23, United States Code—

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

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

(12) **State graduated driver licensing laws.**—For carrying out section 414 of title 23, United States Code—

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

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

(b) **Prohibition on other uses.**—Except as otherwise provided in chapter 4 of title 23, United States Code, in this title, and in the amendments made by this title, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—
(1) shall only be used to carry out such program; and

(2) may not be used by a States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this title, amounts made available under subsection (a) for fiscal years 2012 and 2013 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

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

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

(f) MAINTENANCE OF EFFORT.—
(1) REQUIREMENT.—No grant may be made to a State under section 405, 408, or 410 of title 23, United States Code, in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all State and local sources for programs described in such sections at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act.

(2) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under paragraph (1) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

(g) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraphs (3), (4), (5), (6), (9), (11), and (12) of subsection (a) to the amounts made available under paragraph (1) or any other of such paragraphs in order to ensure, to the maximum extent possible, that all funds are obligated.

(h) GRANT APPLICATION AND DEADLINE.—To receive a grant under this title, a State shall submit an application, and the Secretary shall establish a single deadline for
such applications to enable the award of grants early in the next fiscal year.

(i) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under sub-section (a)(6) for distracted driving grants, the Secretary may expend, in each fiscal year, up to $5,000,000 for the development and placement of broadcast media to support the enforcement of State distracted driving laws.

SEC. 102. HIGHWAY SAFETY PROGRAMS.

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

“(a) PROGRAM REQUIRED.—

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

“(2) UNIFORM GUIDELINES.—Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that—

“(A) include programs—

“(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;
“(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

“(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

“(iv) to prevent accidents and reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles;

“(v) to reduce injuries and deaths resulting from accidents involving school buses;

“(vi) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles); and

“(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures;

“(B) improve driver performance, including—
“(i) driver education;

“(ii) driver testing to determine proficiency to operate motor vehicles; and

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

“(C) improve pedestrian performance and bicycle safety;

“(D) include provisions for—

“(i) an effective record system of accidents (including resulting injuries and deaths);

“(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

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

“(iv) emergency services; and

“(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.”.

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b)(1) of title 23, United States Code, is amended—
(1) in subparagraph (D), by striking “and” at the end;

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following:

“(E) beginning on October 1, 2012, provide for a robust, data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;”;

and

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

(A) in clause (i), by inserting “and high-visibility law enforcement mobilizations coordinated by the Secretary” after “mobilizations”; 

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

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

and

(D) by adding at the end the following:

“(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the
State strategic highway safety plan (as defined in section 148(a)).”.

(c) APPROVED HIGHWAY SAFETY PROGRAMS.—Section 402(c) of title 23, United States Code, is amended—

(1) by striking “(c) Funds authorized” and inserting the following:

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Funds authorized”;

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

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

(3) by striking “The Secretary shall not” and all that follows through “subsection, a highway safety program” and inserting “A highway safety program”;

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

(5) by striking “50 per centum” and inserting “20 percent”; and
(6) by striking “The Secretary shall promptly” and all that follows and inserting the following:

“(3) REAPPORTIONMENT.—The Secretary shall promptly apportion the funds withheld from a State’s apportionment to the State if the Secretary approves the State’s highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.”.

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

“(g) SAVINGS PROVISION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for—

“(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or
“(B) any purpose for which funds are authorized by section 403.

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

(e) In General.—Section 402 of title 23, United States Code, is amended—

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

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

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

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

“(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

“(1) In General.—The Secretary shall require each State to develop and submit to the Secretary a highway safety plan that complies with the requirements under this subsection not later than July 1, 2012, and annually thereafter.
“(2) CONTENTS.—State highway safety plans submitted under paragraph (1) shall include—

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

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

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

“(iii) a justification for each performance target;

“(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

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

“(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

“(E) beginning with the plan submitted by July 1, 2013, a report on the State’s success in
meeting State safety goals set forth in the previous year’s highway safety plan; and

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

“(3) PERFORMANCE MEASURES.—For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (2)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor’s Highway Safety Association and described in the report, ‘Traffic Safety Performance Measures for States and Federal Agencies’ (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall consult with the Governor’s Highway Safety Association and safety experts if the Secretary makes revisions to the set of required performance measures.

“(4) REVIEW OF HIGHWAY SAFETY PLANS.—

“(A) IN GENERAL.—Not later than 60 days after the date on which a State’s highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.

“(B) APPROVALS AND DISAPPROVALS.—
“(i) APPROVALS.—The Secretary shall approve a State’s highway safety plan if the Secretary determines that—

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

“(II) the performance targets are adequate; and

“(III) the plan, once implemented, will allow the State to meet such targets.

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

“(I) set appropriate performance targets; or

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

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

“(i) inform the State of the reasons for such disapproval; and
“(ii) require the State to resubmit the
plan with any modifications that the Sec-
retary determines to be necessary.

“(D) Review of Resubmitted Plans.—If
the Secretary requires a State to resubmit a
highway safety plan, with modifications, the
Secretary shall review and approve or dis-
approve the modified plan not later than 30
days after the date on which the Secretary re-
ceives such plan.

“(E) Reprogramming Authority.—If the
Secretary determines that the modifications con-
tained in a State’s resubmitted highway safety
plan do not provide for the programming of
funding in a manner sufficient to meet the
State’s performance goals, the Secretary, in con-
sultation with the State, shall take such action
as may be necessary to bring the State’s plan
into compliance with the performance targets.

“(F) Public Notice.—A State shall make
the State’s highway safety plan, and decisions of
the Secretary concerning approval or dis-
approval of a revised plan, available to the pub-
lic.”.
(g) **COOPERATIVE RESEARCH AND EVALUATION.**—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(l) **COOPERATIVE RESEARCH AND EVALUATION.**—

“(1) **ESTABLISHMENT AND FUNDING.**—Notwithstanding the apportionment formula set forth in subsection (c)(2), $2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection (c) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

“(2) **ADMINISTRATION.**—The program established under paragraph (1)—

“(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

“(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.”.
(h) **TEEN TRAFFIC SAFETY PROGRAM.**—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(m) **TEEN TRAFFIC SAFETY PROGRAM.**—

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

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

“(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

“(i) increase safety belt use;

“(ii) reduce speeding;

“(iii) reduce impaired and distracted driving;

“(iv) reduce underage drinking; and

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

and

“(B) may include—
“(i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;

“(ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

“(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

“(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

“(v) conducting outreach and providing educational resources for parents;

“(vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor’s safety representative on issues related to the safety of teen drivers;

“(vii) collaborating with law enforcement;
“(viii) organizing and hosting State and regional conferences for teen drivers;

“(ix) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for-profit entities; and

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

SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

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

“§ 403. Highway safety research and development

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

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

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

“(b) GENERAL AUTHORITY.—

“(1) RESEARCH AND DEVELOPMENT ACTIVITIES.—The Secretary may conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor
vehicle safety data and related information needed to
carry out this section, with respect to—

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

“(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

“(ii) accident causation and investigations;

“(iii) communications;

“(iv) emergency medical services; and

“(v) transportation of the injured;

“(B) human behavioral factors and their effect on highway and traffic safety, including—

“(i) driver education;

“(ii) impaired driving;

“(iii) distracted driving; and

“(iv) new technologies installed in, or brought into, vehicles;

“(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives; and
“(D) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (C).

“(2) COOPERATION, GRANTS, AND CONTRACTS.—

The Secretary may carry out this section—

“(A) independently;

“(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

“(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, foreign country, or person (as defined in chapter 1 of title 1); or

“(D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).

