

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~~”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- See. 1. Short title; table of contents.
 See. 2. Definition.

TITLE I—HIGHWAY SAFETY

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

TITLE II—ENHANCED SAFETY AUTHORITIES

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

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

- See. 301. Improved NHTSA vehicle safety database.
 See. 302. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
 See. 303. Consumer notice of software updates and other communications with
 dealers.
 See. 304. Public availability of early warning data.
 See. 305. Corporate responsibility for NHTSA reports.
 See. 306. Passenger motor vehicle information program.
 See. 307. Promotion of vehicle defect reporting.
 See. 308. Whistleblower protections for motor vehicle manufacturers, part sup-
 pliers, and dealership employees.
 See. 309. Activities to promote motor vehicle and highway safety.
 See. 310. Anti-revolving door.
 See. 311. Study of crash data collection.
 See. 312. Update means of providing notification; improving efficacy of recalls.

- Sec. 313. Expanding choices of remedy available to manufacturers of replacement equipment.
- Sec. 314. Recall obligations and bankruptcy of manufacturer.
- Sec. 315. Repeal of insurance reports and information provision.
- Sec. 316. Monroney sticker to permit additional safety rating categories.

TITLE IV—VEHICLE ELECTRONICS AND SAFETY STANDARDS

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

TITLE V—CHILD SAFETY STANDARDS

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

1 **SEC. 2. DEFINITION.**

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

4 **TITLE I—HIGHWAY SAFETY**

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

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

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

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

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

1 ~~(2) HIGHWAY SAFETY RESEARCH AND DEVELOP-~~
2 ~~MENT.—For carrying out section 403 of title 23,~~
3 ~~United States Code—~~

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

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

6 ~~(3) COMBINED OCCUPANT PROTECTION~~
7 ~~GRANTS.—For carrying out section 405 of title 23,~~
8 ~~United States Code—~~

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

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

11 ~~(4) STATE TRAFFIC SAFETY INFORMATION SYS-~~
12 ~~TEM IMPROVEMENTS.—For carrying out section 408~~
13 ~~of title 23, United States Code—~~

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

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

16 ~~(5) IMPAIRED DRIVING COUNTERMEASURES.—~~
17 ~~For carrying out section 410 of title 23, United~~
18 ~~States Code—~~

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

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

21 ~~(6) DISTRACTED DRIVING GRANTS.—For ear-~~
22 ~~rying out section 411 of title 23, United States~~
23 ~~Code—~~

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

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

1 (7) NATIONAL DRIVER REGISTER.—For the Na-
 2 tional Highway Traffic Safety Administration to
 3 carry out chapter 303 of title 49, United States
 4 Code—

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

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

7 (8) HIGH VISIBILITY ENFORCEMENT PRO-
 8 GRAM.—For carrying out section 2009 of
 9 SAFETEA-LU (Public Law 109-59; 23 U.S.C.
 10 note)—

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

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

13 (9) MOTORCYCLIST SAFETY.—For carrying out
 14 section 2010 of SAFETEA-LU (Public Law 109-
 15 59; 23 U.S.C. note)—

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

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

18 (10) ADMINISTRATIVE EXPENSES.—For admin-
 19 istrative and related operating expenses of the Na-
 20 tional Highway Traffic Safety Administration in ear-
 21 rying out chapter 4 of title 23, United States Code,
 22 and this title—

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

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

1 (11) DRIVER ALCOHOL DETECTION SYSTEM
2 FOR SAFETY RESEARCH.—For carrying out section
3 413 of title 23, United States Code—

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

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

6 (12) STATE GRADUATED DRIVER LICENSING
7 LAWS.—For carrying out section 414 of title 23,
8 United States Code—

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

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

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

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

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

21 (c) APPLICABILITY OF TITLE 23.—Except as other-
22 wise provided in chapter 4 of title 23, United States Code,
23 and in this title, amounts made available under subsection
24 (a) for fiscal years 2012 and 2013 shall be available for

1 obligation in the same manner as if such funds were ap-
2 portioned under chapter 1 of title 23, United States Code.

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

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

18 (f) MAINTENANCE OF EFFORT.—

19 (1) REQUIREMENT.—No grant may be made to
20 a State under section 405, 408, or 410 of title 23,
21 United States Code, in any fiscal year unless the
22 State enters into such agreements with the Sec-
23 retary as the Secretary may require to ensure that
24 the State will maintain its aggregate expenditures
25 from all State and local sources for programs de-

1 scribed in such sections at or above the average level
 2 of such expenditures in its 2 fiscal years preceding
 3 the date of enactment of this Act.

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

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

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

23 (i) ALLOCATION TO SUPPORT STATE DISTRACTED
 24 DRIVING LAWS.—Of the amounts available under sub-
 25 section (a)(7) for distracted driving grants, the Secretary

1 may expend, in each fiscal year, up to \$5,000,000 for the
 2 development and placement of broadcast media to support
 3 the enforcement of State distracted driving laws.

4 **SEC. 102. HIGHWAY SAFETY PROGRAMS.**

5 (a) PROGRAMS INCLUDED.—Section 402(a) of title
 6 23, United States Code, is amended to read as follows:

7 “(a) PROGRAM REQUIRED.—

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

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

16 “(A) include programs—

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

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

24 “(iii) to reduce deaths and injuries re-
 25 sulting from persons driving motor vehicles

1 while impaired by alcohol or a controlled
2 substance;

3 “(iv) to prevent accidents and reduce
4 deaths and injuries resulting from acci-
5 dents involving motor vehicles and motor-
6 cycles;

7 “(v) to reduce injuries and deaths re-
8 sulting from accidents involving school
9 buses;

10 “(vi) to reduce accidents resulting
11 from unsafe driving behavior (including ag-
12 gressive or fatigued driving and distracted
13 driving arising from the use of electronic
14 devices in vehicles); and

15 “(vii) to improve law enforcement
16 services in motor vehicle accident preven-
17 tion, traffic supervision, and post-accident
18 procedures;

19 “(B) improve driver performance, includ-
20 ing—

21 “(i) driver education;

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

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

1 “(C) improve pedestrian performance and
2 bicycle safety;

3 “(D) include provisions for—

4 “(i) an effective record system of acci-
5 dents (including resulting injuries and
6 deaths);

7 “(ii) accident investigations to deter-
8 mine the probable causes of accidents, in-
9 juries, and deaths;

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

12 “(iv) emergency services; and

13 “(E) to the extent determined appropriate
14 by the Secretary, are applicable to federally ad-
15 ministered areas where a Federal department
16 or agency controls the highways or supervises
17 traffic operations.”.

18 (b) ADMINISTRATION OF STATE PROGRAMS.—See
19 tion 402(b)(1) of title 23, United States Code, is amend-
20 ed—

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

23 (2) by redesignating subparagraph (E) as sub-
24 paragraph (F);

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

1 “(E) beginning on October 1, 2012, pro-
 2 vide for a robust, data-driven traffic safety en-
 3 forcement program to prevent traffic violations,
 4 crashes, and crash fatalities and injuries in
 5 areas most at risk for such incidents, to the
 6 satisfaction of the Secretary;” and

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

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

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

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

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

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

21 (e) APPROVED HIGHWAY SAFETY PROGRAMS.—Sec-
 22 tion 402(e) of title 23, United States Code, is amended—

23 (1) by striking “(e) Funds authorized” and in-
 24 serting the following:

25 “(e) USE OF FUNDS.—

1 “(1) IN GENERAL.—Funds authorized”;

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

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

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

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

16 (5) by striking “50 per centum” and inserting
17 “20 percent”; and

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

20 “(3) REAPPORTIONMENT.—The Secretary shall
21 promptly apportion the funds withheld from a
22 State’s apportionment to the State if the Secretary
23 approves the State’s highway safety program or de-
24 termines that the State has begun implementing an
25 approved program, as appropriate, not later than

1 July 31st of the fiscal year for which the funds were
 2 withheld. If the Secretary determines that the State
 3 did not correct its failure within such period, the
 4 Secretary shall reapportion the withheld funds to the
 5 other States in accordance with the formula speci-
 6 fied in paragraph (2) not later than the last day of
 7 the fiscal year.”.

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

11 “(g) SAVINGS PROVISION.—

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

16 “(A) highway construction, maintenance,
 17 or design (other than design of safety features
 18 of highways to be incorporated into guidelines);
 19 or

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

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

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

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

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

6 (3) by redesignating subsection (l) as subsection
7 (j):

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

12 “(k) HIGHWAY SAFETY PLAN AND REPORTING RE-
13 QUIREMENTS.—

14 “(1) IN GENERAL.—The Secretary shall require
15 each State to develop and submit to the Secretary
16 a highway safety plan that complies with the re-
17 quirements under this subsection not later than July
18 1, 2012, and annually thereafter.

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

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

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

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

3 “(iii) a justification for each perform-
4 ance target;

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

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

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

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

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

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

24 “(A) IN GENERAL.—Not later than 60
25 days after the date on which a State’s highway

1 safety plan is received by the Secretary, the
2 Secretary shall review and approve or dis-
3 approve the plan.

4 ~~“(B) APPROVALS AND DISAPPROVALS.—~~

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

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

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

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

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

19 ~~“(I) set appropriate performance~~
20 ~~targets; or~~

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

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

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

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

9 “(D) REVIEW OF RESUBMITTED PLANS.—

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

16 “(E) REPROGRAMMING AUTHORITY.—If

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

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

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

10 “(1) COOPERATIVE RESEARCH AND EVALUATION.—

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

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

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

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

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

11 “(m) TEEN TRAFFIC SAFETY PROGRAM.—

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

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

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

24 “(i) increase safety belt use;

25 “(ii) reduce speeding;

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

3 ~~“(iv) reduce underage drinking; and~~

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

7 ~~“(B) may include—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **“(b) GENERAL AUTHORITY.—**

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

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

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

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

4 “(A) independently;

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

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

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

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

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

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

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

12 “(B) Federal laboratories.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(c) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(vi) The State—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(g) DEFINITIONS.—In this section:

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

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

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

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

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

“405. Combined occupant protection grants.”.

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

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

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

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

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

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

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

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

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

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

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

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

15 “(2) has designated a TRCC coordinator;

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

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

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

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

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

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

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

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

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

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

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

8 “(2) alcohol-ignition interlock laws.

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

13 “(c) ELIGIBILITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(d) USE OF GRANT AMOUNTS.—

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

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

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

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

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

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

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

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

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

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

11 “(E) alcohol ignition interlock programs;

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

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

16 “(H) conducting—

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

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

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

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

1 assist such professionals in handling impaired
2 driving cases;

3 “(J) traffic safety resource prosecutors;

4 “(K) judicial outreach liaisons;

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

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

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

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

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

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

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

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

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

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

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

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

1 “(h) DEFINITIONS.—In this section:

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

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

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

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

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

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

“410. Impaired driving countermeasures.”

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

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

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

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

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

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

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

19 “(3) establishes—

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

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

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

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

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

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

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

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

14 “(4) establishes—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(A) improve traffic safety; and

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

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

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

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

15 “(g) DEFINITIONS.—In this section:

16 “(1) DRIVING.—The term ‘driving’—

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

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

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

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

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

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

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

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

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

“~~411. Distracted driving grants.~~”.

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

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

8 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 “(c) DEFINITIONS.—In this title:

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

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

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

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

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

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

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

15 “(b) MINIMUM REQUIREMENTS.—

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

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

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

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

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

5 “(i) in the learner’s permit stage—

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

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

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

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

25 “(I) driving while intoxicated;

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

3 “(III) reckless driving;

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

6 “(V) speeding; or

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

10 “(c) RULEMAKING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 “(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

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

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

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

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

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

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

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

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

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

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

9 (2) by striking subsection (f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 and

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

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

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

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

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

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

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

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

1 “(8) the appropriateness of such penalty in re-
 2 lation to the size of the business of the person
 3 charged, including the potential for undue adverse
 4 economic impacts;

5 “(9) whether the person has previously been as-
 6 sessed civil penalties under this section during the
 7 most recent 5 years; and

8 “(10) other appropriate factors.”.

9 (b) CIVIL PENALTY CRITERIA.—Not later than 1
 10 year after the date of the enactment of this Act, the Sec-
 11 retary shall issue a final rule, in accordance with the pro-
 12 cedures of section 553 of title 5, United States Code,
 13 which provides an interpretation of the penalty factors de-
 14 scribed in section 30165(e) of title 49, United States
 15 Code.

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

20 **SEC. 204. MOTOR VEHICLE SAFETY RESEARCH AND DEVEL-**
 21 **OPMENT.**

22 (a) IN GENERAL.—Chapter 301 of title 49, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

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

3 “§ 30181. Policy

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

7 “§ 30182. Powers and duties

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

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

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

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

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

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

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

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

6 “(B) travel and related expenses;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) CONFORMING AMENDMENTS.—

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

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

“30181. Policy.

“30182. Powers and duties.

~~“30183. Public health authority.~~

~~“30184. Prohibition on certain disclosures.”.~~

1 ~~(2) DELETION OF REDUNDANT MATERIAL.—~~

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

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

6 ~~(B) by striking section 30168.~~

7 **SEC. 205. ODOMETER REQUIREMENTS DEFINITION.**

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

11 **SEC. 206. ELECTRONIC DISCLOSURES OF ODOMETER IN-**
12 **FORMATION.**

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

15 “~~(g) ELECTRONIC DISCLOSURES.—In carrying out~~
16 ~~this section, the Secretary may prescribe regulations per-~~
17 ~~mitting any written disclosures or notices and related mat-~~
18 ~~ters to be provided electronically.”.~~

19 **SEC. 207. INCREASED PENALTIES AND DAMAGES FOR**
20 **ODOMETER FRAUD.**

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

23 ~~(1) in section 32709(a)(1)—~~

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

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

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

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

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

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

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

1 (2) in subsection (b)(2)—

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

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

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

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

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

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

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

“SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT”;

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

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

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

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

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

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

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

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

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

4 and

5 (2) in section 30164—

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

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

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

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

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

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

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

1 “(A) the requirements under this section;

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

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

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

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

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

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

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

20 (2) in paragraph (3)—

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

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

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

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

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

18 “(A) this chapter;

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

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

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

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

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

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

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

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

18 (b) **VEHICLE RECALL INFORMATION.**—

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

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

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

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

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

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

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

18 **SEC. 302. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**

19 **AND MECHANIC PERSONNEL.**

20 The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(C) DISCLOSURE.—

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

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

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

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

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

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

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

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

11 ~~“(o) CORPORATE RESPONSIBILITY FOR REPORTS.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) by striking paragraph (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 “(b) COMPLAINT PROCEDURE.—

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

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

5 “(2) INVESTIGATION; PRELIMINARY ORDER.—

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

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

13 “(B) REQUIREMENTS.—

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

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

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

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

1 ~~“(3) FINAL ORDER.—~~

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

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

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

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

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

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

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

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

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

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

12 ~~“(4) REVIEW.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (d) POST-EMPLOYMENT POLICY STUDY.—

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

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

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

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

9 (C) the Secretary of Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 ~~(2)~~ in paragraph ~~(2)~~—

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

18 ~~(B)~~ by striking the second sentence;

19 ~~(3)~~ in paragraph ~~(3)~~—

20 ~~(A)~~ by striking the first sentence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) by striking section 33112.

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

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

14 **TITLE IV—VEHICLE ELEC-**
 15 **TRONICS AND SAFETY STAND-**
 16 **ARDS**

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

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

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

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

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

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

17 ~~(b) HONORS RECRUITMENT PROGRAM.~~—

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (1) various pedal mounting configurations; and

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

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

3 (b) DEADLINE.—

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

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

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

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

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

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

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

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

10 (2) may include requirements for—

11 (A) electronic components;

12 (B) the interaction of such components;

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

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

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

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

23 (a) **PUSHBUTTON IGNITION STANDARD.**—

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

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

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

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

16 (c) DEADLINE.—

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

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

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

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

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

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

8 (a) **MANDATORY EVENT DATA RECORDERS.—**

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

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

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

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

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

1 the requirements under section 30120 of that
2 title.

3 ~~(b) LIMITATIONS ON INFORMATION RETRIEVAL.—~~

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

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

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

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

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

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

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

8 ~~(e) REVISED REQUIREMENTS FOR EVENT DATA RE-~~
9 ~~CORDERS.~~—The Secretary shall initiate a rulemaking pro-
10 ceeding to prescribe or amend a Federal motor vehicle
11 safety standard that revises part 563 of title 49, Code of
12 Federal Regulations, to require that event data recorders
13 in passenger motor vehicles record operational data that
14 can be stored and accessed for retrieval and analysis in
15 accordance with subsection ~~(d)~~.