“(c) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimu-
late the marketing of new highway safety related tech-
nology by private industry, the Secretary is author-
ized to carry out, on a cost-shared basis, collaborative
research and development with—

“(A) non-Federal entities, including State
and local governments, foreign countries, colleges,
universities, corporations, partnerships, sole pro-
prietorships, organizations serving the interests
of children, people with disabilities, low-income
populations, and older adults, and trade associa-
tions that are incorporated or established under
the laws of any State or the United States; and

“(B) Federal laboratories.

“(2) AGREEMENTS.—In carrying out this sub-
section, the Secretary may enter into cooperative re-
search and development agreements (as defined in sec-
tion 12 of the Stevenson-Wydler Technology Innova-
tion Act of 1980 (15 U.S.C. 3710a)) in which the Sec-
retary provides not more than 50 percent of the cost
of any research or development project under this sub-
section.

“(3) USE OF TECHNOLOGY.—The research, devel-
opment, or use of any technology pursuant to an
agreement under this subsection, including the terms
under which technology may be licensed and the re-
sulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

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

“(e) TRAINING.—Notwithstanding the apportionment formula set forth in section 402(c)(2), 1 percent of the total amount available for apportionment to the States for highway safety programs under section 402(c) in each fiscal year shall be available, through the end of the succeeding fiscal year, to the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration—

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

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

“(f) DRIVER LICENSING AND FITNESS TO DRIVE CLEARINGHOUSE.—From amounts made available under this section, the Secretary, acting through the Adminis-
trator of the National Highway Traffic Safety Administration, is authorized to expend $1,280,000 between the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2011 and September 30, 2013, to establish an electronic clearinghouse and technical assistance service to collect and disseminate research and analysis of medical and technical information and best practices concerning drivers with medical issues that may be used by State driver licensing agencies in making licensing qualification decisions.

“(g) INTERNATIONAL HIGHWAY SAFETY INFORMATION AND COOPERATION.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, may establish an international highway safety information and cooperation program to—

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

“(B) permit the exchange of information with foreign countries about laws, projects, pro-
grams, data, and technology that could be used
to enhance highway safety; and

“(C) allow the Secretary, represented by the
Administrator, to participate and cooperate in
international activities to enhance highway safe-
ty.

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

“(h) PROHIBITION ON CERTAIN DISCLOSURES.—Any
report of the National Highway Traffic Safety Administra-
tion, or of any officer, employee, or contractor of the Na-
tional Highway Traffic Safety Administration, relating to
any highway traffic accident or the investigation of such
accident conducted pursuant to this chapter or chapter 301
shall be made available to the public in a manner that does
not identify individuals.

“(i) MODEL SPECIFICATIONS FOR DEVICES.—The Sec-
retary, acting through the Administrator of the National
Highway Traffic Safety Administration, may—

“(1) develop model specifications and testing
procedures for devices, including devices designed to
measure the concentration of alcohol in the body;
“(2) conduct periodic tests of such devices;

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

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

SEC. 104. NATIONAL DRIVER REGISTER.

Section 30302(b) of title 49, United States Code, is amended by adding at the end the following: “The Secretary shall make continual improvements to modernize the Register’s data processing system.”.

SEC. 105. COMBINED OCCUPANT PROTECTION GRANTS.

(a) In General.—Section 405 of title 23, United States Code, is amended to read as follows:

“§ 405. Combined occupant protection grants

“(a) General Authority.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

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

“(1) High seat belt use rate.—A State with an observed seat belt use rate of 90 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State—

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

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

“(C) has an active network of child restraint inspection stations; and

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

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

“(A) the State meets all of the requirements under subparagraphs (A) through (D) of paragraph (1); and
“(B) the Secretary determines that the State meets at least 3 of the following criteria:

“(i) The State conducts sustained (ongoing and periodic) seat belt enforcement at a defined level of participation during the year.

“(ii) The State has enacted and enforces a primary enforcement seat belt use law.

“(iii) The State has implemented countermeasure programs for high-risk populations, such as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

“(iv) The State has enacted and enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

“(v) The State has implemented a comprehensive occupant protection program in which the State has—

“(I) conducted a program assessment;
“(II) developed a statewide strategic plan;

“(III) designated an occupant protection coordinator; and

“(IV) established a statewide occupant protection task force.

“(vi) The State—

“(I) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

“(II) will conduct such an assessment during the first year of the grant.

“(d) USE OF GRANT AMOUNTS.—Grant funds received pursuant to this section may be used to—

“(1) carry out a program to support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

“(2) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection;
“(3) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

“(4) carry out a program to provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;

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

“(6) establish and maintain information systems containing data concerning occupant protection, including the collection and administration of child passenger safety and occupant protection surveys; and

“(7) carry out a program to educate the public concerning the dangers of leaving children unattended in vehicles.

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

“(f) REPORT.—A State that receives a grant under this section shall submit a report to the Secretary that docu-
ments the manner in which the grant amounts were obligated and expended and identifies the specific programs carried out with the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under chapter 4 of title 23, United States Code.

“(g) DEFINITIONS.—In this section:

“(1) CHILD RESTRAINT.—The term ‘child restraint’ means any device (including child safety seat, booster seat, harness, and excepting seat belts) designed for use in a motor vehicle to restrain, seat, or position children who weigh 65 pounds (30 kilograms) or less, and certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration for child restraints.

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

“(A) with respect to open-body motor vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

“(B) with respect to other motor vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.”.
(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 405 and inserting the following:

“405. Combined occupant protection grants.”.

SEC. 106. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.

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

“§408. State traffic safety information system improvements

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States to support the development and implementation of effective State programs that—

“(1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

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

“(3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;
“(4) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and

“(5) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

“(b) Federal Share.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this section may not exceed 80 percent.

“(c) Eligibility.—A State is not eligible for a grant under this section in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State—

“(1) has a functioning traffic records coordinating committee (referred to in this subsection as ‘TRCC’) that meets at least 3 times a year;

“(2) has designated a TRCC coordinator;

“(3) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State’s core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;
“(4) has demonstrated quantitative progress in relation to the significant data program attribute of—

“(A) accuracy;
“(B) completeness;
“(C) timeliness;
“(D) uniformity;
“(E) accessibility; or
“(F) integration of a core highway safety database; and

“(5) has certified to the Secretary that an assessment of the State’s highway safety data and traffic records system was conducted or updated during the preceding 5 years.

“(d) USE OF GRANT AMOUNTS.—Grant funds received by a State under this section shall be used for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in subsection (c)(4).

“(e) GRANT AMOUNT.—The allocation of grant funds under this section to a State for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.”.
SEC. 107. IMPAIRED DRIVING COUNTERMEASURES.

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

§ 410. Impaired driving countermeasures

(a) Grants Authorized.—Subject to the requirements of this section, the Secretary of Transportation shall award grants to States that adopt and implement—

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

(2) alcohol-ignition interlock laws.

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

(c) Eligibility.—

(1) Low-range States.—Low-range States shall be eligible for a grant under this section.

(2) Mid-range States.—A mid-range State shall be eligible for a grant under this section if—

(A) a statewide impaired driving task force in the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or
“(B) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.

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

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

“(ii) will conduct such an assessment during the first year of the grant;

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

“(i) addresses any recommendations from the assessment conducted under subparagraph (A);

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

“(iii) describes how such spending supports the statewide program;

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

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

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

“(D) appoints a full or part-time impaired driving coordinator—

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

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

“(d) Use of Grant Amounts.—

“(1) Required Programs.—High-range States shall use grant funds for—

“(A) high visibility enforcement efforts; and

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

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

“(ii) the Secretary approves the use of funding for such activity.
“(2) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

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

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

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

“(D) court support of high visibility enforcement efforts;

“(E) alcohol ignition interlock programs;

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

“(G) establishing driving while intoxicated courts;

“(H) conducting—

“(i) standardized field sobriety training;

“(ii) advanced roadside impaired driving evaluation training; and

“(iii) drug recognition expert training for law enforcement;
“(I) training and education of criminal justice professionals (including law enforcement, prosecutors, judges and probation officers) to assist such professionals in handling impaired driving cases;

“(J) traffic safety resource prosecutors;

“(K) judicial outreach liaisons;

“(L) equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

“(M) training on the use of alcohol screening and brief intervention;

“(N) developing impaired driving information systems; and

“(O) costs associated with a ‘24-7 sobriety program’.

“(3) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification. Medium and high-range States may use funds for such expenditures upon approval by the Secretary.

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

“(f) **Grants to States That Adopt and Enforce Mandatory Alcohol-Ignition Interlock Laws.**—

“(1) **In general.**—The Secretary shall make a separate grant under this section to each State that adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

“(2) **Use of funds.**—Such grants may be used by recipient States only for costs associated with the State’s alcohol-ignition interlock program, including screening, assessment, and program and offender oversight.

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

“(4) **Funding.**—Not more than 15 percent of the amounts made available to carry out this section in a fiscal year shall be made available by the Secretary for making grants under this subsection.

“(g) **Definitions.**—In this section:
“(1) 24-7 SOBRIETY PROGRAM.—The term ‘24-7 sobriety program’ means a State law or program that authorizes a State court or a State agency, as a condition of sentence, probation, parole, or work permit, to—

“(A) require an individual who plead guilty or was convicted of driving under the influence of alcohol or drugs to totally abstain from alcohol or drugs for a period of time; and

“(B) require the individual to be subject to testing for alcohol or drugs—

“(i) at least twice a day;

“(ii) by continuous transdermal alcohol monitoring via an electronic monitoring device; or

“(iii) by an alternate method with the concurrence of the Secretary.

“(2) AVERAGE IMPAIRED DRIVING FATALITY RATE.—The term ‘average impaired driving fatality rate’ means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accord-
ance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.

“(3) **High-range state.**—The term ‘high-range State’ means a State that has an average impaired driving fatality rate of 0.60 or higher.

“(4) **Low-range state.**—The term ‘low-range State’ means a State that has an average impaired driving fatality rate of 0.30 or lower.

“(5) **Mid-range State.**—The term ‘mid-range State’ means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.”

(b) **Conforming Amendment.**—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 410 and inserting the following:

“410. Impaired driving countermeasures.”

SEC. 108. DISTRACTED DRIVING GRANTS.

(a) **In general.**—Section 411 of title 23, United States Code, is amended to read as follows:

“§ 411. Distracted driving grants

“(a) **In general.**—The Secretary shall award a grant under this section to any State that enacts and enforces a statute that meets the requirements set forth in subsections (b) and (c).
“(b) Prohibition on Texting While Driving.—A State statute meets the requirements set forth in this subsection if the statute—

“(1) prohibits drivers from texting through a personal wireless communications device while driving;

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

“(3) establishes—

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

“(B) increased fines for repeat violations; and

“(4) provides increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using such a device in violation of the statute.

“(c) Prohibition on Youth Cell Phone Use While Driving.—A State statute meets the requirements set forth in this subsection if the statute—

“(1) prohibits a driver who is younger than 18 years of age from using a personal wireless communications device while driving;

“(2) makes violation of the statute a primary offense;
“(3) requires distracted driving issues to be tested as part of the State driver’s license examination;

“(4) establishes—

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

“(B) increased fines for repeat violations; and

“(5) provides increased civil and criminal penalties than would otherwise apply if a vehicle accident is caused by a driver who is using such a device in violation of the statute.

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

“(1) a driver who uses a personal wireless communications device to contact emergency services;

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

“(A) operating an emergency services vehicle; and

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

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

“(e) USE OF GRANT FUNDS.—Of the grant funds received by a State under this section—

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

“(A) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

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

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

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

“(A) improve traffic safety; and

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

“(f) ADDITIONAL GRANTS.—In fiscal year 2012, the Secretary may use up to 25 percent of the funding available for grants under this section to award grants to States that—

“(1) enacted statutes before July 1, 2011, which meet the requirements under paragraphs (1) and (2) of subsection (b); and
“(2) are otherwise ineligible for a grant under this section.

“(g) DEFINITIONS.—In this section:

“(1) DRIVING.—The term ‘driving’—

“(A) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

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

“(2) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

“(A) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

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

“(3) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement
officer may stop a vehicle solely for the purpose of
issuing a citation in the absence of evidence of an-
other offense.

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

“(5) **TEXTING.**—The term ‘texting’ means read-
ing from or manually entering data into a personal
wireless communications device, including doing so
for the purpose of SMS texting, e-mailing, instant
messaging, or engaging in any other form of elec-
tronic data retrieval or electronic data communica-
tion.”.

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

“411. Distracted driving grants.”.

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

Section 2009 of **SAFETEA–LU** (23 U.S.C. 402 note)
is amended—

(1) in subsection (a)—

(A) by striking “at least 2” and inserting

“at least 3”; and

(B) by striking “years 2006 through 2012.”

and inserting “fiscal years 2012 and 2013. The
Administrator may also initiate and support ad-
ditional campaigns in each of fiscal years 2012
and 2013 for the purposes specified in subsection
(b).’’;
(2) in subsection (b) by striking “either or both”
and inserting “outcomes related to at least 1’’;
(3) in subsection (c), by inserting “and Internet-
based outreach” after “print media advertising’’;
(4) in subsection (e), by striking “subsections
(a), (c), and (f)” and inserting “subsection (c)”;
(5) by striking subsection (f); and
(6) by redesignating subsection (g) as subsection
(f).

SEC. 110. MOTORCYCLIST SAFETY.

Section 2010 of SAFETEA–LU (23 U.S.C. 402 note)
is amended—
(1) by striking subsections (b) and (g);
(2) by redesignating subsections (c), (d), (e), and
(f) as subsections (b), (c), (d), and (e), respectively;
and
(3) in subsection (c)(1), as redesignated, by strik-
ing “to the satisfaction of the Secretary—” and all
that follows and inserting “, to the satisfaction of the
Secretary, at least 2 of the 6 criteria listed in para-
graph (2).’’.
SEC. 111. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFETY RESEARCH.

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

“§ 413. In-vehicle alcohol detection device research

“(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall carry out a collaborative research effort under chapter 301 of title 49, United States Code, to continue to explore the feasibility and the potential benefits of, and the public policy challenges associated with, more widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

“(b) REPORTS.—The Administrator shall submit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure—

“(1) describing progress in carrying out the collaborative research effort; and

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

“(c) DEFINITIONS.—In this title:

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

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

(b) CLERICAL AMENDMENT.—The analysis for chapter
4 of title 23, United States Code, is amended by inserting
after the item relating to section 412 the following:

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

SEC. 112. STATE GRADUATED DRIVER LICENSING LAWS.

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

“§ 414. State Graduated Driver Licensing Incentive
Grant

“(a) GRANTS AUTHORIZED.—Subject to the require-
ments of this section, the Secretary shall award grants to
States that adopt and implement graduated driver licensing
laws in accordance with the requirements set forth in sub-
section (b).