16 ~~(d) SPECIFICATIONS.~~—The rule prescribed under
17 subsection ~~(e)~~—

18 ~~(1)~~ shall require event data recorders to capture
19 and store data related to motor vehicle safety cov-
20 ering a reasonable time period before, during, and
21 after a motor vehicle crash or airbag deployment, in-
22 cluding a rollover;

23 ~~(2)~~ may require that the data to be captured
24 and stored pursuant to paragraph ~~(1)~~ include infor-
25 mation about engine performance, steering, braking,

1 acceleration, vehicle speed, seat belt use, airbag de-
2 ployment, airbag deactivation status, data relating
3 to vehicle rollover, and any other data the Secretary
4 considers appropriate;

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

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

16 (5) shall require that data stored on such re-
17 corders be accessible, regardless of vehicle manufac-
18 turer or model, with commercially available equip-
19 ment;

20 (6) shall specify data format requirements;

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

23 (8) shall require that such recorders meet the
24 performance requirements for crash resistance in-
25 cluded in part 563 of title 49, Code of Federal Reg-

1 ulations, and, if the Secretary determines that such
2 requirements do not provide adequate temperature,
3 crash, or water resistance, may include additional
4 performance requirements;

5 (9) shall establish requirements for preventing
6 unauthorized access to the data stored on an event
7 data recorder in order to protect the security, integ-
8 rity, and authenticity of the data; and

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

11 (e) DISCLOSURE OF EXISTENCE AND PURPOSE OF
12 EVENT DATA RECORDER.—The rule issued under sub-
13 section (e) shall require that any owner’s manual or simi-
14 lar documentation provided to the first purchaser of a pas-
15 senger motor vehicle for purposes other than resale—

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

18 (2) explain the purpose of the data recorder.

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

1 (g) **DEADLINE FOR RULEMAKING.**—The Secretary
2 shall issue a final rule under subsection (e) not later than
3 $\frac{3}{2}$ years after the date of the enactment of this Act.

4 **SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTERTAINMENT IN DRIVER'S VIEW.**
5

6 (a) **VISUAL ENTERTAINMENT SCREENS IN DRIVER'S VIEW.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Transportation shall
7 issue a final rule that prescribes a Federal motor vehicle
8 safety standard prohibiting electronic screens from displaying
9 broadcast television, movies, video games, and
10 other forms of similar visual entertainment that is visible
11 to the driver while driving.

12 (b) **EXCEPTIONS.**—The standard prescribed under
13 subsection (a) shall allow electronic screens that display
14 information or images regarding operation of the vehicle,
15 vehicle surroundings, and telematic functions, such as the
16 vehicle's navigation and communications system, weather,
17 time, or the vehicle's audio system.

18
19
20 **TITLE V—CHILD SAFETY**
21 **STANDARDS**

22 **SEC. 501. CHILD SAFETY SEATS.**

23 (a) **PROTECTION FOR LARGER CHILDREN.**—Not
24 later than 1 year after the date of the enactment of this
25 Act, the Secretary shall issue a final rule amending Fed-

1 eral Motor Vehicle Safety Standard Number 213 to estab-
2 lish frontal crash protection requirements for child re-
3 straint systems for children weighing more than 65
4 pounds.

5 (b) SIDE IMPACT CRASHES.—Not later than 2 years
6 after the date of the enactment of this Act, the Secretary
7 shall issue a final rule amending Federal Motor Vehicle
8 Safety Standard Number 213 to improve the protection
9 of children seated in child restraint systems during side
10 impact crashes.

11 (c) FRONTAL IMPACT TEST PARAMETERS.—

12 (1) COMMENCEMENT.—Not later than 2 years
13 after the date of the enactment of this Act, the Sec-
14 retary shall commence a rulemaking proceeding to
15 amend test parameters under Federal Motor Vehicle
16 Safety Standard Number 213 to better replicate real
17 world conditions.

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

21 **SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.**

22 (a) INITIATION OF RULEMAKING PROCEEDING.—Not
23 later than 1 year after the date of the enactment of this
24 Act, the Secretary shall initiate a rulemaking proceeding
25 to—

1 (1) amend Federal Motor Vehicle Safety Stand-
2 ard Number 225 (relating to child restraint anchor-
3 age systems) to improve the visibility of, accessibility
4 to, and ease of use for lower anchorages and tethers
5 in all rear seat seating positions if such anchorages
6 and tethers are feasible; and

7 (2) amend Federal Motor Vehicle Safety Stand-
8 ard Number 213 (relating to child restraint systems)
9 or Federal Motor Vehicle Safety Standard Number
10 225 (relating to child restraint anchorage sys-
11 tems)—

12 (A) to establish a maximum allowable
13 weight of the child and child restraint for
14 standardizing the recommended use of child re-
15 straint anchorage systems in all vehicles; and

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

18 (b) FINAL RULE.—

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

23 (2) REPORT.—If the Secretary determines that
24 an amendment to the standard referred to in sub-
25 section (a) does not meet the requirements and con-

1 siderations set forth in subsections (a) and (b) of
 2 section 30111 of title 49, United States Code, the
 3 Secretary shall submit a report describing the rea-
 4 sons for not prescribing such a standard to—

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

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

9 **SEC. 503. REAR SEAT BELT REMINDERS.**

10 (a) **INITIATION OF RULEMAKING PROCEEDING.**—Not
 11 later than 2 years after the date of the enactment of this
 12 Act, the Secretary shall initiate a rulemaking proceeding
 13 to amend Federal Motor Vehicle Safety Standard Number
 14 208 (relating to occupant crash protection) to provide a
 15 safety belt use warning system for designated seating posi-
 16 tions in the rear seat.

17 (b) **FINAL RULE.**—

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

22 (2) **REPORT.**—If the Secretary determines that
 23 an amendment to the standard referred to in sub-
 24 section (a) is not warranted based on the require-
 25 ments and considerations set forth in subsections (a)

1 and (b) of section 30111 of title 49, United States
 2 Code, the Secretary shall submit a report describing
 3 the reasons for not prescribing such a standard to—

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

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

8 **SEC. 504. UNATTENDED PASSENGER REMINDERS.**

9 (a) **SAFETY RESEARCH INITIATIVE.**—Not later than
 10 2 years after the date of the enactment of this Act, the
 11 Secretary shall complete research into the development of
 12 performance requirements to warn drivers that a child or
 13 other unattended passenger remains in a rear seating posi-
 14 tion after the vehicle motor is disengaged.

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

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

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

24 (c) **RULEMAKING OR REPORT.**—

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

9 (2) REPORT.—If the Secretary determines that
10 the standard described in subsection (a) does not
11 meet the requirements and considerations set forth
12 in subsections (a) and (b) of section 30111 of title
13 49, United States Code, the Secretary shall submit
14 a report describing the reasons for not prescribing
15 such a standard to—

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

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

20 **SEC. 505. NEW DEADLINE.**

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

24 (1) provide the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Energy and Commerce of the House
 2 of Representatives with an explanation for why such
 3 deadline cannot be met; and

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

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

6 (a) *SHORT TITLE.*—*This Act may be cited as the*
 7 *“Motor Vehicle and Highway Safety Improvement Act of*
 8 *2011” or “Mariah’s Act”.*

9 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 10 *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. 210. Conditions on importation of vehicles and equipment.

Sec. 211. Port inspections; samples for examination or testing.

TITLE III—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 301. Improved National Highway Traffic Safety Administration vehicle safety database.*
- Sec. 302. National Highway Traffic Safety Administration 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 National Highway Traffic Safety Administration reports.*
- Sec. 306. Passenger motor vehicle information program.*
- Sec. 307. Promotion of vehicle defect reporting.*
- Sec. 308. Whistleblower protections for motor vehicle manufacturers, part suppliers, and dealership employees.*
- Sec. 309. 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. 401. National Highway Traffic Safety Administration electronics, software, and engineering expertise.*
- Sec. 402. Vehicle stopping distance and brake override standard.*
- Sec. 403. Pedal placement standard.*
- Sec. 404. Electronic systems performance standard.*
- Sec. 405. Pushbutton ignition systems standard.*
- Sec. 406. Vehicle event data recorders.*
- Sec. 407. Prohibition on electronic visual entertainment in driver's view.*

TITLE V—CHILD SAFETY STANDARDS

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

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.*

1 **TITLE I—HIGHWAY SAFETY**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) *IN GENERAL.*—*The following sums are authorized*
4 *to be appropriated out of the Highway Trust Fund (other*
5 *than the Mass Transit Account):*

6 (1) *HIGHWAY SAFETY PROGRAMS.*—*For carrying*
7 *out section 402 of title 23, United States Code—*

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

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

10 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
11 *MENT.*—*For carrying out section 403 of title 23,*
12 *United States Code—*

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

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

15 (3) *COMBINED OCCUPANT PROTECTION*
16 *GRANTS.*—*For carrying out section 405 of title 23,*
17 *United States Code—*

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

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

20 (4) *STATE TRAFFIC SAFETY INFORMATION SYS-*
21 *TEM IMPROVEMENTS.*—*For carrying out section 408*
22 *of title 23, United States Code—*

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

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

1 (5) *IMPAIRED DRIVING COUNTERMEASURES.—*
2 *For carrying out section 410 of title 23, United States*
3 *Code—*

4 (A) *\$139,000,000 for fiscal year 2012; and*
5 (B) *\$139,000,000 for fiscal year 2013.*

6 (6) *DISTRACTED DRIVING GRANTS.—For car-*
7 *rying out section 411 of title 23, United States*
8 *Code—*

9 (A) *\$39,000,000 for fiscal year 2012; and*
10 (B) *\$39,000,000 for fiscal year 2013.*

11 (7) *NATIONAL DRIVER REGISTER.—For the Na-*
12 *tional Highway Traffic Safety Administration to*
13 *carry out chapter 303 of title 49, United States*
14 *Code—*

15 (A) *\$5,000,000 for fiscal year 2012; and*
16 (B) *\$5,000,000 for fiscal year 2013.*

17 (8) *HIGH VISIBILITY ENFORCEMENT PROGRAM.—*
18 *For carrying out section 2009 of SAFETEA-LU (23*
19 *U.S.C. 402 note)—*

20 (A) *\$37,000,000 for fiscal year 2012; and*
21 (B) *\$37,000,000 for fiscal year 2013.*

22 (9) *MOTORCYCLIST SAFETY.—For carrying out*
23 *section 2010 of SAFETEA-LU (23 U.S.C. 402*
24 *note)—*

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

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

2 (10) *ADMINISTRATIVE EXPENSES.*—For adminis-
3 trative and related operating expenses of the National
4 Highway Traffic Safety Administration in carrying
5 out chapter 4 of title 23, United States Code, and this
6 title—

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

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

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

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

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

14 (12) *STATE GRADUATED DRIVER LICENSING*
15 *LAWS.*—For carrying out section 414 of title 23,
16 United States Code—

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

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

19 (b) *PROHIBITION ON OTHER USES.*—Except as other-
20 wise provided in chapter 4 of title 23, United States Code,
21 in this title, and in the amendments made by this title,
22 the amounts made available from the Highway Trust Fund
23 (other than the Mass Transit Account) for a program under
24 such chapter—

1 (1) *shall only be used to carry out such program;*
2 *and*

3 (2) *may not be used by a States or local govern-*
4 *ments for construction purposes.*

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

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

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

25 (f) *MAINTENANCE OF EFFORT.—*

1 (1) *REQUIREMENT.*—No grant may be made to
2 a State under section 405, 408, or 410 of title 23,
3 United States Code, in any fiscal year unless the
4 State enters into such agreements with the Secretary
5 as the Secretary may require to ensure that the State
6 will maintain its aggregate expenditures from all
7 State and local sources for programs described in such
8 sections at or above the average level of such expendi-
9 tures in its 2 fiscal years preceding the date of enact-
10 ment of this Act.

11 (2) *WAIVER.*—Upon the request of a State, the
12 Secretary may waive or modify the requirements
13 under paragraph (1) for not more than 1 fiscal year
14 if the Secretary determines that such a waiver would
15 be equitable due to exceptional or uncontrollable cir-
16 cumstances.

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

23 (h) *GRANT APPLICATION AND DEADLINE.*—To receive
24 a grant under this title, a State shall submit an applica-
25 tion, and the Secretary shall establish a single deadline for

1 *such applications to enable the award of grants early in*
 2 *the next fiscal year.*

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

9 **SEC. 102. HIGHWAY SAFETY PROGRAMS.**

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

12 “(a) *PROGRAM REQUIRED.*—

13 “(1) *IN GENERAL.*—*Each State shall have a*
 14 *highway safety program, approved by the Secretary,*
 15 *that is designed to reduce traffic accidents and the re-*
 16 *sulting deaths, injuries, and property damage.*

17 “(2) *UNIFORM GUIDELINES.*—*Programs required*
 18 *under paragraph (1) shall comply with uniform*
 19 *guidelines, promulgated by the Secretary and ex-*
 20 *pressed in terms of performance criteria, that—*

21 “(A) *include programs—*

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

1 “(ii) to encourage the proper use of oc-
2 cupant protection devices (including the use
3 of safety belts and child restraint systems)
4 by occupants of motor vehicles;

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

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

12 “(v) to reduce injuries and deaths re-
13 sulting from accidents involving school
14 buses;

15 “(vi) to reduce accidents resulting from
16 unsafe driving behavior (including aggres-
17 sive or fatigued driving and distracted driv-
18 ing arising from the use of electronic devices
19 in vehicles); and

20 “(vii) to improve law enforcement serv-
21 ices in motor vehicle accident prevention,
22 traffic supervision, and post-accident proce-
23 dures;

24 “(B) improve driver performance, includ-
25 ing—

1 “(i) driver education;

2 “(ii) driver testing to determine pro-

3 ficiency to operate motor vehicles; and

4 “(iii) driver examinations (physical,

5 mental, and driver licensing);

6 “(C) improve pedestrian performance and

7 bicycle safety;

8 “(D) include provisions for—

9 “(i) an effective record system of acci-

10 dents (including resulting injuries and

11 deaths);

12 “(ii) accident investigations to deter-

13 mine the probable causes of accidents, inju-

14 ries, and deaths;

15 “(iii) vehicle registration, operation,

16 and inspection; and

17 “(iv) emergency services; and

18 “(E) to the extent determined appropriate

19 by the Secretary, are applicable to federally ad-

20 ministered areas where a Federal department or

21 agency controls the highways or supervises traffic

22 operations.”.

23 (b) ADMINISTRATION OF STATE PROGRAMS.—Section

24 402(b)(1) of title 23, United States Code, is amended—

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

3 (2) *by redesignating subparagraph (E) as sub-*
4 *paragraph (F);*

5 (3) *by inserting after subparagraph (D) the fol-*
6 *lowing:*

7 *“(E) beginning on October 1, 2012, provide*
8 *for a robust, data-driven traffic safety enforce-*
9 *ment program to prevent traffic violations,*
10 *crashes, and crash fatalities and injuries in*
11 *areas most at risk for such incidents, to the sat-*
12 *isfaction of the Secretary;”;* and

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

14 *(A) in clause (i), by inserting “and high-*
15 *visibility law enforcement mobilizations coordi-*
16 *nated by the Secretary” after “mobilizations”;*

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

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

21 *(D) by adding at the end the following:*

22 *“(v) ensuring that the State will co-*
23 *ordinate its highway safety plan, data col-*
24 *lection, and information systems with the*

1 *State strategic highway safety plan (as de-*
2 *finied in section 148(a)).”.*

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

5 (1) *by striking “(c) Funds authorized” and in-*
6 *serting the following:*

7 “(c) *USE OF FUNDS.—*

8 (1) *IN GENERAL.—Funds authorized”;*

9 (2) *by striking “Such funds” and inserting the*
10 *following:*

11 (2) *APPORTIONMENT.—Except for amounts*
12 *identified in subsection (l) and section 403(e), funds*
13 *described in paragraph (1)”;*

14 (3) *by striking “The Secretary shall not” and all*
15 *that follows through “subsection, a highway safety*
16 *program” and inserting “A highway safety pro-*
17 *gram”;*

18 (4) *by inserting “A State may use the funds ap-*
19 *portioned under this section, in cooperation with*
20 *neighboring States, for highway safety programs or*
21 *related projects that may confer benefits on such*
22 *neighboring States.” after “in every State.”;*

23 (5) *by striking “50 per centum” and inserting*
24 *“20 percent”; and*

1 (6) *by striking “The Secretary shall promptly”*
2 *and all that follows and inserting the following:*

3 “(3) *REAPPORTIONMENT.—The Secretary shall*
4 *promptly apportion the funds withheld from a State’s*
5 *apportionment to the State if the Secretary approves*
6 *the State’s highway safety program or determines*
7 *that the State has begun implementing an approved*
8 *program, as appropriate, not later than July 31st of*
9 *the fiscal year for which the funds were withheld. If*
10 *the Secretary determines that the State did not cor-*
11 *rect its failure within such period, the Secretary shall*
12 *reapportion the withheld funds to the other States in*
13 *accordance with the formula specified in paragraph*
14 *(2) not later than the last day of the fiscal year.”.*

15 (d) *USE OF HIGHWAY SAFETY PROGRAM FUNDS.—*
16 *Section 402(g) of title 23, United States Code, is amended*
17 *to read as follows:*

18 “(g) *SAVINGS PROVISION.—*

19 “(1) *IN GENERAL.—Except as provided under*
20 *paragraph (2), nothing in this section may be con-*
21 *strued to authorize the appropriation or expenditure*
22 *of funds for—*

23 “(A) *highway construction, maintenance, or*
24 *design (other than design of safety features of*
25 *highways to be incorporated into guidelines); or*

1 “(B) any purpose for which funds are au-
2 thorized by section 403.