“(b) MINIMUM REQUIREMENTS.—

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

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

“(A) a learner’s permit stage that—

“(i) is at least 6 months in duration;

“(ii) prohibits the driver from using a

cellular telephone or any communications
device in a nonemergency situation; and

“(iii) remains in effect until the driv-
er—

“(I) reaches 16 years of age and

enters the intermediate stage; or

“(II) reaches 18 years of age;

“(B) an intermediate stage that—

“(i) commences immediately after the

expiration of the learner’s permit stage;

“(ii) is at least 6 months in duration;

“(iii) prohibits the driver from using a

cellular telephone or any communications
device in a nonemergency situation;
“(iv) restricts driving at night;
“(v) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and
“(vi) remains in effect until the driver reaches 18 years of age; and
“(C) any other requirement prescribed by the Secretary of Transportation, including—
“(i) in the learner’s permit stage—
“(I) at least 40 hours of behind-the-wheel training with a licensed driver who is at least 21 years of age;
“(II) a driver training course;
and
“(III) a requirement that the driver be accompanied and supervised by a licensed driver, who is at least 21 years of age, at all times while such driver is operating a motor vehicle;
and
“(ii) in the learner’s permit or intermediate stage, a requirement, in addition to
any other penalties imposed by State law, that the grant of an unrestricted driver’s license be automatically delayed for any individual who, during the learner’s permit or intermediate stage, is convicted of a driving-related offense, including—

“(I) driving while intoxicated;

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

“(III) reckless driving;

“(IV) driving without wearing a seat belt;

“(V) speeding; or

“(VI) any other driving-related offense, as determined by the Secretary.

“(c) Rulemaking.—

“(1) In general.—The Secretary shall promulgate regulations necessary to implement the requirements under subsection (b), in accordance with the notice and comment provisions under section 553 of title 5, United States Code.

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

“(A) in connection with work performed on, or for the operation of, a farm owned by family members who are directly related to the applicant or licensee; or

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

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

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

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

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

“(3) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;
“(4) carrying out other administrative activities that the Secretary considers relevant to the State’s 2-stage licensing process; and

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

SEC. 113. AGENCY ACCOUNTABILITY.

Section 412 of title 23, United States Code, is amend-
ed—

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

“(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

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

“(2) EXCEPTIONS.—The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appro-
priate.

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

“(A) a management evaluation of all grant programs funded under this chapter;
“(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

“(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices and programs that have been evaluated for effectiveness; and

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

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

“(ii) provide a management and oversight plan for such grant programs.”; and

(2) by striking subsection (f).

SEC. 114. EMERGENCY MEDICAL SERVICES.

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

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

“(1) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall establish a National Emergency Medical Services Advisory Council (referred to in this subsection as the ‘Advisory Council’).
“(2) Membership.—The Advisory Council shall be composed of 25 members, who—

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

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

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

“(A) the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues; and

“(B) the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation.

“(4) Administration.—The Administrator of the National Highway Traffic Safety Administration shall provide administrative support to the Advisory Council, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

“(5) Leadership.—The members of the Advisory Council shall annually select a chairperson of the Council.
“(6) MEETINGS.—The Advisory Council shall meet as frequently as is determined necessary by the chairperson of the Council.

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

TITLE II—ENHANCED SAFETY AUTHORITIES

SEC. 201. DEFINITION OF MOTOR VEHICLE EQUIPMENT.

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

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

“(i) is not a system, part, or component of a motor vehicle; and

“(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding motor vehicles and highway users against risk of accident, injury, or death.”.
SEC. 202. PERMIT REMINDER SYSTEM FOR NON-USE OF SAFETY BELTS.

(a) In General.—Chapter 301 of title 49, United States Code, is amended—

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

(2) by amending section 30124 to read as follows:

§ 30124. Nonuse of safety belts

“A motor vehicle safety standard prescribed under this chapter may not require a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt.”.

(b) Conforming Amendment.—The analysis for chapter 301 of title 49, United States Code, is amended by striking the item relating to section 30124 and inserting the following:

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

SEC. 203. CIVIL PENALTIES.

(a) In General.—Section 30165 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “30123(d)” and inserting “30123(a)”; and
(ii) by striking “$15,000,000” and inserting “$250,000,000”; and

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

(2) by amending subsection (c) to read as follows:

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

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

“(2) knowledge by the person charged of its obligation to recall or notify the public;

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

“(4) the occurrence or absence of injury;

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

“(6) the existence of an imminent hazard;

“(7) actions taken by the person charged to identify, investigate, or mitigate the condition;
“(8) the appropriateness of such penalty in relation to the size of the business of the person charged, including the potential for undue adverse economic impacts;

“(9) whether the person has previously been assessed civil penalties under this section during the most recent 5 years; and

“(10) other appropriate factors.”.

(b) Civil Penalty Criteria.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(c) of title 49, United States Code.

(c) Construction.—Nothing in this section may be construed as preventing the imposition of penalties under section 30165 of title 49, United States Code, before the issuance of a final rule under subsection (b).

SEC. 204. MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT.

(a) In General.—Chapter 301 of title 49, United States Code, is amended by adding at the end the following:
“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

§ 30181. Policy

“The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter.

§ 30182. Powers and duties

“(a) In General.—The Secretary of Transportation shall—

“(1) conduct motor vehicle safety research, development, and testing programs and activities, including new and emerging technologies that impact or may impact motor vehicle safety;

“(2) collect and analyze all types of motor vehicle and highway safety data and related information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

“(A) accidents involving motor vehicles; and

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

“(3) promote, support, and advance the education and training of motor vehicle safety staff of the National Highway Traffic Safety Administration, including using program funds for—
“(A) planning, implementing, conducting, and presenting results of program activities; and
“(B) travel and related expenses;
“(4) obtain experimental and other motor vehicles and motor vehicle equipment for research or testing;
“(5)(A) use any test motor vehicles and motor vehicle equipment suitable for continued use, as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or
“(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;
“(6) award grants to States and local governments, interstate authorities, and nonprofit institutions; and
“(7) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned,
contractor-operated laboratories), and foreign governments and research organizations.

“(b) Use of Public Agencies.—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

“(c) Facilities.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety.

“(d) Availability of Information, Patents, and Developments.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public without charge. The owner of a background patent may not be deprived of a right under the patent.

“§ 30183. Prohibition on certain disclosures.

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

(b) Conforming Amendments.—

(1) Amendment of chapter analysis.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“subchapter V—Motor vehicle safety research and development

30181. Policy.

30182. Powers and duties.

30183. Prohibition on certain disclosures.”.

(2) Deletion of redundant material.—

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

(A) in the chapter analysis, by striking the item relating to section 30168; and

(B) by striking section 30168.

SEC. 205. ODOMETER REQUIREMENTS DEFINITION.

Section 32702(5) of title 49, United States Code, is amended by inserting “or system of components” after “instrument”.

SEC. 206. ELECTRONIC DISCLOSURES OF ODOMETER INFORMATION.

Section 32705 of title 49, United States Code, is amended by adding at the end the following:

“(g) Electronic Disclosures.—In carrying out this section, the Secretary may prescribe regulations per-
mitting any written disclosures or notices and related mat-
ters to be provided electronically.”.