3 “(2) *DEMONSTRATION PROJECTS.*—A State may
4 use funds made available to carry out this section to
5 assist in demonstration projects carried out by the
6 Secretary under section 403.”.

7 (e) *IN GENERAL.*—Section 402 of title 23, United
8 States Code, is amended—

9 (1) by striking subsections (k) and (m);

10 (2) by redesignating subsections (i) and (j) as
11 subsections (h) and (i), respectively; and

12 (3) by redesignating subsection (l) as subsection
13 (j).

14 (f) *HIGHWAY SAFETY PLAN AND REPORTING RE-*
15 *QUIREMENTS.*—Section 402 of title 23, United States Code,
16 as amended by this section, is further amended by adding
17 at the end the following:

18 “(k) *HIGHWAY SAFETY PLAN AND REPORTING RE-*
19 *QUIREMENTS.*—

20 “(1) *IN GENERAL.*—The Secretary shall require
21 each State to develop and submit to the Secretary a
22 highway safety plan that complies with the require-
23 ments under this subsection not later than July 1,
24 2012, and annually thereafter.

1 “(2) *CONTENTS.*—*State highway safety plans*
2 *submitted under paragraph (1) shall include—*

3 “(A) *performance measures required by the*
4 *Secretary or otherwise necessary to support addi-*
5 *tional State safety goals, including—*

6 “(i) *documentation of current safety*
7 *levels for each performance measure;*

8 “(ii) *quantifiable annual performance*
9 *targets for each performance measure; and*

10 “(iii) *a justification for each perform-*
11 *ance target;*

12 “(B) *a strategy for programming funds ap-*
13 *portioned to the State under this section on*
14 *projects and activities that will allow the State*
15 *to meet the performance targets described in sub-*
16 *paragraph (A);*

17 “(C) *data and data analysis supporting the*
18 *effectiveness of proposed countermeasures;*

19 “(D) *a description of any Federal, State,*
20 *local, or private funds that the State plans to*
21 *use, in addition to funds apportioned to the*
22 *State under this section, to carry out the strat-*
23 *egy described in subparagraph (B);*

24 “(E) *beginning with the plan submitted by*
25 *July 1, 2013, a report on the State’s success in*

1 meeting State safety goals set forth in the pre-
2 vious year's highway safety plan; and

3 “(F) an application for any additional
4 grants available to the State under this chapter.

5 “(3) PERFORMANCE MEASURES.—For the first
6 highway safety plan submitted under this subsection,
7 the performance measures required by the Secretary
8 under paragraph (2)(A) shall be limited to those de-
9 veloped by the National Highway Traffic Safety Ad-
10 ministration and the Governor's Highway Safety As-
11 sociation and described in the report, ‘Traffic Safety
12 Performance Measures for States and Federal Agen-
13 cies’ (DOT HS 811 025). For subsequent highway
14 safety plans, the Secretary shall consult with the Gov-
15 ernor's Highway Safety Association and safety ex-
16 perts if the Secretary makes revisions to the set of re-
17 quired performance measures.

18 “(4) REVIEW OF HIGHWAY SAFETY PLANS.—

19 “(A) IN GENERAL.—Not later than 60 days
20 after the date on which a State's highway safety
21 plan is received by the Secretary, the Secretary
22 shall review and approve or disapprove the plan.

23 “(B) APPROVALS AND DISAPPROVALS.—

1 “(i) *APPROVALS.*—*The Secretary shall*
2 *approve a State’s highway safety plan if the*
3 *Secretary determines that—*

4 “(I) *the plan is evidence-based*
5 *and supported by data;*

6 “(II) *the performance targets are*
7 *adequate; and*

8 “(III) *the plan, once implemented,*
9 *will allow the State to meet such tar-*
10 *gets.*

11 “(ii) *DISAPPROVALS.*—*The Secretary*
12 *shall disapprove a State’s highway safety*
13 *plan if the Secretary determines that the*
14 *plan does not—*

15 “(I) *set appropriate performance*
16 *targets; or*

17 “(II) *provide for evidence-based*
18 *programming of funding in a manner*
19 *sufficient to allow the State to meet*
20 *such targets.*

21 “(C) *ACTIONS UPON DISAPPROVAL.*—*If the*
22 *Secretary disapproves a State’s highway safety*
23 *plan, the Secretary shall—*

24 “(i) *inform the State of the reasons for*
25 *such disapproval; and*

1 “(ii) require the State to resubmit the
2 plan with any modifications that the Sec-
3 retary determines to be necessary.

4 “(D) REVIEW OF RESUBMITTED PLANS.—If
5 the Secretary requires a State to resubmit a
6 highway safety plan, with modifications, the
7 Secretary shall review and approve or dis-
8 approve the modified plan not later than 30
9 days after the date on which the Secretary re-
10 ceives such plan.

11 “(E) REPROGRAMMING AUTHORITY.—If the
12 Secretary determines that the modifications con-
13 tained in a State’s resubmitted highway safety
14 plan do not provide for the programming of
15 funding in a manner sufficient to meet the
16 State’s performance goals, the Secretary, in con-
17 sultation with the State, shall take such action
18 as may be necessary to bring the State’s plan
19 into compliance with the performance targets.

20 “(F) PUBLIC NOTICE.—A State shall make
21 the State’s highway safety plan, and decisions of
22 the Secretary concerning approval or dis-
23 approval of a revised plan, available to the pub-
24 lic.”.

1 (g) *COOPERATIVE RESEARCH AND EVALUATION.*—*Sec-*
2 *tion 402 of title 23, United States Code, as amended by*
3 *this section, is further amended by adding at the end the*
4 *following:*

5 “(l) *COOPERATIVE RESEARCH AND EVALUATION.*—

6 “(1) *ESTABLISHMENT AND FUNDING.*—*Notwith-*
7 *standing the apportionment formula set forth in sub-*
8 *section (c)(2), \$2,500,000 of the total amount avail-*
9 *able for apportionment to the States for highway safe-*
10 *ty programs under subsection (c) in each fiscal year*
11 *shall be available for expenditure by the Secretary,*
12 *acting through the Administrator of the National*
13 *Highway Traffic Safety Administration, for a cooper-*
14 *ative research and evaluation program to research*
15 *and evaluate priority highway safety counter-*
16 *measures.*

17 “(2) *ADMINISTRATION.*—*The program established*
18 *under paragraph (1)—*

19 “(A) *shall be administered by the Adminis-*
20 *trator of the National Highway Traffic Safety*
21 *Administration; and*

22 “(B) *shall be jointly managed by the Gov-*
23 *ernors Highway Safety Association and the Na-*
24 *tional Highway Traffic Safety Administration.”.*

1 *(h) TEEN TRAFFIC SAFETY PROGRAM.—Section 402 of*
2 *title 23, United States Code, as amended by this section,*
3 *is further amended by adding at the end the following:*

4 *“(m) TEEN TRAFFIC SAFETY PROGRAM.—*

5 *“(1) PROGRAM AUTHORIZED.—Subject to the re-*
6 *quirements of a State’s highway safety plan, as ap-*
7 *proved by the Secretary under subsection (k), a State*
8 *may use a portion of the amounts received under this*
9 *section to implement a statewide teen traffic safety*
10 *program to improve traffic safety for teen drivers.*

11 *“(2) STRATEGIES.—The program implemented*
12 *under paragraph (1)—*

13 *“(A) shall include peer-to-peer education*
14 *and prevention strategies in schools and commu-*
15 *nities designed to—*

16 *“(i) increase safety belt use;*

17 *“(ii) reduce speeding;*

18 *“(iii) reduce impaired and distracted*
19 *driving;*

20 *“(iv) reduce underage drinking; and*

21 *“(v) reduce other behaviors by teen*
22 *drivers that lead to injuries and fatalities;*
23 *and*

24 *“(B) may include—*

1 “(i) working with student-led groups
2 and school advisors to plan and implement
3 teen traffic safety programs;

4 “(ii) providing subgrants to schools
5 throughout the State to support the estab-
6 lishment and expansion of student groups
7 focused on teen traffic safety;

8 “(iii) providing support, training, and
9 technical assistance to establish and expand
10 school and community safety programs for
11 teen drivers;

12 “(iv) creating statewide or regional
13 websites to publicize and circulate informa-
14 tion on teen safety programs;

15 “(v) conducting outreach and pro-
16 viding educational resources for parents;

17 “(vi) establishing State or regional ad-
18 visory councils comprised of teen drivers to
19 provide input and recommendations to the
20 governor and the governor’s safety rep-
21 resentative on issues related to the safety of
22 teen drivers;

23 “(vii) collaborating with law enforce-
24 ment;

1 “(viii) organizing and hosting State
2 and regional conferences for teen drivers;

3 “(ix) establishing partnerships and
4 promoting coordination among community
5 stakeholders, including public, not-for-prof-
6 it, and for profit entities; and

7 “(x) funding a coordinator position for
8 the teen safety program in the State or re-
9 gion.”.

10 **SEC. 103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**

11 Section 403 of title 23, United States Code, is amended
12 to read as follows:

13 **“§ 403. Highway safety research and development**

14 “(a) *DEFINED TERM.*—In this section, the term ‘Fed-
15 eral laboratory’ includes—

16 “(1) a government-owned, government-operated
17 laboratory; and

18 “(2) a government-owned, contractor-operated
19 laboratory.

20 “(b) *GENERAL AUTHORITY.*—

21 “(1) *RESEARCH AND DEVELOPMENT ACTIVI-*
22 *TIES.*—The Secretary may conduct research and de-
23 velopment activities, including demonstration projects
24 and the collection and analysis of highway and motor

1 *vehicle safety data and related information needed to*
2 *carry out this section, with respect to—*

3 *“(A) all aspects of highway and traffic safe-*
4 *ty systems and conditions relating to—*

5 *“(i) vehicle, highway, driver, pas-*
6 *senger, motorcyclist, bicyclist, and pedes-*
7 *trian characteristics;*

8 *“(ii) accident causation and investiga-*
9 *tions;*

10 *“(iii) communications;*

11 *“(iv) emergency medical services; and*

12 *“(v) transportation of the injured;*

13 *“(B) human behavioral factors and their ef-*
14 *fect on highway and traffic safety, including—*

15 *“(i) driver education;*

16 *“(ii) impaired driving;*

17 *“(iii) distracted driving; and*

18 *“(iv) new technologies installed in, or*
19 *brought into, vehicles;*

20 *“(C) an evaluation of the effectiveness of*
21 *countermeasures to increase highway and traffic*
22 *safety, including occupant protection and*
23 *alcohol- and drug-impaired driving technologies*
24 *and initiatives; and*

1 “(D) *the effect of State laws on any aspects,*
 2 *activities, or programs described in subpara-*
 3 *graphs (A) through (C).*

4 “(2) *COOPERATION, GRANTS, AND CONTRACTS.—*
 5 *The Secretary may carry out this section—*

6 “(A) *independently;*

7 “(B) *in cooperation with other Federal de-*
 8 *partments, agencies, and instrumentalities and*
 9 *Federal laboratories;*

10 “(C) *by entering into contracts, cooperative*
 11 *agreements, and other transactions with the Na-*
 12 *tional Academy of Sciences, any Federal labora-*
 13 *tory, State or local agency, authority, associa-*
 14 *tion, institution, foreign country, or person (as*
 15 *defined in chapter 1 of title 1); or*

16 “(D) *by making grants to the National*
 17 *Academy of Sciences, any Federal laboratory,*
 18 *State or local agency, authority, associa-*
 19 *tion, or person (as defined in chapter 1 of*
 20 *title 1).*

21 “(c) *COLLABORATIVE RESEARCH AND DEVELOP-*
 22 *MENT.—*

23 “(1) *IN GENERAL.—To encourage innovative so-*
 24 *lutions to highway safety problems, stimulate vol-*
 25 *untary improvements in highway safety, and stimu-*

1 *late the marketing of new highway safety related tech-*
2 *nology by private industry, the Secretary is author-*
3 *ized to carry out, on a cost-shared basis, collaborative*
4 *research and development with—*

5 *“(A) non-Federal entities, including State*
6 *and local governments, foreign countries, colleges,*
7 *universities, corporations, partnerships, sole pro-*
8 *prietorships, organizations serving the interests*
9 *of children, people with disabilities, low-income*
10 *populations, and older adults, and trade associa-*
11 *tions that are incorporated or established under*
12 *the laws of any State or the United States; and*

13 *“(B) Federal laboratories.*

14 *“(2) AGREEMENTS.—In carrying out this sub-*
15 *section, the Secretary may enter into cooperative re-*
16 *search and development agreements (as defined in sec-*
17 *tion 12 of the Stevenson-Wydler Technology Innova-*
18 *tion Act of 1980 (15 U.S.C. 3710a)) in which the Sec-*
19 *retary provides not more than 50 percent of the cost*
20 *of any research or development project under this sub-*
21 *section.*

22 *“(3) USE OF TECHNOLOGY.—The research, devel-*
23 *opment, or use of any technology pursuant to an*
24 *agreement under this subsection, including the terms*
25 *under which technology may be licensed and the re-*

1 *sulting royalties may be distributed, shall be subject*
2 *to the provisions of the Stevenson-Wydler Technology*
3 *Innovation Act of 1980 (15 U.S.C. 3701 et seq.).*

4 *“(d) TITLE TO EQUIPMENT.—In furtherance of the*
5 *purposes set forth in section 402, the Secretary may vest*
6 *title to equipment purchased for demonstration projects*
7 *with funds authorized under this section to State or local*
8 *agencies on such terms and conditions as the Secretary de-*
9 *termines to be appropriate.*

10 *“(e) TRAINING.—Notwithstanding the apportionment*
11 *formula set forth in section 402(c)(2), 1 percent of the total*
12 *amount available for apportionment to the States for high-*
13 *way safety programs under section 402(c) in each fiscal*
14 *year shall be available, through the end of the succeeding*
15 *fiscal year, to the Secretary, acting through the Adminis-*
16 *trator of the National Highway Traffic Safety Administra-*
17 *tion—*

18 *“(1) to provide training, conducted or developed*
19 *by Federal or non-Federal entity or personnel, to Fed-*
20 *eral, State, and local highway safety personnel; and*

21 *“(2) to pay for any travel, administrative, and*
22 *other expenses related to such training.*

23 *“(f) DRIVER LICENSING AND FITNESS TO DRIVE*
24 *CLEARINGHOUSE.—From amounts made available under*
25 *this section, the Secretary, acting through the Adminis-*

1 *trator of the National Highway Traffic Safety Administra-*
 2 *tion, is authorized to expend \$1,280,000 between the date*
 3 *of enactment of the Motor Vehicle and Highway Safety Im-*
 4 *provement Act of 2011 and September 30, 2013, to establish*
 5 *an electronic clearinghouse and technical assistance service*
 6 *to collect and disseminate research and analysis of medical*
 7 *and technical information and best practices concerning*
 8 *drivers with medical issues that may be used by State driv-*
 9 *er licensing agencies in making licensing qualification deci-*
 10 *sions.*

11 “(g) *INTERNATIONAL HIGHWAY SAFETY INFORMATION*
 12 *AND COOPERATION.*—

13 “(1) *ESTABLISHMENT.*—*The Secretary, acting*
 14 *through the Administrator of the National Highway*
 15 *Traffic Safety Administration, may establish an*
 16 *international highway safety information and co-*
 17 *operation program to—*

18 “(A) *inform the United States highway*
 19 *safety community of laws, projects, programs,*
 20 *data, and technology in foreign countries that*
 21 *could be used to enhance highway safety in the*
 22 *United States;*

23 “(B) *permit the exchange of information*
 24 *with foreign countries about laws, projects, pro-*

1 grams, data, and technology that could be used
2 to enhance highway safety; and

3 “(C) allow the Secretary, represented by the
4 Administrator, to participate and cooperate in
5 international activities to enhance highway safe-
6 ty.

7 “(2) COOPERATION.—The Secretary may carry
8 out this subsection in cooperation with any appro-
9 priate Federal agency, State or local agency or au-
10 thority, foreign government, or multinational institu-
11 tion.

12 “(h) PROHIBITION ON CERTAIN DISCLOSURES.—Any
13 report of the National Highway Traffic Safety Administra-
14 tion, or of any officer, employee, or contractor of the Na-
15 tional Highway Traffic Safety Administration, relating to
16 any highway traffic accident or the investigation of such
17 accident conducted pursuant to this chapter or chapter 301
18 shall be made available to the public in a manner that does
19 not identify individuals.

20 “(i) MODEL SPECIFICATIONS FOR DEVICES.—The Sec-
21 retary, acting through the Administrator of the National
22 Highway Traffic Safety Administration, may—

23 “(1) develop model specifications and testing
24 procedures for devices, including devices designed to
25 measure the concentration of alcohol in the body;

1 “(2) conduct periodic tests of such devices;
 2 “(3) publish a Conforming Products List of such
 3 devices that have met the model specifications; and
 4 “(4) may require that any necessary tests of such
 5 devices are conducted by a Federal laboratory and
 6 paid for by the device manufacturers.”.

7 **SEC. 104. NATIONAL DRIVER REGISTER.**

8 Section 30302(b) of title 49, United States Code, is
 9 amended by adding at the end the following: “The Secretary
 10 shall make continual improvements to modernize the Reg-
 11 ister’s data processing system.”.

12 **SEC. 105. COMBINED OCCUPANT PROTECTION GRANTS.**

13 (a) *IN GENERAL.*—Section 405 of title 23, United
 14 States Code, is amended to read as follows:

15 **“§ 405. Combined occupant protection grants**

16 “(a) *GENERAL AUTHORITY.*—Subject to the require-
 17 ments of this section, the Secretary of Transportation shall
 18 award grants to States that adopt and implement effective
 19 occupant protection programs to reduce highway deaths
 20 and injuries resulting from individuals riding unrestrained
 21 or improperly restrained in motor vehicles.

22 “(b) *FEDERAL SHARE.*—The Federal share of the costs
 23 of activities funded using amounts from grants awarded
 24 under this section may not exceed 80 percent for each fiscal
 25 year for which a State receives a grant.

1 “(c) *ELIGIBILITY.*—

2 “(1) *HIGH SEAT BELT USE RATE.*—*A State with*
3 *an observed seat belt use rate of 90 percent or higher,*
4 *based on the most recent data from a survey that con-*
5 *forms with national criteria established by the Na-*
6 *tional Highway Traffic Safety Administration, shall*
7 *be eligible for a grant in a fiscal year if the State—*

8 “(A) *submits an occupant protection plan*
9 *during the first fiscal year;*

10 “(B) *participates in the Click It or Ticket*
11 *national mobilization;*

12 “(C) *has an active network of child re-*
13 *straint inspection stations; and*

14 “(D) *has a plan to recruit, train, and*
15 *maintain a sufficient number of child passenger*
16 *safety technicians.*

17 “(2) *LOWER SEAT BELT USE RATE.*—*A State*
18 *with an observed seat belt use rate below 90 percent,*
19 *based on the most recent data from a survey that con-*
20 *forms with national criteria established by the Na-*
21 *tional Highway Traffic Safety Administration, shall*
22 *be eligible for a grant in a fiscal year if—*

23 “(A) *the State meets all of the requirements*
24 *under subparagraphs (A) through (D) of para-*
25 *graph (1); and*

1 “(B) the Secretary determines that the State
2 meets at least 3 of the following criteria:

3 “(i) The State conducts sustained (on-
4 going and periodic) seat belt enforcement at
5 a defined level of participation during the
6 year.

7 “(ii) The State has enacted and en-
8 forces a primary enforcement seat belt use
9 law.

10 “(iii) The State has implemented coun-
11 termeasure programs for high-risk popu-
12 lations, such as drivers on rural roadways,
13 unrestrained nighttime drivers, or teenage
14 drivers.

15 “(iv) The State has enacted and en-
16 forces occupant protection laws requiring
17 front and rear occupant protection use by
18 all occupants in an age-appropriate re-
19 straint.

20 “(v) The State has implemented a com-
21 prehensive occupant protection program in
22 which the State has—

23 “(I) conducted a program assess-
24 ment;

1 “(II) developed a statewide stra-
2 tegic plan;

3 “(III) designated an occupant
4 protection coordinator; and

5 “(IV) established a statewide occu-
6 pant protection task force.

7 “(vi) The State—

8 “(I) completed an assessment of
9 its occupant protection program dur-
10 ing the 3-year period preceding the
11 grant year; or

12 “(II) will conduct such an assess-
13 ment during the first year of the grant.

14 “(d) USE OF GRANT AMOUNTS.—Grant funds received
15 pursuant to this section may be used to—

16 “(1) carry out a program to support high-visi-
17 bility enforcement mobilizations, including paid
18 media that emphasizes publicity for the program, and
19 law enforcement;

20 “(2) carry out a program to train occupant pro-
21 tection safety professionals, police officers, fire and
22 emergency medical personnel, educators, and parents
23 concerning all aspects of the use of child restraints
24 and occupant protection;

1 “(3) carry out a program to educate the public
2 concerning the proper use and installation of child re-
3 straints, including related equipment and informa-
4 tion systems;

5 “(4) carry out a program to provide community
6 child passenger safety services, including programs
7 about proper seating positions for children and how
8 to reduce the improper use of child restraints;

9 “(5) purchase and distribute child restraints to
10 low-income families if not more than 5 percent of the
11 funds received in a fiscal year are used for this pur-
12 pose;

13 “(6) establish and maintain information systems
14 containing data concerning occupant protection, in-
15 cluding the collection and administration of child
16 passenger safety and occupant protection surveys; and

17 “(7) carry out a program to educate the public
18 concerning the dangers of leaving children unattended
19 in vehicles.

20 “(e) *GRANT AMOUNT.*—The allocation of grant funds
21 under this section to a State for a fiscal year shall be in
22 proportion to the State’s apportionment under section 402
23 for fiscal year 2009.

24 “(f) *REPORT.*—A State that receives a grant under this
25 section shall submit a report to the Secretary that docu-

1 *ments the manner in which the grant amounts were obli-*
2 *gated and expended and identifies the specific programs*
3 *carried out with the grant funds. The report shall be in*
4 *a form prescribed by the Secretary and may be combined*
5 *with other State grant reporting requirements under chap-*
6 *ter 4 of title 23, United States Code.*

7 “(g) *DEFINITIONS.—In this section:*

8 “(1) *CHILD RESTRAINT.—The term ‘child re-*
9 *straint’ means any device (including child safety seat,*
10 *booster seat, harness, and excepting seat belts) de-*
11 *signed for use in a motor vehicle to restrain, seat, or*
12 *position children who weigh 65 pounds (30 kilo-*
13 *grams) or less, and certified to the Federal motor ve-*
14 *hicle safety standard prescribed by the National*
15 *Highway Traffic Safety Administration for child re-*
16 *straints.*

17 “(2) *SEAT BELT.—The term ‘seat belt’ means—*

18 “(A) *with respect to open-body motor vehi-*
19 *cles, including convertibles, an occupant re-*
20 *straint system consisting of a lap belt or a lap*
21 *belt and a detachable shoulder belt; and*

22 “(B) *with respect to other motor vehicles, an*
23 *occupant restraint system consisting of inte-*
24 *grated lap and shoulder belts.”.*

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 2 *chapter 4 of title 23, United States Code, is amended by*
 3 *striking the item relating to section 405 and inserting the*
 4 *following:*

“405. *Combined occupant protection grants.*”.

5 **SEC. 106. STATE TRAFFIC SAFETY INFORMATION SYSTEM**
 6 **IMPROVEMENTS.**

7 *Section 408 of title 23, United States Code, is amended*
 8 *to read as follows:*

9 **“§408. State traffic safety information system im-**
 10 **provements**

11 “(a) *GENERAL AUTHORITY.*—*Subject to the require-*
 12 *ments of this section, the Secretary of Transportation shall*
 13 *award grants to States to support the development and im-*
 14 *plementation of effective State programs that—*

15 “(1) *improve the timeliness, accuracy, complete-*
 16 *ness, uniformity, integration, and accessibility of the*
 17 *State safety data that is needed to identify priorities*
 18 *for Federal, State, and local highway and traffic safe-*
 19 *ty programs;*

20 “(2) *evaluate the effectiveness of efforts to make*
 21 *such improvements;*

22 “(3) *link the State data systems, including traf-*
 23 *fic records, with other data systems within the State,*
 24 *such as systems that contain medical, roadway, and*
 25 *economic data;*

1 “(4) improve the compatibility and interoper-
2 ability of the data systems of the State with national
3 data systems and data systems of other States; and

4 “(5) enhance the ability of the Secretary to ob-
5 serve and analyze national trends in crash occur-
6 rences, rates, outcomes, and circumstances.

7 “(b) *FEDERAL SHARE*.—The Federal share of the cost
8 of adopting and implementing in a fiscal year a State pro-
9 gram described in this section may not exceed 80 percent.

10 “(c) *ELIGIBILITY*.—A State is not eligible for a grant
11 under this section in a fiscal year unless the State dem-
12 onstrates, to the satisfaction of the Secretary, that the
13 State—

14 “(1) has a functioning traffic records coordi-
15 nating committee (referred to in this subsection as
16 ‘TRCC’) that meets at least 3 times a year;

17 “(2) has designated a TRCC coordinator;

18 “(3) has established a State traffic record stra-
19 tegic plan that has been approved by the TRCC and
20 describes specific quantifiable and measurable im-
21 provements anticipated in the State’s core safety
22 databases, including crash, citation or adjudication,
23 driver, emergency medical services or injury surveil-
24 lance system, roadway, and vehicle databases;

1 “(4) has demonstrated quantitative progress in
2 relation to the significant data program attribute
3 of—

4 “(A) accuracy;

5 “(B) completeness;

6 “(C) timeliness;

7 “(D) uniformity;

8 “(E) accessibility; or

9 “(F) integration of a core highway safety
10 database; and

11 “(5) has certified to the Secretary that an assess-
12 ment of the State’s highway safety data and traffic
13 records system was conducted or updated during the
14 preceding 5 years.

15 “(d) *USE OF GRANT AMOUNTS.*—Grant funds received
16 by a State under this section shall be used for making data
17 program improvements to core highway safety databases re-
18 lated to quantifiable, measurable progress in any of the 6
19 significant data program attributes set forth in subsection
20 (c)(4).

21 “(e) *GRANT AMOUNT.*—The allocation of grant funds
22 under this section to a State for a fiscal year shall be in
23 proportion to the State’s apportionment under section 402
24 for fiscal year 2009.”.

1 **SEC. 107. IMPAIRED DRIVING COUNTERMEASURES.**

2 (a) *IN GENERAL.*—Section 410 of title 23, United
3 States Code, is amended to read as follows:

4 **“§ 410. Impaired driving countermeasures**

5 “(a) *GRANTS AUTHORIZED.*—Subject to the require-
6 ments of this section, the Secretary of Transportation shall
7 award grants to States that adopt and implement—

8 “(1) *effective programs to reduce driving under*
9 *the influence of alcohol, drugs, or the combination of*
10 *alcohol and drugs; or*

11 “(2) *alcohol-ignition interlock laws.*

12 “(b) *FEDERAL SHARE.*—The Federal share of the costs
13 of activities funded using amounts from grants under this
14 section may not exceed 80 percent in any fiscal year in
15 which the State receives a grant.

16 “(c) *ELIGIBILITY.*—

17 “(1) *LOW-RANGE STATES.*—Low-range States
18 shall be eligible for a grant under this section.

19 “(2) *MID-RANGE STATES.*—A mid-range State
20 shall be eligible for a grant under this section if—

21 “(A) *a statewide impaired driving task*
22 *force in the State developed a statewide plan*
23 *during the most recent 3 calendar years to ad-*
24 *dress the problem of impaired driving; or*

1 “(B) the State will convene a statewide im-
2 paired driving task force to develop such a plan
3 during the first year of the grant.

4 “(3) HIGH-RANGE STATES.—A high-range State
5 shall be eligible for a grant under this section if the
6 State—

7 “(A)(i) conducted an assessment of the
8 State’s impaired driving program during the
9 most recent 3 calendar years; or

10 “(ii) will conduct such an assessment dur-
11 ing the first year of the grant;

12 “(B) convenes, during the first year of the
13 grant, a statewide impaired driving task force to
14 develop a statewide plan that—

15 “(i) addresses any recommendations
16 from the assessment conducted under sub-
17 paragraph (A);

18 “(ii) includes a detailed plan for
19 spending any grant funds provided under
20 this section; and

21 “(iii) describes how such spending sup-
22 ports the statewide program;

23 “(C)(i) submits the statewide plan to the
24 National Highway Traffic Safety Administra-

1 *tion during the first year of the grant for the*
2 *agency’s review and approval;*

3 *“(i) annually updates the statewide plan*
4 *in each subsequent year of the grant; and*

5 *“(iii) submits each updated statewide plan*
6 *for the agency’s review and comment; and*

7 *“(D) appoints a full or part-time impaired*
8 *driving coordinator—*

9 *“(i) to coordinate the State’s activities*
10 *to address enforcement and adjudication of*
11 *laws to address driving while impaired by*
12 *alcohol; and*

13 *“(ii) to oversee the implementation of*
14 *the statewide plan.*

15 *“(d) USE OF GRANT AMOUNTS.—*

16 *“(1) REQUIRED PROGRAMS.—High-range States*
17 *shall use grant funds for—*

18 *“(A) high visibility enforcement efforts; and*

19 *“(B) any of the activities described in para-*
20 *graph (2) if—*

21 *“(i) the activity is described in the*
22 *statewide plan; and*

23 *“(ii) the Secretary approves the use of*
24 *funding for such activity.*

1 “(2) *AUTHORIZED PROGRAMS.—Medium-range*
2 *and low-range States may use grant funds for—*

3 “(A) *any of the purposes described in para-*
4 *graph (1);*

5 “(B) *paid and earned media in support of*
6 *high visibility enforcement efforts;*

7 “(C) *hiring a full-time impaired driving co-*
8 *ordinator of the State’s activities to address the*
9 *enforcement and adjudication of laws regarding*
10 *driving while impaired by alcohol;*

11 “(D) *court support of high visibility en-*
12 *forcement efforts;*

13 “(E) *alcohol ignition interlock programs;*

14 “(F) *improving blood-alcohol concentration*
15 *testing and reporting;*

16 “(G) *establishing driving while intoxicated*
17 *courts;*

18 “(H) *conducting—*

19 “(i) *standardized field sobriety train-*
20 *ing;*

21 “(ii) *advanced roadside impaired driv-*
22 *ing evaluation training; and*

23 “(iii) *drug recognition expert training*
24 *for law enforcement;*

1 “(I) training and education of criminal jus-
2 tice professionals (including law enforcement,
3 prosecutors, judges and probation officers) to as-
4 sist such professionals in handling impaired
5 driving cases;

6 “(J) traffic safety resource prosecutors;

7 “(K) judicial outreach liaisons;

8 “(L) equipment and related expenditures
9 used in connection with impaired driving en-
10 forcement in accordance with criteria established
11 by the National Highway Traffic Safety Admin-
12 istration;

13 “(M) training on the use of alcohol screen-
14 ing and brief intervention;

15 “(N) developing impaired driving informa-
16 tion systems; and

17 “(O) costs associated with a ‘24-7 sobriety
18 program’.

19 “(3) OTHER PROGRAMS.—Low-range States may
20 use grant funds for any expenditure designed to re-
21 duce impaired driving based on problem identifica-
22 tion. Medium and high-range States may use funds
23 for such expenditures upon approval by the Secretary.