SEC. 207. INCREASED PENALTIES AND DAMAGES FOR
ODOMETER FRAUD.
Chapter 327 of title 49, United States Code, is amend-
ed—

(1) in section 32709(a)(1)—

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

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

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

SEC. 208. EXTEND PROHIBITIONS ON IMPORTING NON-
COMPLIANT VEHICLES AND EQUIPMENT TO
DEFECTIVE VEHICLES AND EQUIPMENT.
Section 30112 of title 49, United States Code, is
amended—

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

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

(2) in subsection (b)(2)—

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

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

(C) by adding at the end the following:

“(C) having no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b);”.

SEC. 209. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR IMPORTERS.

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

(1) in the chapter analysis, by striking the item relating to subchapter III and inserting the following:
“SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT”;

(2) in the heading for subchapter III, by striking “NONCOMPLYING”; and

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

“(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—

“(1) RULEMAKING.—The Secretary of Transportation may issue regulations requiring each person that imports a motor vehicle or motor vehicle equipment into the customs territory of the United States, including a registered importer (or any successor in interest), provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under section 30117(b), sections 30118 through 30121, and section 30166(f).

“(2) REFUSAL OF ADMISSION.—If the Secretary of Transportation believes that a person described in paragraph (1) has not provided and maintained evidence of sufficient financial responsibility to meet the obligations referred to in paragraph (1), the Secretary of Homeland Security may refuse the admission into the customs territory of the United States of any motor vehicle or motor vehicle equipment imported by the person.

“(3) EXCEPTION.—This subsection shall not apply to original manufacturers (or wholly owned
subsidiaries) of motor vehicles that, prior to the date
of enactment of the Motor Vehicle and Highway Safe-
ty Improvement Act of 2011—

“(A) have imported motor vehicles into the
United States that are certified to comply with
all applicable Federal motor vehicle safety stand-
ards;

“(B) have submitted to the Secretary appro-
appropriate manufacturer identification information
under part 566 of title 49, Code of Federal Regu-
lations; and

“(C) if applicable, have identified a current
agent for service of process in accordance with
part 551 of title 49, Code of Federal Regula-
tions.”.

SEC. 210. CONDITIONS ON IMPORTATION OF VEHICLES AND
EQUIPMENT.

Chapter 301 of title 49, United States Code, is amend-
ed—

(1) in the chapter analysis, by striking the item
relating to section 30164 and inserting the following:

“30164. Service of process; conditions on importation of vehicles and equipment.”;

and

(2) in section 30164—
(A) in the section heading, by adding “;

CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT” at the end; and

(B) by adding at the end the following:

“(c) IDENTIFYING INFORMATION.—A manufacturer
(including an importer) offering a motor vehicle or motor
vehicle equipment for import shall provide such information
as the Secretary may, by rule, request including—

“(1) the product by name and the manufacturer’s address; and

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

“(d) RULEMAKING.—The Secretary may issue regula-
tions that—

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

“(A) the requirements under this section;

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

“(C) any other requirements under this
chapter or rules issued with respect to such re-
quirements;
“(2) provide an opportunity for the manufacturer to present information before the Secretary’s determination as to whether the manufacturer’s imports should be restricted; and

“(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment.

“(e) Exception.—The requirements of subsections (c) and (d) shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2011—

“(1) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards,

“(2) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

“(3) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.”.

SEC. 211. PORT INSPECTIONS; SAMPLES FOR EXAMINATION OR TESTING.

Section 30166(c) of title 49, United States Code, is amended—
(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “(including at United States ports of entry)” after “held for introduction in interstate commerce”; and

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

(3) by adding at the end the following:

“(4) shall obtain from the Secretary of Homeland Security without charge, upon the request of the Secretary of Transportation, a reasonable number of samples of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter; and

“(5) shall instruct the Secretary of Homeland Security to refuse admission of the motor vehicle equipment into the customs territory of the United States if the Secretary of Transportation determines, after examination of the samples obtained under paragraph (4), that such refusal is warranted due to noncompliance with—

“(A) this chapter;
“(B) a regulation prescribed under this chapter; or
“(C) an order issued under this chapter.”.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

SEC. 301. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION VEHICLE SAFETY DATABASE.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall improve public accessibility to information on the National Highway Traffic Safety Administration’s publicly accessible vehicle safety databases by—

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

(2) providing greater consistency in presentation of vehicle safety issues; and

(3) improving searchability about specific vehicles and issues through standardization of commonly used search terms.

(b) Vehicle Recall Information.—

(1) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall require that motor vehicle safety recall information—
(A) is available to the public on the Internet;

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

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

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

(2) Rulemaking.—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in paragraph (1), with respect to that manufacturer’s motor vehicles, at no cost on a publicly accessible Internet website.

(3) Database Awareness Promotion Activities.—The Secretary, in consultation with the heads of other relevant agencies, shall promote consumer awareness of the information made available to the public pursuant to this subsection.

SEC. 302. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HOTLINE FOR MANUFACTURER, DEALER, AND MECHANIC PERSONNEL.

The Secretary shall—

(1) establish a means by which mechanics, passenger motor vehicle dealership personnel, and pas-
senger motor vehicle manufacturer personnel may di-
rectly and confidentially contact the National High-
way Traffic Safety Administration to report potential
passenger motor vehicle safety defects; and

(2) publicize the means for contacting the Na-
tional Highway Traffic Safety Administration in a
manner that targets mechanics, passenger motor vehi-

cle dealership personnel, and manufacturer personnel.

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

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

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

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

(2) by adding at the end the following:

“(2) NOTICES.—Communications required to be
submitted to the Secretary and made available on a
publicly accessible Internet website under this sub-
section shall include all notices to dealerships of soft-
ware upgrades and modifications recommended by a
manufacturer for all previously sold vehicles. Notice is
required even if the software upgrade or modification is not related to a safety defect or noncompliance with a motor vehicle safety standard. The notice shall include a plain language description of the purpose of the update and that description shall be prominently placed at the beginning of the notice.

“(3) INDEX.—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, which—

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

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

“(C) shall be made available by the Secretary to the public on the Internet in a searchable format.”.

SEC. 304. PUBLIC AVAILABILITY OF EARLY WARNING DATA.

Section 30166(m) of title 49, United States Code, is amended in paragraph (4), by amending subparagraph (C) to read as follows:

“(C) DISCLOSURE.—

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

“(ii) PRESUMPTION.—In administering this subparagraph, the Secretary shall presume in favor of maximum public availability of information.”.

SEC. 305. CORPORATE RESPONSIBILITY FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REPORTS.

(a) In general.—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(o) CORPORATE RESPONSIBILITY FOR REPORTS.—

“(1) IN GENERAL.—The Secretary shall require a senior official responsible for safety in each company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that—

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

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

“(i) contain any untrue statement of a material fact; or
“(ii) omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

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

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

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

(2) by adding at the end the following:

“(4) FALSE, MISLEADING, OR INCOMPLETE REPORTS.—A person who knowingly and willfully submits materially false, misleading, or incomplete information to the Secretary, after certifying the same information as accurate and complete under the certification process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than $5,000 per day. The maximum penalty under this paragraph for a related series of daily violations is $5,000,000.”.
SEC. 306. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

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

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

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘crash avoidance’ means preventing or mitigating a crash;”; and

(3) in paragraph (2), as redesignated, by striking the period at the end and inserting “; and”.

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

(1) in paragraph (2), by inserting “, crash avoidance, and any other areas the Secretary determines will improve the safety of passenger motor vehicles” after “crashworthiness”; and

(2) by striking paragraph (4).

SEC. 307. PROMOTION OF VEHICLE DEFECT REPORTING.