24 “(e) GRANT AMOUNT.—Subject to subsection (g), the
25 allocation of grant funds to a State under this section for

1 *a fiscal year shall be in proportion to the State's apporportion-*
2 *ment under section 402(c) for fiscal year 2009.*

3 “(f) *GRANTS TO STATES THAT ADOPT AND ENFORCE*
4 *MANDATORY ALCOHOL-IGNITION INTERLOCK LAWS.—*

5 “(1) *IN GENERAL.—The Secretary shall make a*
6 *separate grant under this section to each State that*
7 *adopts and is enforcing a mandatory alcohol-ignition*
8 *interlock law for all individuals convicted of driving*
9 *under the influence of alcohol or of driving while in-*
10 *toxicated.*

11 “(2) *USE OF FUNDS.—Such grants may be used*
12 *by recipient States only for costs associated with the*
13 *State's alcohol-ignition interlock program, including*
14 *screening, assessment, and program and offender over-*
15 *sight.*

16 “(3) *ALLOCATION.—Funds made available under*
17 *this subsection shall be allocated among States de-*
18 *scribed in paragraph (1) on the basis of the apporportion-*
19 *ment formula under section 402(c).*

20 “(4) *FUNDING.—Not more than 15 percent of the*
21 *amounts made available to carry out this section in*
22 *a fiscal year shall be made available by the Secretary*
23 *for making grants under this subsection.*

24 “(g) *DEFINITIONS.—In this section:*

1 “(1) *24-7 SOBRIETY PROGRAM.*—*The term ‘24-7*
2 *sobriety program’ means a State law or program that*
3 *authorizes a State court or a State agency, as a con-*
4 *dition of sentence, probation, parole, or work permit,*
5 *to—*

6 “(A) *require an individual who plead guilty*
7 *or was convicted of driving under the influence*
8 *of alcohol or drugs to totally abstain from alco-*
9 *hol or drugs for a period of time; and*

10 “(B) *require the individual to be subject to*
11 *testing for alcohol or drugs—*

12 “(i) *at least twice a day;*

13 “(ii) *by continuous transdermal alco-*
14 *hol monitoring via an electronic monitoring*
15 *device; or*

16 “(iii) *by an alternate method with the*
17 *concurrence of the Secretary.*

18 “(2) *AVERAGE IMPAIRED DRIVING FATALITY*
19 *RATE.*—*The term ‘average impaired driving fatality*
20 *rate’ means the number of fatalities in motor vehicle*
21 *crashes involving a driver with a blood alcohol con-*
22 *centration of at least 0.08 for every 100,000,000 vehi-*
23 *cle miles traveled, based on the most recently reported*
24 *3 calendar years of final data from the Fatality*
25 *Analysis Reporting System, as calculated in accord-*

1 *ance with regulations prescribed by the Administrator*
 2 *of the National Highway Traffic Safety Administra-*
 3 *tion.*

4 “(3) *HIGH-RANGE STATE.*—*The term ‘high-range*
 5 *State’ means a State that has an average impaired*
 6 *driving fatality rate of 0.60 or higher.*

7 “(4) *LOW-RANGE STATE.*—*The term ‘low-range*
 8 *State’ means a State that has an average impaired*
 9 *driving fatality rate of 0.30 or lower.*

10 “(5) *MID-RANGE STATE.*—*The term ‘mid-range*
 11 *State’ means a State that has an average impaired*
 12 *driving fatality rate that is higher than 0.30 and*
 13 *lower than 0.60.’”.*

14 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 15 *chapter 4 of title 23, United States Code, is amended by*
 16 *striking the item relating to section 410 and inserting the*
 17 *following:*

 “410. *Impaired driving countermeasures.*”.

18 **SEC. 108. DISTRACTED DRIVING GRANTS.**

19 (a) *IN GENERAL.*—*Section 411 of title 23, United*
 20 *States Code, is amended to read as follows:*

21 “**§411. Distracted driving grants**

22 “(a) *IN GENERAL.*—*The Secretary shall award a grant*
 23 *under this section to any State that enacts and enforces a*
 24 *statute that meets the requirements set forth in subsections*
 25 *(b) and (c).*

1 “(b) *PROHIBITION ON TEXTING WHILE DRIVING.*—A
2 *State statute meets the requirements set forth in this sub-*
3 *section if the statute—*

4 “(1) *prohibits drivers from texting through a*
5 *personal wireless communications device while driv-*
6 *ing;*

7 “(2) *makes violation of the statute a primary of-*
8 *fense;*

9 “(3) *establishes—*

10 “(A) *a minimum fine for a first violation*
11 *of the statute; and*

12 “(B) *increased fines for repeat violations;*
13 *and*

14 “(4) *provides increased civil and criminal pen-*
15 *alties than would otherwise apply if a vehicle acci-*
16 *dent is caused by a driver who is using such a device*
17 *in violation of the statute.*

18 “(c) *PROHIBITION ON YOUTH CELL PHONE USE*
19 *WHILE DRIVING.*—A *State statute meets the requirements*
20 *set forth in this subsection if the statute—*

21 “(1) *prohibits a driver who is younger than 18*
22 *years of age from using a personal wireless commu-*
23 *nications device while driving;*

24 “(2) *makes violation of the statute a primary of-*
25 *fense;*

1 “(3) requires distracted driving issues to be test-
2 ed as part of the State driver’s license examination;

3 “(4) establishes—

4 “(A) a minimum fine for a first violation
5 of the statute; and

6 “(B) increased fines for repeat violations;
7 and

8 “(5) provides increased civil and criminal pen-
9 alties than would otherwise apply if a vehicle acci-
10 dent is caused by a driver who is using such a device
11 in violation of the statute.

12 “(d) *PERMITTED EXCEPTIONS.*—A statute that meets
13 the requirements set forth in subsections (b) and (c) may
14 provide exceptions for—

15 “(1) a driver who uses a personal wireless com-
16 munications device to contact emergency services;

17 “(2) emergency services personnel who use a per-
18 sonal wireless communications device while—

19 “(A) operating an emergency services vehi-
20 cle; and

21 “(B) engaged in the performance of their
22 duties as emergency services personnel; and

23 “(3) an individual employed as a commercial
24 motor vehicle driver or a school bus driver who uses
25 a personal wireless communications device within the

1 *scope of such individual's employment if such use is*
2 *permitted under the regulations promulgated pursu-*
3 *ant to section 31152 of title 49.*

4 *“(e) USE OF GRANT FUNDS.—Of the grant funds re-*
5 *ceived by a State under this section—*

6 *“(1) at least 50 percent shall be used—*

7 *“(A) to educate the public through adver-*
8 *tising containing information about the dangers*
9 *of texting or using a cell phone while driving;*

10 *“(B) for traffic signs that notify drivers*
11 *about the distracted driving law of the State; or*

12 *“(C) for law enforcement costs related to the*
13 *enforcement of the distracted driving law; and*

14 *“(2) up to 50 percent may be used for other*
15 *projects that—*

16 *“(A) improve traffic safety; and*

17 *“(B) are consistent with the criteria set*
18 *forth in section 402(a).*

19 *“(f) ADDITIONAL GRANTS.—In fiscal year 2012, the*
20 *Secretary may use up to 25 percent of the funding available*
21 *for grants under this section to award grants to States*
22 *that—*

23 *“(1) enacted statutes before July 1, 2011, which*
24 *meet the requirements under paragraphs (1) and (2)*
25 *of subsection (b); and*

1 “(2) are otherwise ineligible for a grant under
2 this section.

3 “(g) DEFINITIONS.—In this section:

4 “(1) DRIVING.—The term ‘driving’—

5 “(A) means operating a motor vehicle on a
6 public road, including operation while tempo-
7 rarily stationary because of traffic, a traffic light
8 or stop sign, or otherwise; and

9 “(B) does not include operating a motor ve-
10 hicle when the vehicle has pulled over to the side
11 of, or off, an active roadway and has stopped in
12 a location where it can safely remain stationary.

13 “(2) PERSONAL WIRELESS COMMUNICATIONS DE-
14 VICE.—The term ‘personal wireless communications
15 device’—

16 “(A) means a device through which personal
17 wireless services (as defined in section
18 332(c)(7)(C)(i) of the Communications Act of
19 1934 (47 U.S.C. 332(c)(7)(C)(i))) are trans-
20 mitted; and

21 “(B) does not include a global navigation
22 satellite system receiver used for positioning,
23 emergency notification, or navigation purposes.

24 “(3) PRIMARY OFFENSE.—The term ‘primary of-
25 fense’ means an offense for which a law enforcement

1 *officer may stop a vehicle solely for the purpose of*
 2 *issuing a citation in the absence of evidence of an-*
 3 *other offense.*

4 “(4) *PUBLIC ROAD.*—*The term ‘public road’ has*
 5 *the meaning given that term in section 402(c).*”

6 “(5) *TEXTING.*—*The term ‘texting’ means read-*
 7 *ing from or manually entering data into a personal*
 8 *wireless communications device, including doing so*
 9 *for the purpose of SMS texting, e-mailing, instant*
 10 *messaging, or engaging in any other form of elec-*
 11 *tronic data retrieval or electronic data communica-*
 12 *tion.”.*

13 (b) *CONFORMING AMENDMENT.*—*The analysis for*
 14 *chapter 4 of title 23, United States Code, is amended by*
 15 *striking the item relating to section 411 and inserting the*
 16 *following:*

 “411. *Distracted driving grants.*”.

17 **SEC. 109. HIGH VISIBILITY ENFORCEMENT PROGRAM.**

18 *Section 2009 of SAFETEA-LU (23 U.S.C. 402 note)*
 19 *is amended—*

20 (1) *in subsection (a)—*

21 (A) *by striking “at least 2” and inserting*
 22 *“at least 3”; and*

23 (B) *by striking “years 2006 through 2012.”*
 24 *and inserting “fiscal years 2012 and 2013. The*
 25 *Administrator may also initiate and support ad-*

1 ditional campaigns in each of fiscal years 2012
2 and 2013 for the purposes specified in subsection
3 (b).”;

4 (2) in subsection (b) by striking “either or both”
5 and inserting “outcomes related to at least 1”;

6 (3) in subsection (c), by inserting “and Internet-
7 based outreach” after “print media advertising”;

8 (4) in subsection (e), by striking “subsections
9 (a), (c), and (f)” and inserting “subsection (c)”;

10 (5) by striking subsection (f); and

11 (6) by redesignating subsection (g) as subsection
12 (f).

13 **SEC. 110. MOTORCYCLIST SAFETY.**

14 Section 2010 of SAFETEA-LU (23 U.S.C. 402 note)
15 is amended—

16 (1) by striking subsections (b) and (g);

17 (2) by redesignating subsections (c), (d), (e), and
18 (f) as subsections (b), (c), (d), and (e), respectively;
19 and

20 (3) in subsection (c)(1), as redesignated, by strik-
21 ing “to the satisfaction of the Secretary—” and all
22 that follows and inserting “, to the satisfaction of the
23 Secretary, at least 2 of the 6 criteria listed in para-
24 graph (2).”.

1 **SEC. 111. DRIVER ALCOHOL DETECTION SYSTEM FOR SAFE-**
 2 **TY RESEARCH.**

3 (a) *IN GENERAL.*—Chapter 4 of title 23, United States
 4 Code, is amended by adding at the end the following:

5 **“§413. In-vehicle alcohol detection device research**

6 “(a) *IN GENERAL.*—The Administrator of the National
 7 Highway Traffic Safety Administration shall carry out a
 8 collaborative research effort under chapter 301 of title 49,
 9 United States Code, to continue to explore the feasibility
 10 and the potential benefits of, and the public policy chal-
 11 lenges associated with, more widespread deployment of in-
 12 vehicle technology to prevent alcohol-impaired driving.

13 “(b) *REPORTS.*—The Administrator shall submit a re-
 14 port annually to the Senate Committee on Commerce,
 15 Science, and Transportation and the House of Representa-
 16 tives Committee on Transportation and Infrastructure—

17 “(1) describing progress in carrying out the col-
 18 laborative research effort; and

19 “(2) including an accounting for the use of Fed-
 20 eral funds obligated or expended in carrying out that
 21 effort.

22 “(c) *DEFINITIONS.*—In this title:

23 “(1) *ALCOHOL-IMPAIRED DRIVING.*—The term
 24 ‘alcohol-impaired driving’ means operation of a
 25 motor vehicle (as defined in section 30102(a)(6) of

1 *title 49, United States Code) by an individual whose*
 2 *blood alcohol content is at or above the legal limit.*

3 “(2) *LEGAL LIMIT.*—*The term ‘legal limit’*
 4 *means a blood alcohol concentration of 0.08 percent or*
 5 *greater (as specified by chapter 163 of title 23, United*
 6 *States Code) or such other percentage limitation as*
 7 *may be established by applicable Federal, State, or*
 8 *local law.”.*

9 *(b) CLERICAL AMENDMENT.*—*The analysis for chapter*
 10 *4 of title 23, United States Code, is amended by inserting*
 11 *after the item relating to section 412 the following:*

“413. In-vehicle alcohol detection device research.”.

12 **SEC. 112. STATE GRADUATED DRIVER LICENSING LAWS.**

13 *(a) IN GENERAL.*—*Chapter 4 of title 23, United States*
 14 *Code, as amended by this Act, is further amended by adding*
 15 *at the end the following:*

16 **“§414. State Graduated Driver Licensing Incentive**
 17 **Grant**

18 *“(a) GRANTS AUTHORIZED.*—*Subject to the require-*
 19 *ments of this section, the Secretary shall award grants to*
 20 *States that adopt and implement graduated driver licensing*
 21 *laws in accordance with the requirements set forth in sub-*
 22 *section (b).*

23 *“(b) MINIMUM REQUIREMENTS.*—

24 *“(1) IN GENERAL.*—*A State meets the require-*
 25 *ments set forth in this subsection if the State has a*

1 *graduated driver licensing law that requires novice*
 2 *drivers younger than 21 years of age to comply with*
 3 *the 2-stage licensing process described in paragraph*
 4 *(2) before receiving an unrestricted driver's license.*

5 *“(2) LICENSING PROCESS.—A State is in com-*
 6 *pliance with the 2-stage licensing process described in*
 7 *this paragraph if the State's driver's license laws in-*
 8 *clude—*

9 *“(A) a learner's permit stage that—*

10 *“(i) is at least 6 months in duration;*

11 *“(ii) prohibits the driver from using a*
 12 *cellular telephone or any communications*
 13 *device in a nonemergency situation; and*

14 *“(iii) remains in effect until the driv-*
 15 *er—*

16 *“(I) reaches 16 years of age and*
 17 *enters the intermediate stage; or*

18 *“(II) reaches 18 years of age;*

19 *“(B) an intermediate stage that—*

20 *“(i) commences immediately after the*
 21 *expiration of the learner's permit stage;*

22 *“(ii) is at least 6 months in duration;*

23 *“(iii) prohibits the driver from using a*
 24 *cellular telephone or any communications*
 25 *device in a nonemergency situation;*

1 “(iv) restricts driving at night;

2 “(v) prohibits the driver from oper-
3 ating a motor vehicle with more than 1
4 nonfamilial passenger younger than 21
5 years of age unless a licensed driver who is
6 at least 21 years of age is in the motor vehi-
7 cle; and

8 “(vi) remains in effect until the driver
9 reaches 18 years of age; and

10 “(C) any other requirement prescribed by
11 the Secretary of Transportation, including—

12 “(i) in the learner’s permit stage—

13 “(I) at least 40 hours of behind-
14 the-wheel training with a licensed
15 driver who is at least 21 years of age;

16 “(II) a driver training course;
17 and

18 “(III) a requirement that the
19 driver be accompanied and supervised
20 by a licensed driver, who is at least 21
21 years of age, at all times while such
22 driver is operating a motor vehicle;
23 and

24 “(ii) in the learner’s permit or inter-
25 mediate stage, a requirement, in addition to

1 *any other penalties imposed by State law,*
2 *that the grant of an unrestricted driver's li-*
3 *cence be automatically delayed for any indi-*
4 *vidual who, during the learner's permit or*
5 *intermediate stage, is convicted of a driv-*
6 *ing-related offense, including—*

7 *“(I) driving while intoxicated;*

8 *“(II) misrepresentation of his or*
9 *her true age;*

10 *“(III) reckless driving;*

11 *“(IV) driving without wearing a*
12 *seat belt;*

13 *“(V) speeding; or*

14 *“(VI) any other driving-related of-*
15 *fense, as determined by the Secretary.*

16 *“(c) RULEMAKING.—*

17 *“(1) IN GENERAL.—The Secretary shall promul-*
18 *gate regulations necessary to implement the require-*
19 *ments under subsection (b), in accordance with the*
20 *notice and comment provisions under section 553 of*
21 *title 5, United States Code.*

22 *“(2) EXCEPTION.—A State that otherwise meets*
23 *the minimum requirements set forth in subsection (b)*
24 *shall be deemed by the Secretary to be in compliance*
25 *with the requirement set forth in subsection (b) if the*

1 *State enacted a law before January 1, 2011, estab-*
2 *lishing a class of license that permits licensees or ap-*
3 *plicants younger than 18 years of age to drive a*
4 *motor vehicle—*

5 *“(A) in connection with work performed on,*
6 *or for the operation of, a farm owned by family*
7 *members who are directly related to the appli-*
8 *cant or licensee; or*

9 *“(B) if demonstrable hardship would result*
10 *from the denial of a license to the licensees or ap-*
11 *plicants.*

12 *“(d) ALLOCATION.—Grant funds allocated to a State*
13 *under this section for a fiscal year shall be in proportion*
14 *to a State’s apportionment under section 402 for such fiscal*
15 *year.*

16 *“(e) USE OF FUNDS.—Grant funds received by a State*
17 *under this section may be used for—*

18 *“(1) enforcing a 2-stage licensing process that*
19 *complies with subsection (b)(2);*

20 *“(2) training for law enforcement personnel and*
21 *other relevant State agency personnel relating to the*
22 *enforcement described in paragraph (1);*

23 *“(3) publishing relevant educational materials*
24 *that pertain directly or indirectly to the State grad-*
25 *uated driver licensing law;*

1 “(4) carrying out other administrative activities
2 that the Secretary considers relevant to the State’s 2-
3 stage licensing process; and

4 “(5) carrying out a teen traffic safety program
5 described in section 402(m).”.

6 **SEC. 113. AGENCY ACCOUNTABILITY.**

7 Section 412 of title 23, United States Code, is amend-
8 ed—

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) **TRIENNIAL STATE MANAGEMENT REVIEWS.**—

12 “(1) **IN GENERAL.**—Except as provided under
13 paragraph (2), the Secretary shall conduct a review
14 of each State highway safety program at least once
15 every 3 years.

16 “(2) **EXCEPTIONS.**—The Secretary may conduct
17 reviews of the highway safety programs of the United
18 States Virgin Islands, Guam, American Samoa, and
19 the Commonwealth of the Northern Mariana Islands
20 as often as the Secretary determines to be appro-
21 priate.

22 “(3) **COMPONENTS.**—Reviews under this sub-
23 section shall include—

24 “(A) a management evaluation of all grant
25 programs funded under this chapter;

1 “(B) an assessment of State data collection
2 and evaluation relating to performance measures
3 established by the Secretary;

4 “(C) a comparison of State efforts under
5 subparagraphs (A) and (B) to best practices and
6 programs that have been evaluated for effective-
7 ness; and

8 “(D) the development of recommendations
9 on how each State could—

10 “(i) improve the management and
11 oversight of its grant activities; and

12 “(ii) provide a management and over-
13 sight plan for such grant programs.”; and

14 (2) by striking subsection (f).

15 **SEC. 114. EMERGENCY MEDICAL SERVICES.**

16 Section 10202 of Public Law 109–59 (42 U.S.C. 300d–
17 4), is amended by adding at the end the following:

18 “(b) NATIONAL EMERGENCY MEDICAL SERVICES ADVI-
19 SORY COUNCIL.—

20 “(1) ESTABLISHMENT.—The Secretary of Trans-
21 portation, in coordination with the Secretary of
22 Health and Human Services and the Secretary of
23 Homeland Security, shall establish a National Emer-
24 gency Medical Services Advisory Council (referred to
25 in this subsection as the ‘Advisory Council’).

1 “(2) *MEMBERSHIP.*—*The Advisory Council shall*
2 *be composed of 25 members, who—*

3 “(A) *shall be appointed by the Secretary of*
4 *Transportation; and*

5 “(B) *shall collectively be representative of*
6 *all sectors of the emergency medical services com-*
7 *munity.*

8 “(3) *PURPOSES.*—*The purposes of the Advisory*
9 *Council are to advise and consult with—*

10 “(A) *the Federal Interagency Committee on*
11 *Emergency Medical Services on matters relating*
12 *to emergency medical services issues; and*

13 “(B) *the Secretary of Transportation on*
14 *matters relating to emergency medical services*
15 *issues affecting the Department of Transpor-*
16 *tation.*

17 “(4) *ADMINISTRATION.*—*The Administrator of*
18 *the National Highway Traffic Safety Administration*
19 *shall provide administrative support to the Advisory*
20 *Council, including scheduling meetings, setting agen-*
21 *das, keeping minutes and records, and producing re-*
22 *ports.*

23 “(5) *LEADERSHIP.*—*The members of the Advi-*
24 *sory Council shall annually select a chairperson of the*
25 *Council.*

1 “(6) *MEETINGS.*—*The Advisory Council shall*
 2 *meet as frequently as is determined necessary by the*
 3 *chairperson of the Council.*”

4 “(7) *ANNUAL REPORTS.*—*The Advisory Council*
 5 *shall prepare an annual report to the Secretary of*
 6 *Transportation regarding the Council’s actions and*
 7 *recommendations.*”

8 ***TITLE II—ENHANCED SAFETY***
 9 ***AUTHORITIES***

10 ***SEC. 201. DEFINITION OF MOTOR VEHICLE EQUIPMENT.***

11 *Section 30102(a)(7)(C) of title 49, United States Code,*
 12 *is amended to read as follows:*

13 “(C) *any device or an article or apparel,*
 14 *including a motorcycle helmet and excluding*
 15 *medicine or eyeglasses prescribed by a licensed*
 16 *practitioner, that—*

17 “(i) *is not a system, part, or compo-*
 18 *nent of a motor vehicle; and*

19 “(ii) *is manufactured, sold, delivered,*
 20 *or offered to be sold for use on public streets,*
 21 *roads, and highways with the apparent*
 22 *purpose of safeguarding motor vehicles and*
 23 *highway users against risk of accident, in-*
 24 *jury, or death.*”

1 **SEC. 202. PERMIT REMINDER SYSTEM FOR NON-USE OF**
 2 **SAFETY BELTS.**

3 (a) *IN GENERAL.*—Chapter 301 of title 49, United
 4 States Code, is amended—

5 (1) in section 30122, by striking subsection (d);

6 and

7 (2) by amending section 30124 to read as fol-
 8 lows:

9 **“§ 30124. Nonuse of safety belts**

10 “A motor vehicle safety standard prescribed under this
 11 chapter may not require a manufacturer to comply with
 12 the standard by using a safety belt interlock designed to
 13 prevent starting or operating a motor vehicle if an occupant
 14 is not using a safety belt.”.

15 (b) *CONFORMING AMENDMENT.*—The analysis for
 16 chapter 301 of title 49, United States Code, is amended by
 17 striking the item relating to section 30124 and inserting
 18 the following:

“Sec. 30124. Nonuse of safety belts.”.

19 **SEC. 203. CIVIL PENALTIES.**

20 (a) *IN GENERAL.*—Section 30165 of title 49, United
 21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) by striking “30123(d)” and insert-
 25 ing “30123(a)”; and

1 (ii) by striking “\$15,000,000” and in-
2 serting “\$250,000,000”; and

3 (B) in paragraph (3), by striking
4 “\$15,000,000” and inserting “\$250,000,000”;
5 and

6 (2) by amending subsection (c) to read as fol-
7 lows:

8 “(c) *RELEVANT FACTORS IN DETERMINING AMOUNT*
9 *OF PENALTY OR COMPROMISE.*—In determining the
10 amount of a civil penalty or compromise under this section,
11 the Secretary of Transportation shall consider the nature,
12 circumstances, extent, and gravity of the violation. Such de-
13 termination shall include, as appropriate—

14 “(1) the nature of the defect or noncompliance;

15 “(2) knowledge by the person charged of its obli-
16 gation to recall or notify the public;

17 “(3) the severity of the risk of injury;

18 “(4) the occurrence or absence of injury;

19 “(5) the number of motor vehicles or items of
20 motor vehicle equipment distributed with the defect or
21 noncompliance;

22 “(6) the existence of an imminent hazard;

23 “(7) actions taken by the person charged to iden-
24 tify, investigate, or mitigate the condition;

1 “(8) the appropriateness of such penalty in rela-
 2 tion to the size of the business of the person charged,
 3 including the potential for undue adverse economic
 4 impacts;

5 “(9) whether the person has previously been as-
 6 sessed civil penalties under this section during the
 7 most recent 5 years; and

8 “(10) other appropriate factors.”.

9 (b) **CIVIL PENALTY CRITERIA.**—Not later than 1 year
 10 after the date of the enactment of this Act, the Secretary
 11 shall issue a final rule, in accordance with the procedures
 12 of section 553 of title 5, United States Code, which provides
 13 an interpretation of the penalty factors described in section
 14 30165(c) of title 49, United States Code.

15 (c) **CONSTRUCTION.**—Nothing in this section may be
 16 construed as preventing the imposition of penalties under
 17 section 30165 of title 49, United States Code, before the
 18 issuance of a final rule under subsection (b).

19 **SEC. 204. MOTOR VEHICLE SAFETY RESEARCH AND DEVEL-**
 20 **OPMENT.**

21 (a) **IN GENERAL.**—Chapter 301 of title 49, United
 22 States Code, is amended by adding at the end the following:

1 “SUBCHAPTER V—MOTOR VEHICLE SAFETY
2 RESEARCH AND DEVELOPMENT

3 **“§ 30181. Policy**

4 *“The Secretary of Transportation shall conduct re-*
5 *search, development, and testing on any area or aspect of*
6 *motor vehicle safety necessary to carry out this chapter.*

7 **“§ 30182. Powers and duties**

8 *“(a) IN GENERAL.—The Secretary of Transportation*
9 *shall—*

10 *“(1) conduct motor vehicle safety research, devel-*
11 *opment, and testing programs and activities, includ-*
12 *ing new and emerging technologies that impact or*
13 *may impact motor vehicle safety;*

14 *“(2) collect and analyze all types of motor vehi-*
15 *cle and highway safety data and related information*
16 *to determine the relationship between motor vehicle or*
17 *motor vehicle equipment performance characteristics*
18 *and—*

19 *“(A) accidents involving motor vehicles; and*

20 *“(B) deaths or personal injuries resulting*
21 *from those accidents;*

22 *“(3) promote, support, and advance the edu-*
23 *cation and training of motor vehicle safety staff of the*
24 *National Highway Traffic Safety Administration, in-*
25 *cluding using program funds for—*

1 “(A) *planning, implementing, conducting,*
2 *and presenting results of program activities; and*

3 “(B) *travel and related expenses;*

4 “(4) *obtain experimental and other motor vehi-*
5 *cles and motor vehicle equipment for research or test-*
6 *ing;*

7 “(5)(A) *use any test motor vehicles and motor*
8 *vehicle equipment suitable for continued use, as deter-*
9 *mined by the Secretary to assist in carrying out this*
10 *chapter or any other chapter of this title; or*

11 “(B) *sell or otherwise dispose of test motor vehi-*
12 *cles and motor vehicle equipment and use the result-*
13 *ing proceeds to carry out this chapter;*

14 “(6) *award grants to States and local govern-*
15 *ments, interstate authorities, and nonprofit institu-*
16 *tions; and*

17 “(7) *enter into cooperative agreements, collabo-*
18 *rative research, or contracts with Federal agencies,*
19 *interstate authorities, State and local governments,*
20 *other public entities, private organizations and per-*
21 *sons, nonprofit institutions, colleges and universities,*
22 *consumer advocacy groups, corporations, partner-*
23 *ships, sole proprietorships, trade associations, Federal*
24 *laboratories (including government-owned, govern-*
25 *ment-operated laboratories and government-owned,*

1 contractor-operated laboratories), and foreign govern-
2 ments and research organizations.

3 “(b) *USE OF PUBLIC AGENCIES.*—In carrying out this
4 subchapter, the Secretary shall avoid duplication by using
5 the services, research, and testing facilities of public agen-
6 cies, as appropriate.

7 “(c) *FACILITIES.*—The Secretary may plan, design,
8 and build a new facility or modify an existing facility to
9 conduct research, development, and testing in traffic safety,
10 highway safety, and motor vehicle safety.

11 “(d) *AVAILABILITY OF INFORMATION, PATENTS, AND*
12 *DEVELOPMENTS.*—When the United States Government
13 makes more than a minimal contribution to a research or
14 development activity under this chapter, the Secretary shall
15 include in the arrangement for the activity a provision to
16 ensure that all information, patents, and developments re-
17 lated to the activity are available to the public without
18 charge. The owner of a background patent may not be de-
19 prived of a right under the patent.

20 **“§ 30183. Prohibition on certain disclosures.**

21 “Any report of the National Highway Traffic Safety
22 Administration, or of any officer, employee, or contractor
23 of the National Highway Traffic Safety Administration, re-
24 lating to any highway traffic accident or the investigation
25 of such accident conducted pursuant to this chapter or sec-

1 *tion 403 of title 23, shall be made available to the public*
 2 *in a manner that does not identify individuals.”.*

3 (b) *CONFORMING AMENDMENTS.—*

4 (1) *AMENDMENT OF CHAPTER ANALYSIS.—The*
 5 *chapter analysis for chapter 301 of title 49, United*
 6 *States Code, is amended by adding at the end the fol-*
 7 *lowing:*

“*SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT*

30181. Policy.

30182. Powers and duties.

30183. Prohibition on certain disclosures.”.

8 (2) *DELETION OF REDUNDANT MATERIAL.—*
 9 *Chapter 301 of title 49, United States Code, is*
 10 *amended—*

11 (A) *in the chapter analysis, by striking the*
 12 *item relating to section 30168; and*

13 (B) *by striking section 30168.*

14 **SEC. 205. ODOMETER REQUIREMENTS DEFINITION.**

15 *Section 32702(5) of title 49, United States Code, is*
 16 *amended by inserting “or system of components” after “in-*
 17 *strument”.*

18 **SEC. 206. ELECTRONIC DISCLOSURES OF ODOMETER IN-**
 19 **FORMATION.**

20 *Section 32705 of title 49, United States Code, is*
 21 *amended by adding at the end the following:*

22 “(g) *ELECTRONIC DISCLOSURES.—In carrying out*
 23 *this section, the Secretary may prescribe regulations per-*

1 *mitting any written disclosures or notices and related mat-*
 2 *ters to be provided electronically.”.*

3 **SEC. 207. INCREASED PENALTIES AND DAMAGES FOR**
 4 **ODOMETER FRAUD.**

5 *Chapter 327 of title 49, United States Code, is amend-*
 6 *ed—*

7 *(1) in section 32709(a)(1)—*

8 *(A) by striking “\$2,000” and inserting*
 9 *“\$10,000”; and*

10 *(B) by striking “\$100,000” and inserting*
 11 *“\$1,000,000”; and*

12 *(2) in section 32710(a), by striking “\$1,500”*
 13 *and inserting “\$10,000”.*

14 **SEC. 208. EXTEND PROHIBITIONS ON IMPORTING NON-**
 15 **COMPLIANT VEHICLES AND EQUIPMENT TO**
 16 **DEFECTIVE VEHICLES AND EQUIPMENT.**

17 *Section 30112 of title 49, United States Code, is*
 18 *amended—*

19 *(1) in subsection (a), by adding at the end the*
 20 *following:*

21 *“(3) Except as provided in this section, section 30114,*
 22 *subsections (i) and (j) of section 30120, and subchapter III,*
 23 *a person may not sell, offer for sale, introduce or deliver*
 24 *for introduction in interstate commerce, or import into the*
 25 *United States any motor vehicle or motor vehicle equipment*

1 *if the vehicle or equipment contains a defect related to*
 2 *motor vehicle safety about which notice was given under*
 3 *section 30118(c) or an order was issued under section*
 4 *30118(b). Nothing in this paragraph may be construed to*
 5 *prohibit the importation of a new motor vehicle that re-*
 6 *ceives a required recall remedy before being sold to a con-*
 7 *sumer in the United States.”; and*

8 (2) *in subsection (b)(2)—*

9 (A) *in subparagraph (A), by striking “or”*
 10 *at the end;*

11 (B) *in subparagraph (B), by adding “or”*
 12 *at the end; and*

13 (C) *by adding at the end the following:*

14 “(C) *having no reason to know, despite ex-*
 15 *ercising reasonable care, that a motor vehicle or*
 16 *motor vehicle equipment contains a defect related*
 17 *to motor vehicle safety about which notice was*
 18 *given under section 30118(c) or an order was*
 19 *issued under section 30118(b);”.*

20 **SEC. 209. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR**
 21 **IMPORTERS.**

22 *Chapter 301 of title 49, United States Code, is amend-*
 23 *ed—*

24 (1) *in the chapter analysis, by striking the item*
 25 *relating to subchapter III and inserting the following:*

“SUBCHAPTER III—IMPORTING MOTOR VEHICLES AND EQUIPMENT”;

1 (2) *in the heading for subchapter III, by striking*
2 “NONCOMPLYING”; and

3 (3) *in section 30147, by amending subsection (b)*
4 *to read as follows:*

5 “(b) *FINANCIAL RESPONSIBILITY REQUIREMENT.—*

6 “(1) *RULEMAKING.—The Secretary of Transpor-*
7 *tation may issue regulations requiring each person*
8 *that imports a motor vehicle or motor vehicle equip-*
9 *ment into the customs territory of the United States,*
10 *including a registered importer (or any successor in*
11 *interest), provide and maintain evidence, satisfactory*
12 *to the Secretary, of sufficient financial responsibility*
13 *to meet its obligations under section 30117(b), sec-*
14 *tions 30118 through 30121, and section 30166(f).*

15 “(2) *REFUSAL OF ADMISSION.—If the Secretary*
16 *of Transportation believes that a person described in*
17 *paragraph (1) has not provided and maintained evi-*
18 *dence of sufficient financial responsibility to meet the*
19 *obligations referred to in paragraph (1), the Secretary*
20 *of Homeland Security may refuse the admission into*
21 *the customs territory of the United States of any*
22 *motor vehicle or motor vehicle equipment imported by*
23 *the person.*

24 “(3) *EXCEPTION.—This subsection shall not*
25 *apply to original manufacturers (or wholly owned*

1 *subsidiaries) of motor vehicles that, prior to the date*
 2 *of enactment of the Motor Vehicle and Highway Safe-*
 3 *ty Improvement Act of 2011—*

4 *“(A) have imported motor vehicles into the*
 5 *United States that are certified to comply with*
 6 *all applicable Federal motor vehicle safety stand-*
 7 *ards;*

8 *“(B) have submitted to the Secretary appro-*
 9 *priate manufacturer identification information*
 10 *under part 566 of title 49, Code of Federal Regu-*
 11 *lations; and*

12 *“(C) if applicable, have identified a current*
 13 *agent for service of process in accordance with*
 14 *part 551 of title 49, Code of Federal Regula-*
 15 *tions.”.*

16 **SEC. 210. CONDITIONS ON IMPORTATION OF VEHICLES AND**
 17 **EQUIPMENT.**

18 *Chapter 301 of title 49, United States Code, is amend-*
 19 *ed—*

20 (1) *in the chapter analysis, by striking the item*
 21 *relating to section 30164 and inserting the following:*

“30164. Service of process; conditions on importation of vehicles and equipment.”;

22 *and*

23 (2) *in section 30164—*

1 (A) in the section heading, by adding “;
2 **CONDITIONS ON IMPORTATION OF VEHI-**
3 **CLES AND EQUIPMENT**” at the end; and

4 (B) by adding at the end the following:

5 “(c) *IDENTIFYING INFORMATION.*—A manufacturer
6 (including an importer) offering a motor vehicle or motor
7 vehicle equipment for import shall provide such information
8 as the Secretary may, by rule, request including—

9 “(1) the product by name and the manufactur-
10 er’s address; and

11 “(2) each retailer or distributor to which the
12 manufacturer directly supplied motor vehicles or
13 motor vehicle equipment over which the Secretary has
14 jurisdiction under this chapter.