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

“(d) MOTOR VEHICLE DEFECT REPORTING INFORMATION.—

“(1) RULEMAKING REQUIRED.—Not later than 1 year after the date of the enactment of the Motor Ve-
Vehicle and Highway Safety Improvement Act of 2011, the Secretary shall prescribe regulations that require passenger motor vehicle manufacturers—

“(A) to affix, in the glove compartment or in another readily accessible location on the vehicle, a sticker, decal, or other device that provides, in simple and understandable language, information about how to submit a safety-related motor vehicle defect complaint to the National Highway Traffic Safety Administration;

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

“(C) to not place such information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

“(2) Application.—The requirements under paragraph (1) shall apply to passenger motor vehicles manufactured in any model year beginning more than 1 year after the date on which a final rule is published under paragraph (1).”
SEC. 308. WHISTLEBLOWER PROTECTIONS FOR MOTOR VEHICLE MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIP EMPLOYEES.

(a) In General.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

§ 30171. Protection of employees providing motor vehicle safety information

“(a) Discrimination Against Employees of Manufacturers, Part Suppliers, and Dealerships.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

“(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or al-
leged violation of any motor vehicle defect, noncompli-
ance, or any violation or alleged violation of any no-
tification or reporting requirement of this chapter;

“(3) testified or is about to testify in such a pro-
ceeding;

“(4) assisted or participated or is about to assist
or participate in such a proceeding; or

“(5) objected to, or refused to participate in, any
activity that the employee reasonably believed to be in
violation of any provision of any Act enforced by the
Secretary of Transportation, or any order, rule, regu-
lation, standard, or ban under any such Act.

“(b) COMPLAINT PROCEDURE.—

“(1) FILING AND NOTIFICATION.—A person who
believes that he or she has been discharged or other-
wise discriminated against by any person in viola-
tion of subsection (a) may, not later than 180 days
after the date on which such violation occurs, file (or
have any person file on his or her behalf) a complaint
with the Secretary of Labor (hereinafter in this sec-
tion referred to as the ‘Secretary’) alleging such dis-
charge or discrimination. Upon receipt of such a com-
plaint, the Secretary shall notify, in writing, the per-
son named in the complaint of the filing of the com-
plaint, of the allegations contained in the complaint,
of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

“(2) INVESTIGATION; PRELIMINARY ORDER.—

“(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary’s findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have com-
mitted the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

“(B) REQUIREMENTS.—

“(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

“(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation
otherwise required under subparagraph (A) 
shall be conducted if the employer dem-
onstrates, by clear and convincing evidence, 
that the employer would have taken the 
same unfavorable personnel action in the 
absence of that behavior.

“(iii) CRITERIA FOR DETERMINATION 
BY SECRETARY.—The Secretary may deter-
mine that a violation of subsection (a) has 
ocurred only if the complainant dem-
onstrates that any behavior described in 
paragraphs (1) through (5) of subsection (a) 
was a contributing factor in the unfavorable 
personnel action alleged in the complaint.

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

“(3) FINAL ORDER.—

“(A) DEADLINE FOR ISSUANCE; SETTLE-
MENT AGREEMENTS.—Not later than 120 days 
after the date of conclusion of a hearing under 
paragraph (2), the Secretary shall issue a final
order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

“(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

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

“(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

“(iii) to provide compensatory damages to the complainant.

“(C) ATTORNEYS’ FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is

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issued a sum equal to the aggregate amount of all costs and expenses (including attorneys’ and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

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

“(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury. The action shall be governed by the same
legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.

“(4) REVIEW.—

“(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

“(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

“(5) ENFORCEMENT OF ORDER BY SECRETARY.—Whenever any person fails to comply with an order
issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

“(6) ENFORCEMENT OF ORDER BY PARTIES.—

“(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.
“(c) MANDAMUS.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

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

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

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

SEC. 309. ANTI-REVOLVING DOOR.

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

“§30107. Restriction on covered motor vehicle safety officials

“(a) IN GENERAL.—During the 2-year period after the termination of his or her service or employment, a covered vehicle safety official may not knowingly make, with the intent to influence, any communication to or appearance

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before any officer or employee of the National Highway
Traffic Safety Administration on behalf of any manufac-
turer subject to regulation under this chapter in connection
with any matter involving motor vehicle safety on which
such person seeks official action by any officer or employee
of the National Highway Traffic Safety Administration.

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

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

“(d) SAVINGS PROVISION.—Nothing in this section
may be construed to expand, contract, or otherwise affect
the application of any waiver or criminal penalties under
section 207 of title 18.

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

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

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

“(2) who serves in a supervisory or management capacity over an officer or employee described in paragraph (1).

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

(b) CIVIL PENALTY.—Section 30165(a) of title 49, United States Code, as amended by this title, is further amended by adding at the end the following:
“(5) IMPROPER INFLUENCE.—An individual who violates section 30107(a) is liable to the United States Government for a civil penalty, as determined under section 216(b) of title 18, for an offense under section 207 of that title. A manufacturer or other person subject to regulation under this chapter who violates section 30107(b) is liable to the United States Government for a civil penalty equal to the sum of—

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

“(B) an amount equal to 90 percent of the annual compensation or fee paid or payable to the individual with respect to whom the violation occurred.”.

(c) STUDY OF DEPARTMENT OF TRANSPORTATION POLICIES ON OFFICIAL COMMUNICATION WITH FORMER MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) review the Department of Transportation’s policies and procedures applicable to official communication with former employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their tenure
at the Department, including any limitations on the
ability of such employees to submit comments, or oth-
erwise communicate directly with the Department, on
motor vehicle safety issues; and

(2) submit a report to the Committee on Com-
merce, Science, and Transportation of the Senate and
the Committee on Energy and Commerce of the House
of Representatives that contains the Inspector Gen-
eral’s findings, conclusions, and recommendations for
strengthening those policies and procedures to mini-
imize the risk of undue influence without compro-
mising the ability of the Department to employ and
retain highly qualified individuals for such respon-
sibilities.

(d) POST-EMPLOYMENT POLICY STUDY.—

(1) In general.—The Inspector General of the
Department of Transportation shall conduct a study
of the Department’s policies relating to post-employ-
ment restrictions on employees who perform functions
related to transportation safety.

(2) Report.—Not later than 1 year after the
date of enactment of this Act, the Inspector General
shall submit a report containing the results of the
study conducted under paragraph (1) to—
(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Secretary of Transportation.

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

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

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

SEC. 310. STUDY OF CRASH DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate the Committee on Energy and Commerce of the House of Representatives regarding the quality of data collected through the National Automotive Sampling System, including the Special Crash Investigations Program.

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

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

(1) the analysis and conclusions the Administration can reach from the amount of motor vehicle crash data collected in a given year;

(2) the additional analysis and conclusions the Administration could reach if more crash investigations were conducted each year;

(3) the number of investigations per year that would allow for optimal data analysis and crash information;

(4) the results of the comprehensive review conducted pursuant to subsection (b);

(5) recommendations for improvements to the Administration’s data collection program; and

(6) the resources needed by the Administration to implement such recommendations.
SEC. 311. UPDATE MEANS OF PROVIDING NOTIFICATION; IMPROVING EFFICACY OF RECALLS.

(a) Update of Means of Providing Notification.—Section 30119(d) of title 49, United States Code, is amended—

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

(2) in paragraph (2)—

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

(B) by striking the second sentence;

(3) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting “to the notification required under paragraphs (1) and (2)” after “addition”; and

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

(4) in paragraph (4), by striking “by certified mail or quicker means if available” and inserting “in the manner prescribed by the Secretary, by regulation”.
(b) IMPROVING EFFICACY OF RECALLS.—Section 30119(e) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking “SECOND” and inserting “ADDITIONAL”;

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

“(1) SECOND NOTIFICATION.—If the Secretary”;

and

(3) by adding at the end the following:

“(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after considering the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

“(A) to send additional notifications in the manner prescribed by the Secretary, by regulation;

“(B) to take additional steps to locate and notify each person registered under State law as the owner or lessee or the most recent purchaser or lessee, as appropriate; and
“(C) to emphasize the magnitude of the safety risk caused by the defect or noncompliance in such notification.”.

SEC. 312. EXPANDING CHOICES OF REMEDY AVAILABLE TO MANUFACTURERS OF REPLACEMENT EQUIPMENT.

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

(1) in subsection (a)(1), by amending subparagraph (B) to read as follows:

“(B) if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.”;

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

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

SEC. 313. RECALL OBLIGATIONS AND BANKRUPTCY OF MANUFACTURER.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting the following after section 30120:
§ 30120A. Recall obligations and bankruptcy of a manufacturer

“A manufacturer's filing of a petition in bankruptcy under chapter 11 of title 11, does not negate the manufacturer's duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer's obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority, pursuant to section 3710 of such chapter, to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer's products. This section shall apply equally to actions of a manufacturer taken before or after the filing of a petition in bankruptcy.”.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30120 the following:

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

SEC. 314. REPEAL OF INSURANCE REPORTS AND INFORMATION PROVISION.

Chapter 331 of title 49, United States Code, is amended—
(1) in the chapter analysis, by striking the item relating to section 33112; and

(2) by striking section 33112.

SEC. 315. MONRONEY STICKER TO PERMIT ADDITIONAL SAFETY RATING CATEGORIES.

Section 3(g)(2) of the Automobile Information Disclosure Act (15 U.S.C. 1232(g)(2)), is amended by inserting “safety rating categories that may include” after “refers to”.

TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

SEC. 401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

(a) Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.—

(1) In general.—The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the “Council”) to build, integrate, and aggregate the Administration’s expertise in passenger motor vehicle electronics and other new and emerging technologies.
(2) **IMPLEMENTATION OF ROADMAP.**—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration’s Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863).

(3) **INTRA-AGENCY COORDINATION.**—The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

(b) **HONORS RECRUITMENT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish, within the National Highway Traffic Safety Administration, an honors program for engineering students, computer science students, and other students interested in vehicle safety that will enable such students to train with engineers and other safety officials for a career in vehicle safety.

(2) **STIPEND.**—The Secretary is authorized to provide a stipend to students during their participation in the program established pursuant to paragraph (1).
(c) Assessment.—The Council, in consultation with affected stakeholders, shall assess the implications of emerging safety technologies in passenger motor vehicles, including the effect of such technologies on consumers, product availability, and cost.

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

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

(1) mitigates unintended acceleration in passenger motor vehicles;

(2) establishes performance requirements, based on the speed, size, and weight of the vehicle, that enable a driver to bring a passenger motor vehicle safely to a full stop by normal braking application even if the vehicle is simultaneously receiving accelerator input signals, including a full-throttle input signal;

(3) may permit compliance through a system that requires brake pedal application, after a period of time determined by the Secretary, to override an accelerator pedal input signal in order to stop the vehicle;

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

(5) may permit vehicles to incorporate a means to temporarily disengage the function required under paragraph (2) to facilitate operations, such as maneuvering trailers or climbing steep hills, which may require the simultaneous operation of brake and accelerator.

SEC. 403. PEDAL PLACEMENT STANDARD.

(a) IN GENERAL.—The Secretary shall initiate a rule-making proceeding to consider a Federal motor vehicle safety standard that would mitigate potential obstruction of pedal movement in passenger motor vehicles, after taking into account—

(1) various pedal mounting configurations; and

(2) minimum clearances for passenger motor vehicle foot pedals with respect to other pedals, the vehicle floor (including aftermarket floor coverings), and any other potential obstructions to pedal movement that the Secretary determines to be relevant.

(b) DEADLINE.—

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

(2) REPORT.—If the Secretary determines that a pedal placement standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

(c) COMBINED RULEMAKING.—The Secretary may combine the rulemaking proceeding required under subsection (a) with the rulemaking proceeding required under section 402.

SEC. 404. ELECTRONIC SYSTEMS PERFORMANCE STANDARD.

(a) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to consider prescribing or amending a Federal motor vehicle safety standard that—

(1) requires electronic systems in passenger motor vehicles to meet minimum performance requirements; and
(2) may include requirements for—

(A) electronic components;

(B) the interaction of electronic components;

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

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

(b) DEADLINE.—

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

(2) REPORT.—If the Secretary determines that such a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

(c) NATIONAL ACADEMY OF SCIENCES.—In conducting the rulemaking under subsection (a), the Secretary shall
consider the findings and recommendations of the National Academy of Sciences, if any, pursuant to its study of electronic vehicle controls.

SEC. 405. PUSHBUTTON IGNITION SYSTEMS STANDARD.

(a) Pushbutton Ignition Standard.—

(1) In general.—The Secretary shall initiate a rulemaking proceeding to consider a Federal motor vehicle safety standard for passenger motor vehicles with pushbutton ignition systems that establishes a standardized operation of such systems when used by drivers, including drivers who may be unfamiliar with such systems, in an emergency situation when the vehicle is in motion.

(2) Other Ignition Systems.—In the rulemaking proceeding initiated under paragraph (1), the Secretary may include any other ignition-starting mechanism that the Secretary determines should be considered.

(b) Pushbutton Ignition System Defined.—The term “pushbutton ignition system” means a mechanism, such as the push of a button, for starting a passenger motor vehicle that does not involve the physical insertion and turning of a tangible key.

(c) Deadline.—
(1) In general.—Except as provided under paragraph (2), the Secretary shall issue a final rule to implement the standard described in subsection (a) not later than 2 years after the date of the enactment of this Act.

(2) Report.—If the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 406. VEHICLE EVENT DATA RECORDERS.

(a) Mandatory Event Data Recorders.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall revise part 563 of title 49, Code of Federal Regulations, to require, beginning with model year 2015, that new passenger motor vehicles sold in the United States be equipped with an event data recorder that meets the requirements under that part.
(2) **Penalty.**—The violation of any provision under part 563 of title 49, Code of Federal Regulations—

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

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

(C) shall not subject a manufacturer (as defined in section 30102(a)(5) of that title) to the requirements under section 30120 of that title.

(b) **Limitations on Information Retrieval.**—

(1) **Ownership of Data.**—Any data in an event data recorder required under part 563 of title 49, Code of Federal Regulations, regardless of when the passenger motor vehicle in which it is installed was manufactured, is the property of the owner, or in the case of a leased vehicle, the lessee of the passenger motor vehicle in which the data recorder is installed.

(2) **Privacy.**—Data recorded or transmitted by such a data recorder may not be retrieved by a person other than the owner or lessee of the motor vehicle in which the recorder is installed unless—

(A) a court authorizes retrieval of the information in furtherance of a legal proceeding;
(B) the owner or lessee consents to the retrieval of the information for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle;

(C) the information is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of the owner, lessee, or driver of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved information; or

(D) the information is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash.