15 “(d) *RULEMAKING.*—The Secretary may issue regula-
16 tions that—

17 “(1) condition the import of a motor vehicle or
18 motor vehicle equipment on the manufacturer’s com-
19 pliance with—

20 “(A) the requirements under this section;

21 “(B) any rules issued with respect to such
22 requirements; or

23 “(C) any other requirements under this
24 chapter or rules issued with respect to such re-
25 quirements;

1 “(2) provide an opportunity for the manufac-
2 turer to present information before the Secretary’s de-
3 termination as to whether the manufacturer’s imports
4 should be restricted; and

5 “(3) establish a process by which a manufacturer
6 may petition for reinstatement of its ability to import
7 motor vehicles or motor vehicle equipment.

8 “(e) EXCEPTION.—The requirements of subsections (c)
9 and (d) shall not apply to original manufacturers (or whol-
10 ly owned subsidiaries) of motor vehicles that, prior to the
11 date of enactment of the Motor Vehicle and Highway Safety
12 Improvement Act of 2011—

13 “(1) have imported motor vehicles into the
14 United States that are certified to comply with all
15 applicable Federal motor vehicle safety standards,

16 “(2) have submitted to the Secretary appropriate
17 manufacturer identification information under part
18 566 of title 49, Code of Federal Regulations; and

19 “(3) if applicable, have identified a current
20 agent for service of process in accordance with part
21 551 of title 49, Code of Federal Regulations.”.

22 **SEC. 211. PORT INSPECTIONS; SAMPLES FOR EXAMINATION**
23 **OR TESTING.**

24 Section 30166(c) of title 49, United States Code, is
25 amended—

1 (1) *in paragraph (2), by striking “and” at the*
2 *end;*

3 (2) *in paragraph (3)—*

4 (A) *in subparagraph (A), by inserting “(in-*
5 *cluding at United States ports of entry)” after*
6 *“held for introduction in interstate commerce”;*
7 *and*

8 (B) *in subparagraph (D), by striking the*
9 *period at the end and inserting a semicolon; and*
10 (3) *by adding at the end the following:*

11 “(4) *shall obtain from the Secretary of Home-*
12 *land Security without charge, upon the request of the*
13 *Secretary of Transportation, a reasonable number of*
14 *samples of motor vehicle equipment being offered for*
15 *import to determine compliance with this chapter or*
16 *a regulation or order issued under this chapter; and*

17 “(5) *shall instruct the Secretary of Homeland*
18 *Security to refuse admission of the motor vehicle*
19 *equipment into the customs territory of the United*
20 *States if the Secretary of Transportation determines,*
21 *after examination of the samples obtained under*
22 *paragraph (4), that such refusal is warranted due to*
23 *noncompliance with—*

24 “(A) *this chapter;*

1 “(B) a regulation prescribed under this
2 chapter; or

3 “(C) an order issued under this chapter.”.

4 **TITLE III—TRANSPARENCY AND**
5 **ACCOUNTABILITY**

6 **SEC. 301. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFETY**
7 **ADMINISTRATION VEHICLE SAFETY DATA-**
8 **BASE.**

9 (a) *IN GENERAL.*—Not later than 2 years after the
10 date of enactment of this Act, the Secretary shall improve
11 public accessibility to information on the National High-
12 way Traffic Safety Administration’s publicly accessible ve-
13 hicle safety databases by—

14 (1) *improving organization and functionality,*
15 *including modern web design features, and allowing*
16 *for data to be searched, aggregated, and downloaded;*

17 (2) *providing greater consistency in presentation*
18 *of vehicle safety issues; and*

19 (3) *improving searchability about specific vehi-*
20 *cles and issues through standardization of commonly*
21 *used search terms.*

22 (b) *VEHICLE RECALL INFORMATION.*—

23 (1) *IN GENERAL.*—Not later than 1 year after
24 the date of enactment of this Act, the Secretary shall
25 require that motor vehicle safety recall information—

1 (A) is available to the public on the Inter-
2 net;

3 (B) is searchable by vehicle make and model
4 and vehicle identification number;

5 (C) is in a format that preserves consumer
6 privacy; and

7 (D) includes information about each recall
8 that has not been completed for each vehicle.

9 (2) *RULEMAKING.*—The Secretary may initiate
10 a rulemaking proceeding to require each manufac-
11 turer to provide the information described in para-
12 graph (1), with respect to that manufacturer’s motor
13 vehicles, at no cost on a publicly accessible Internet
14 website.

15 (3) *DATABASE AWARENESS PROMOTION ACTIVI-*
16 *TIES.*—The Secretary, in consultation with the heads
17 of other relevant agencies, shall promote consumer
18 awareness of the information made available to the
19 public pursuant to this subsection.

20 **SEC. 302. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
21 **TRATION HOTLINE FOR MANUFACTURER,**
22 **DEALER, AND MECHANIC PERSONNEL.**

23 *The Secretary shall—*

24 (1) establish a means by which mechanics, pas-
25 senger motor vehicle dealership personnel, and pas-

1 *senger motor vehicle manufacturer personnel may di-*
 2 *rectly and confidentially contact the National High-*
 3 *way Traffic Safety Administration to report potential*
 4 *passenger motor vehicle safety defects; and*

5 *(2) publicize the means for contacting the Na-*
 6 *tional Highway Traffic Safety Administration in a*
 7 *manner that targets mechanics, passenger motor vehi-*
 8 *cle dealership personnel, and manufacturer personnel.*

9 **SEC. 303. CONSUMER NOTICE OF SOFTWARE UPDATES AND**
 10 **OTHER COMMUNICATIONS WITH DEALERS.**

11 *(a) INTERNET ACCESSIBILITY.—Section 30166(f) of*
 12 *title 49, United States Code, is amended—*

13 *(1) by striking “A manufacturer shall give the*
 14 *Secretary of Transportation” and inserting the fol-*
 15 *lowing:*

16 *“(1) IN GENERAL.—A manufacturer shall give*
 17 *the Secretary of Transportation, and make available*
 18 *on a publicly accessible Internet website,”; and*

19 *(2) by adding at the end the following:*

20 *“(2) NOTICES.—Communications required to be*
 21 *submitted to the Secretary and made available on a*
 22 *publicly accessible Internet website under this sub-*
 23 *section shall include all notices to dealerships of soft-*
 24 *ware upgrades and modifications recommended by a*
 25 *manufacturer for all previously sold vehicles. Notice is*

1 *required even if the software upgrade or modification*
2 *is not related to a safety defect or noncompliance with*
3 *a motor vehicle safety standard. The notice shall in-*
4 *clude a plain language description of the purpose of*
5 *the update and that description shall be prominently*
6 *placed at the beginning of the notice.*

7 “(3) *INDEX.—Communications required to be*
8 *submitted to the Secretary under this subsection shall*
9 *be accompanied by an index to each communication,*
10 *which—*

11 “(A) *identifies the make, model, and model*
12 *year of the affected vehicles;*

13 “(B) *includes a concise summary of the sub-*
14 *ject matter of the communication; and*

15 “(C) *shall be made available by the Sec-*
16 *retary to the public on the Internet in a search-*
17 *able format.”.*

18 **SEC. 304. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

19 *Section 30166(m) of title 49, United States Code, is*
20 *amended in paragraph (4), by amending subparagraph (C)*
21 *to read as follows:*

22 “(C) *DISCLOSURE.—*

23 “(i) *IN GENERAL.—The information*
24 *provided to the Secretary pursuant to this*
25 *subsection shall be disclosed publicly unless*

1 *exempt from disclosure under section 552(b)*
 2 *of title 5.*

3 “(ii) *PRESUMPTION.—In admin-*
 4 *istering this subparagraph, the Secretary*
 5 *shall presume in favor of maximum public*
 6 *availability of information.”.*

7 **SEC. 305. CORPORATE RESPONSIBILITY FOR NATIONAL**
 8 **HIGHWAY TRAFFIC SAFETY ADMINISTRATION**
 9 **REPORTS.**

10 *(a) IN GENERAL.—Section 30166 of title 49, United*
 11 *States Code, is amended by adding at the end the following:*

12 “(o) *CORPORATE RESPONSIBILITY FOR REPORTS.—*

13 “(1) *IN GENERAL.—The Secretary shall require a*
 14 *senior official responsible for safety in each company*
 15 *submitting information to the Secretary in response*
 16 *to a request for information in a safety defect or com-*
 17 *pliance investigation under this chapter to certify*
 18 *that—*

19 “(A) *the signing official has reviewed the*
 20 *submission; and*

21 “(B) *based on the official’s knowledge, the*
 22 *submission does not—*

23 “(i) *contain any untrue statement of a*
 24 *material fact; or*

1 “(ii) omit to state a material fact nec-
2 essary in order to make the statements
3 made not misleading, in light of the cir-
4 cumstances under which such statements
5 were made.

6 “(2) NOTICE.—The certification requirements of
7 this section shall be clearly stated on any request for
8 information under paragraph (1).”.

9 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
10 United States Code, is amended—

11 (1) in paragraph (3), by striking “A person”
12 and inserting “Except as provided in paragraph (4),
13 a person”; and

14 (2) by adding at the end the following:

15 “(4) FALSE, MISLEADING, OR INCOMPLETE RE-
16 PORTS.—A person who knowingly and willfully sub-
17 mits materially false, misleading, or incomplete infor-
18 mation to the Secretary, after certifying the same in-
19 formation as accurate and complete under the certifi-
20 cation process established pursuant to section
21 30166(o), shall be subject to a civil penalty of not
22 more than \$5,000 per day. The maximum penalty
23 under this paragraph for a related series of daily vio-
24 lations is \$5,000,000.”.

1 **SEC. 306. PASSENGER MOTOR VEHICLE INFORMATION PRO-**
 2 **GRAM.**

3 (a) *DEFINITION.*—Section 32301 of title 49, United
 4 States Code, is amended—

5 (1) by redesignating paragraphs (1) and (2) as
 6 paragraphs (2) and (3), respectively;

7 (2) by inserting before paragraph (2), as redesign-
 8 nated, the following:

9 “(1) ‘crash avoidance’ means preventing or miti-
 10 gating a crash;”; and

11 (3) in paragraph (2), as redesignated, by strik-
 12 ing the period at the end and inserting “; and”.

13 (b) *INFORMATION INCLUDED.*—Section 32302(a) of
 14 title 49, United States Code, is amended—

15 (1) in paragraph (2), by inserting “, crash
 16 avoidance, and any other areas the Secretary deter-
 17 mines will improve the safety of passenger motor ve-
 18 hicles” after “crashworthiness”; and

19 (2) by striking paragraph (4).

20 **SEC. 307. PROMOTION OF VEHICLE DEFECT REPORTING.**

21 Section 32302 of title 49, United States Code, is
 22 amended by adding at the end the following:

23 “(d) *MOTOR VEHICLE DEFECT REPORTING INFORMA-*
 24 *TION.*—

25 “(1) *RULEMAKING REQUIRED.*—Not later than 1
 26 year after the date of the enactment of the Motor Ve-

1 *hicle and Highway Safety Improvement Act of 2011,*
2 *the Secretary shall prescribe regulations that require*
3 *passenger motor vehicle manufacturers—*

4 *“(A) to affix, in the glove compartment or*
5 *in another readily accessible location on the ve-*
6 *hicle, a sticker, decal, or other device that pro-*
7 *vides, in simple and understandable language,*
8 *information about how to submit a safety-related*
9 *motor vehicle defect complaint to the National*
10 *Highway Traffic Safety Administration;*

11 *“(B) to prominently print the information*
12 *described in subparagraph (A) on a separate*
13 *page within the owner’s manual; and*

14 *“(C) to not place such information on the*
15 *label required under section 3 of the Automobile*
16 *Information Disclosure Act (15 U.S.C. 1232).*

17 *“(2) APPLICATION.—The requirements under*
18 *paragraph (1) shall apply to passenger motor vehicles*
19 *manufactured in any model year beginning more*
20 *than 1 year after the date on which a final rule is*
21 *published under paragraph (1).”.*

1 **SEC. 308. WHISTLEBLOWER PROTECTIONS FOR MOTOR VE-**
2 **HICLE MANUFACTURERS, PART SUPPLIERS,**
3 **AND DEALERSHIP EMPLOYEES.**

4 (a) *IN GENERAL.*—Subchapter IV of chapter 301 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 30171. Protection of employees providing motor ve-**
8 **hicle safety information**

9 “(a) *DISCRIMINATION AGAINST EMPLOYEES OF MANU-*
10 *FACTURERS, PART SUPPLIERS, AND DEALERSHIPS.*—No
11 motor vehicle manufacturer, part supplier, or dealership
12 may discharge an employee or otherwise discriminate
13 against an employee with respect to compensation, terms,
14 conditions, or privileges of employment because the em-
15 ployee (or any person acting pursuant to a request of the
16 employee)—

17 “(1) *provided, caused to be provided, or is about*
18 *to provide (with any knowledge of the employer) or*
19 *cause to be provided to the employer or the Secretary*
20 *of Transportation information relating to any motor*
21 *vehicle defect, noncompliance, or any violation or al-*
22 *leged violation of any notification or reporting re-*
23 *quirement of this chapter;*

24 “(2) *has filed, caused to be filed, or is about to*
25 *file (with any knowledge of the employer) or cause to*
26 *be filed a proceeding relating to any violation or al-*

1 *leged violation of any motor vehicle defect, noncompli-*
2 *ance, or any violation or alleged violation of any no-*
3 *tification or reporting requirement of this chapter;*

4 *“(3) testified or is about to testify in such a pro-*
5 *ceeding;*

6 *“(4) assisted or participated or is about to assist*
7 *or participate in such a proceeding; or*

8 *“(5) objected to, or refused to participate in, any*
9 *activity that the employee reasonably believed to be in*
10 *violation of any provision of any Act enforced by the*
11 *Secretary of Transportation, or any order, rule, regu-*
12 *lation, standard, or ban under any such Act.*

13 *“(b) COMPLAINT PROCEDURE.—*

14 *“(1) FILING AND NOTIFICATION.—A person who*
15 *believes that he or she has been discharged or other-*
16 *wise discriminated against by any person in viola-*
17 *tion of subsection (a) may, not later than 180 days*
18 *after the date on which such violation occurs, file (or*
19 *have any person file on his or her behalf) a complaint*
20 *with the Secretary of Labor (hereinafter in this sec-*
21 *tion referred to as the ‘Secretary’) alleging such dis-*
22 *charge or discrimination. Upon receipt of such a com-*
23 *plaint, the Secretary shall notify, in writing, the per-*
24 *son named in the complaint of the filing of the com-*
25 *plaint, of the allegations contained in the complaint,*