(c) Report to Congress.—Two years after the date of implementation of subsection (a), the Secretary shall study the safety impact and the impact on individual privacy of event data recorders in passenger motor vehicles and report its findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. The report shall include—
(1) the safety benefits gained from installation of event data recorders;

(2) the recommendations on what, if any, additional data the event data recorder should be modified to record;

(3) the additional safety benefit such information would yield;

(4) the estimated cost to manufacturers to implement the new enhancements;

(5) an analysis of how the information proposed to be recorded by an event data recorder conforms to applicable legal, regulatory, and policy requirements regarding privacy;

(6) a determination of the risks and effects of collecting and maintaining the information proposed to be recorded by an event data recorder;

(7) an examination and evaluation of the protections and alternative processes for handling information recorded by an event data recorder to mitigate potential privacy risks.

(d) REVISED REQUIREMENTS FOR EVENT DATA RECORDERS.—Based on the findings of the study under subsection (c), the Secretary shall initiate a rulemaking proceeding to revise part 563 of title 49, Code of Federal Regulations. The rule—
(1) shall require event data recorders to capture and store data related to motor vehicle safety covering a reasonable time period before, during, and after a motor vehicle crash or airbag deployment, including a rollover;

(2) shall require that data stored on such event data recorders be accessible, regardless of vehicle manufacturer or model, with commercially available equipment in a specified data format;

(3) shall establish requirements for preventing unauthorized access to the data stored on an event data recorder in order to protect the security, integrity, and authenticity of the data; and

(4) may require an interoperable data access port to facilitate universal accessibility and analysis.

(e) Disclosure of Existence and Purpose of Event Data Recorder.—The rule issued under subsection (d) shall require that any owner’s manual or similar documentation provided to the first purchaser of a passenger motor vehicle for purposes other than resale—

(1) disclose that the vehicle is equipped with such a data recorder; and

(2) explain the purpose of the data recorder.

(f) Access to Event Data Recorders in Agency Investigations.—Section 30166(c)(3)(C) of title 49,
United States Code, is amended by inserting “, including any electronic data contained within the vehicle’s diagnostic system or event data recorder” after “equipment.”

(g) **Deadline for Rulemaking.**—The Secretary shall issue a final rule under subsection (d) not later than 4 years after the date of enactment of this Act.

**SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER’S VIEW.**

(a) **Visual Entertainment Screens in Driver’s View.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall issue a final rule that prescribes a Federal motor vehicle safety standard prohibiting electronic screens from displaying broadcast television, movies, video games, and other forms of similar visual entertainment that is visible to the driver while driving.

(b) **Exceptions.**—The standard prescribed under subsection (a) shall allow electronic screens that display information or images regarding operation of the vehicle, vehicle surroundings, and telematic functions, such as the vehicle’s navigation and communications system, weather, time, or the vehicle’s audio system.
TITLE V—CHILD SAFETY
STANDARDS

SEC. 501. CHILD SAFETY SEATS.

(a) Protection for Larger Children.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to establish frontal crash protection requirements for child restraint systems for children weighing more than 65 pounds.

(b) Side Impact Crashes.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to improve the protection of children seated in child restraint systems during side impact crashes.

(c) Frontal Impact Test Parameters.—

(1) Commencement.—Not later than 2 years after the date of enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend test parameters under Federal Motor Vehicle Safety Standard Number 213 to better replicate real world conditions.

(2) Final Rule.—Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to paragraph (1).
SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to—

(1) amend Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorage systems) to improve the visibility of, accessibility to, and ease of use for lower anchorages and tethers in all rear seat seating positions if such anchorages and tethers are feasible; and

(2) amend Federal Motor Vehicle Safety Standard Number 213 (relating to child restraint systems) or Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorage systems)—

(A) to establish a maximum allowable weight of the child and child restraint for standardizing the recommended use of child restraint anchorage systems in all vehicles; and

(B) to provide the information described in subparagraph (A) to the consumer.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of the enactment of this Act.
(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 503. REAR SEAT BELT REMINDERS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 208 (relating to occupant crash protection) to provide a safety belt use warning system for designated seating positions in the rear seat.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.
(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 504. UNATTENDED PASSENGER REMINDERS.

(a) SAFETY RESEARCH INITIATIVE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research into the development of performance requirements to warn drivers that a child or other unattended passenger remains in a rear seating position after the vehicle motor is disengaged.

(b) SPECIFICATIONS.—In carrying out subsection (a), the Secretary shall consider performance requirements that—

(1) sense weight, the presence of a buckled seat belt, or other indications of the presence of a child or other passenger; and
(2) provide an alert to prevent hyperthermia and hypothermia that can result in death or severe injuries.

(c) RULEMAKING OR REPORT.—

(1) RULEMAKING.—Not later than 1 year after the completion of each research and testing initiative required under subsection (a), the Secretary shall initiate a rulemaking proceeding to issue a Federal motor vehicle safety standard if the Secretary determines that such a standard meets the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) REPORT.—If the Secretary determines that the standard described in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

(B) the Committee on Energy and Commerce of the House of Representatives.
SEC. 505. NEW DEADLINE.

If the Secretary determines that any deadline for issuing a final rule under this Act cannot be met, the Secretary shall—

(1) provide the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives with an explanation for why such deadline cannot be met; and

(2) establish a new deadline for that rule.

TITLE VI—IMPROVED DAYTIME AND NIGHTTIME VISIBILITY OF AGRICULTURAL EQUIPMENT

SEC. 601. RULEMAKING ON VISIBILITY OF AGRICULTURAL EQUIPMENT.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL EQUIPMENT.—The term “agricultural equipment” has the meaning given the term “agricultural field equipment” in ASABE Standard 390.4, entitled “Definitions and Classifications of Agricultural Field Equipment”, which was published in January 2005 by the American Society of Agriculture and Biological Engineers, or any successor standard.
(2) Public Road.—The term “public road” has the meaning given the term in section 101(a)(27) of title 23, United States Code.

(b) Rulemaking.—

(1) In General.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, after consultation with representatives of the American Society of Agricultural and Biological Engineers and appropriate Federal agencies, and with other appropriate persons, shall promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

(2) Minimum Standards.—The rule promulgated pursuant to this subsection shall—

(A) establish minimum lighting and marking standards for applicable agricultural equipment manufactured at least 1 year after the date on which such rule is promulgated; and

(B) provide for the methods, materials, specifications, and equipment to be employed to comply with such standards, which shall be equivalent to ASABE Standard 279.14, entitled “Lighting and Marking of Agricultural Equipment on Highways”, which was published in
July 2008 by the American Society of Agricultural and Biological Engineers, or any successor standard.

(c) REVIEW.—Not less frequently than once every 5 years, the Secretary of Transportation shall—

(1) review the standards established pursuant to subsection (b); and

(2) revise such standards to reflect the revision of ASABE Standard 279 that is in effect at the time of such review.

(d) LIMITATIONS.—

(1) COMPLIANCE WITH SUCCESSOR STANDARDS.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped in accordance with any adopted revision of ASABE Standard 279 that is later than the revision of such standard that was referenced during the promulgation of the rule.

(2) NO RETROFITTING REQUIRED.—Any rule promulgated pursuant to this section may not require the retrofitting of agricultural equipment that was manufactured before the date on which the lighting and marking standards are enforceable under subsection (b)(2)(A).
(3) **No effect on additional materials and equipment.**—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped with materials or equipment that are in addition to the minimum materials and equipment specified in the standard upon which such rule is based.
A BILL

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

November 14, 2012

Reported with an amendment

S. 1449

Calendar No. 548