1 *of the substance of evidence supporting the complaint,*
2 *and of the opportunities that will be afforded to such*
3 *person under paragraph (2).*

4 “(2) *INVESTIGATION; PRELIMINARY ORDER.—*

5 “(A) *IN GENERAL.—Not later than 60 days*
6 *after the date of receipt of a complaint filed*
7 *under paragraph (1) and after affording the per-*
8 *son named in the complaint an opportunity to*
9 *submit to the Secretary a written response to the*
10 *complaint and an opportunity to meet with a*
11 *representative of the Secretary to present state-*
12 *ments from witnesses, the Secretary shall conduct*
13 *an investigation and determine whether there is*
14 *reasonable cause to believe that the complaint*
15 *has merit and notify, in writing, the complain-*
16 *ant and the person alleged to have committed a*
17 *violation of subsection (a) of the Secretary’s find-*
18 *ings. If the Secretary concludes that there is a*
19 *reasonable cause to believe that a violation of*
20 *subsection (a) has occurred, the Secretary shall*
21 *accompany the Secretary’s findings with a pre-*
22 *liminary order providing the relief prescribed by*
23 *paragraph (3)(B). Not later than 30 days after*
24 *the date of notification of findings under this*
25 *paragraph, either the person alleged to have com-*

1 *mitted the violation or the complainant may file*
2 *objections to the findings or preliminary order,*
3 *or both, and request a hearing on the record. The*
4 *filing of such objections shall not operate to stay*
5 *any reinstatement remedy contained in the pre-*
6 *liminary order. Such hearings shall be conducted*
7 *expeditiously. If a hearing is not requested in*
8 *such 30-day period, the preliminary order shall*
9 *be deemed a final order that is not subject to ju-*
10 *dicial review.*

11 *“(B) REQUIREMENTS.—*

12 *“(i) REQUIRED SHOWING BY COM-*
13 *PLAINANT.—The Secretary shall dismiss a*
14 *complaint filed under this subsection and*
15 *shall not conduct an investigation otherwise*
16 *required under subparagraph (A) unless the*
17 *complainant makes a prima facie showing*
18 *that any behavior described in paragraphs*
19 *(1) through (5) of subsection (a) was a con-*
20 *tributing factor in the unfavorable per-*
21 *sonnel action alleged in the complaint.*

22 *“(ii) SHOWING BY EMPLOYER.—Not-*
23 *withstanding a finding by the Secretary*
24 *that the complainant has made the showing*
25 *required under clause (i), no investigation*

1 *otherwise required under subparagraph (A)*
2 *shall be conducted if the employer dem-*
3 *onstrates, by clear and convincing evidence,*
4 *that the employer would have taken the*
5 *same unfavorable personnel action in the*
6 *absence of that behavior.*

7 “(iii) *CRITERIA FOR DETERMINATION*
8 *BY SECRETARY.—The Secretary may deter-*
9 *mine that a violation of subsection (a) has*
10 *occurred only if the complainant dem-*
11 *onstrates that any behavior described in*
12 *paragraphs (1) through (5) of subsection (a)*
13 *was a contributing factor in the unfavorable*
14 *personnel action alleged in the complaint.*

15 “(iv) *PROHIBITION.—Relief may not*
16 *be ordered under subparagraph (A) if the*
17 *employer demonstrates, by clear and con-*
18 *vincing evidence, that the employer would*
19 *have taken the same unfavorable personnel*
20 *action in the absence of that behavior.*

21 “(3) *FINAL ORDER.—*

22 “(A) *DEADLINE FOR ISSUANCE; SETTLE-*
23 *MENT AGREEMENTS.—Not later than 120 days*
24 *after the date of conclusion of a hearing under*
25 *paragraph (2), the Secretary shall issue a final*

1 *order providing the relief prescribed by this*
2 *paragraph or denying the complaint. At any*
3 *time before issuance of a final order, a pro-*
4 *ceeding under this subsection may be terminated*
5 *on the basis of a settlement agreement entered*
6 *into by the Secretary, the complainant, and the*
7 *person alleged to have committed the violation.*

8 “(B) *REMEDY.*—*If, in response to a com-*
9 *plaint filed under paragraph (1), the Secretary*
10 *determines that a violation of subsection (a) has*
11 *occurred, the Secretary shall order the person*
12 *who committed such violation—*

13 “(i) *to take affirmative action to abate*
14 *the violation;*

15 “(ii) *to reinstate the complainant to*
16 *his or her former position together with the*
17 *compensation (including back pay) and re-*
18 *store the terms, conditions, and privileges*
19 *associated with his or her employment; and*

20 “(iii) *to provide compensatory dam-*
21 *ages to the complainant.*

22 “(C) *ATTORNEYS’ FEES.*—*If such an order*
23 *is issued under this paragraph, the Secretary, at*
24 *the request of the complainant, shall assess*
25 *against the person against whom the order is*

1 *issued a sum equal to the aggregate amount of*
2 *all costs and expenses (including attorneys' and*
3 *expert witness fees) reasonably incurred, as de-*
4 *termined by the Secretary, by the complainant*
5 *for, or in connection with, bringing the com-*
6 *plaint upon which the order was issued.*

7 “(D) *FRIVOLOUS COMPLAINTS.*—*If the Sec-*
8 *retary determines that a complaint under para-*
9 *graph (1) is frivolous or has been brought in bad*
10 *faith, the Secretary may award to the prevailing*
11 *employer a reasonable attorney's fee not exceed-*
12 *ing \$1,000.*

13 “(E) *DE NOVO REVIEW.*—*With respect to a*
14 *complaint under paragraph (1), if the Secretary*
15 *of Labor has not issued a final decision within*
16 *210 days after the filing of the complaint and if*
17 *the delay is not due to the bad faith of the em-*
18 *ployee, the employee may bring an original ac-*
19 *tion at law or equity for de novo review in the*
20 *appropriate district court of the United States,*
21 *which shall have jurisdiction over such an action*
22 *without regard to the amount in controversy,*
23 *and which action shall, at the request of either*
24 *party to the action, be tried by the court with a*
25 *jury. The action shall be governed by the same*

1 *legal burdens of proof specified in paragraph*
2 *(2)(B) for review by the Secretary of Labor.*

3 “(4) *REVIEW.*—

4 “(A) *APPEAL TO COURT OF APPEALS.*—*Any*
5 *person adversely affected or aggrieved by an*
6 *order issued under paragraph (3) may obtain re-*
7 *view of the order in the United States Court of*
8 *Appeals for the circuit in which the violation,*
9 *with respect to which the order was issued, alleg-*
10 *edly occurred or the circuit in which the com-*
11 *plainant resided on the date of such violation.*
12 *The petition for review shall be filed not later*
13 *than 60 days after the date of the issuance of the*
14 *final order of the Secretary. Review shall con-*
15 *form to chapter 7 of title 5. The commencement*
16 *of proceedings under this subparagraph shall*
17 *not, unless ordered by the court, operate as a*
18 *stay of the order.*

19 “(B) *LIMITATION ON COLLATERAL AT-*
20 *TACK.*—*An order of the Secretary with respect to*
21 *which review could have been obtained under*
22 *subparagraph (A) shall not be subject to judicial*
23 *review in any criminal or other civil proceeding.*

24 “(5) *ENFORCEMENT OF ORDER BY SECRETARY.*—

25 *Whenever any person fails to comply with an order*

1 *issued under paragraph (3), the Secretary may file a*
2 *civil action in the United States district court for the*
3 *district in which the violation was found to occur to*
4 *enforce such order. In actions brought under this*
5 *paragraph, the district courts shall have jurisdiction*
6 *to grant all appropriate relief, including injunctive*
7 *relief and compensatory damages.*

8 “(6) *ENFORCEMENT OF ORDER BY PARTIES.—*

9 “(A) *COMMENCEMENT OF ACTION.—A per-*
10 *son on whose behalf an order was issued under*
11 *paragraph (3) may commence a civil action*
12 *against the person to whom such order was*
13 *issued to require compliance with such order.*
14 *The appropriate United States district court*
15 *shall have jurisdiction, without regard to the*
16 *amount in controversy or the citizenship of the*
17 *parties, to enforce such order.*

18 “(B) *ATTORNEY FEES.—The court, in*
19 *issuing any final order under this paragraph,*
20 *may award costs of litigation (including reason-*
21 *able attorney and expert witness fees) to any*
22 *party whenever the court determines such award*
23 *is appropriate.*

1 “(c) *MANDAMUS*.—Any nondiscretionary duty im-
 2 posed under this section shall be enforceable in a mandamus
 3 proceeding brought under section 1361 of title 28.

4 “(d) *NONAPPLICABILITY TO DELIBERATE VIOLA-*
 5 *TIONS*.—Subsection (a) shall not apply with respect to an
 6 employee of a motor vehicle manufacturer, part supplier,
 7 or dealership who, acting without direction from such motor
 8 vehicle manufacturer, part supplier, or dealership (or such
 9 person’s agent), deliberately causes a violation of any re-
 10 quirement relating to motor vehicle safety under this chap-
 11 ter.”.

12 (b) *CONFORMING AMENDMENT*.—The table of sections
 13 for chapter 301 of title 49, United States Code, is amended
 14 by inserting after the item relating to section 30170 the fol-
 15 lowing:

“30171. Protection of employees providing motor vehicle safety information.”.

16 **SEC. 309. ANTI-REVOLVING DOOR.**

17 (a) *AMENDMENT*.—Subchapter I of chapter 301 of title
 18 49, United States Code, is amended by adding at the end
 19 the following:

20 **“§30107. Restriction on covered motor vehicle safety**
 21 **officials**

22 “(a) *IN GENERAL*.—During the 2-year period after the
 23 termination of his or her service or employment, a covered
 24 vehicle safety official may not knowingly make, with the
 25 intent to influence, any communication to or appearance

1 *before any officer or employee of the National Highway*
2 *Traffic Safety Administration on behalf of any manufac-*
3 *turer subject to regulation under this chapter in connection*
4 *with any matter involving motor vehicle safety on which*
5 *such person seeks official action by any officer or employee*
6 *of the National Highway Traffic Safety Administration.*

7 “(b) *MANUFACTURERS.—It is unlawful for any manu-*
8 *facturer or other person subject to regulation under this*
9 *chapter to employ or contract for the services of an indi-*
10 *vidual to whom subsection (a) applies during the 2-year*
11 *period commencing on the individual’s termination of em-*
12 *ployment with the National Highway Traffic Safety Ad-*
13 *ministration in a capacity in which the individual is pro-*
14 *hibited from serving during that period.*

15 “(c) *SPECIAL RULE FOR DETAILEES.—For purposes*
16 *of this section, a person who is detailed from 1 department,*
17 *agency, or other entity to another department, agency, or*
18 *other entity shall, during the period such person is detailed,*
19 *be deemed to be an officer or employee of both departments,*
20 *agencies, or such entities.*

21 “(d) *SAVINGS PROVISION.—Nothing in this section*
22 *may be construed to expand, contract, or otherwise affect*
23 *the application of any waiver or criminal penalties under*
24 *section 207 of title 18.*

1 “(e) *EXCEPTION FOR TESTIMONY.*—Nothing in this
2 section may be construed to prevent an individual from giv-
3 ing testimony under oath, or from making statements re-
4 quired to be made under penalty of perjury.

5 “(f) *DEFINED TERM.*—In this section, the term ‘cov-
6 ered vehicle safety official’ means any officer or employee
7 of the National Highway Traffic Safety Administration—

8 “(1) who, during the final 12 months of his or
9 her service or employment with the agency, serves or
10 served in a technical or legal capacity, and whose job
11 responsibilities include or included vehicle safety de-
12 fect investigation, vehicle safety compliance, vehicle
13 safety rulemaking, or vehicle safety research; and

14 “(2) who serves in a supervisory or management
15 capacity over an officer or employee described in
16 paragraph (1).

17 “(g) *EFFECTIVE DATE.*—This section shall apply to
18 covered vehicle safety officials who terminate service or em-
19 ployment with the National Highway Traffic Safety Ad-
20 ministration after the date of enactment of the Motor Vehi-
21 cle and Highway Safety Improvement Act of 2011.”.

22 “(b) *CIVIL PENALTY.*—Section 30165(a) of title 49,
23 United States Code, as amended by this title, is further
24 amended by adding at the end the following:

1 “(5) *IMPROPER INFLUENCE*.—An individual who
 2 violates section 30107(a) is liable to the United States
 3 Government for a civil penalty, as determined under
 4 section 216(b) of title 18, for an offense under section
 5 207 of that title. A manufacturer or other person sub-
 6 ject to regulation under this chapter who violates sec-
 7 tion 30107(b) is liable to the United States Govern-
 8 ment for a civil penalty equal to the sum of—

9 “(A) an amount equal to not less than
 10 \$100,000; and

11 “(B) an amount equal to 90 percent of the
 12 annual compensation or fee paid or payable to
 13 the individual with respect to whom the viola-
 14 tion occurred.”.

15 (c) *STUDY OF DEPARTMENT OF TRANSPORTATION*
 16 *POLICIES ON OFFICIAL COMMUNICATION WITH FORMER*
 17 *MOTOR VEHICLE SAFETY ISSUE EMPLOYEES*.—Not later
 18 than 1 year after the date of the enactment of this Act, the
 19 Inspector General of the Department of Transportation
 20 shall—

21 (1) review the Department of Transportation’s
 22 policies and procedures applicable to official commu-
 23 nication with former employees concerning motor ve-
 24 hicle safety compliance matters for which they had re-
 25 sponsibility during the last 12 months of their tenure

1 at the Department, including any limitations on the
2 ability of such employees to submit comments, or oth-
3 erwise communicate directly with the Department, on
4 motor vehicle safety issues; and

5 (2) submit a report to the Committee on Com-
6 merce, Science, and Transportation of the Senate and
7 the Committee on Energy and Commerce of the House
8 of Representatives that contains the Inspector Gen-
9 eral's findings, conclusions, and recommendations for
10 strengthening those policies and procedures to mini-
11 mize the risk of undue influence without compro-
12 mising the ability of the Department to employ and
13 retain highly qualified individuals for such respon-
14 sibilities.

15 (d) *POST-EMPLOYMENT POLICY STUDY.*—

16 (1) *IN GENERAL.*—The Inspector General of the
17 Department of Transportation shall conduct a study
18 of the Department's policies relating to post-employ-
19 ment restrictions on employees who perform functions
20 related to transportation safety.

21 (2) *REPORT.*—Not later than 1 year after the
22 date of enactment of this Act, the Inspector General
23 shall submit a report containing the results of the
24 study conducted under paragraph (1) to—

1 (A) *the Committee on Commerce, Science,*
2 *and Transportation of the Senate;*

3 (B) *the Committee on Energy and Com-*
4 *merce of the House of Representatives; and*

5 (C) *the Secretary of Transportation.*

6 (3) *USE OF RESULTS.—The Secretary of Trans-*
7 *portation shall review the results of the study con-*
8 *ducted under paragraph (1) and take whatever action*
9 *the Secretary determines to be appropriate.*

10 (e) *CONFORMING AMENDMENT.—The table of contents*
11 *for chapter 301 of title 49, United States Code, is amended*
12 *by inserting after the item relating to section 30106 the fol-*
13 *lowing:*

 “30107. *Restriction on covered motor vehicle safety officials.*”.

14 **SEC. 310. STUDY OF CRASH DATA COLLECTION.**

15 (a) *IN GENERAL.—Not later than 1 year after the date*
16 *of the enactment of this Act, the Secretary shall submit a*
17 *report to the Committee on Commerce, Science, and Trans-*
18 *portation of the Senate the Committee on Energy and Com-*
19 *merce of the House of Representatives regarding the quality*
20 *of data collected through the National Automotive Sampling*
21 *System, including the Special Crash Investigations Pro-*
22 *gram.*

23 (b) *REVIEW.—The Administrator of the National*
24 *Highway Traffic Safety Administration (referred to in this*
25 *section as the “Administration”) shall conduct a com-*

1 *prehensive review of the data elements collected from each*
2 *crash to determine if additional data should be collected.*
3 *The review under this subsection shall include input from*
4 *interested parties, including suppliers, automakers, safety*
5 *advocates, the medical community, and research organiza-*
6 *tions.*

7 (c) *CONTENTS.—The report issued under this section*
8 *shall include—*

9 (1) *the analysis and conclusions the Administra-*
10 *tion can reach from the amount of motor vehicle crash*
11 *data collected in a given year;*

12 (2) *the additional analysis and conclusions the*
13 *Administration could reach if more crash investiga-*
14 *tions were conducted each year;*

15 (3) *the number of investigations per year that*
16 *would allow for optimal data analysis and crash in-*
17 *formation;*

18 (4) *the results of the comprehensive review con-*
19 *ducted pursuant to subsection (b);*

20 (5) *recommendations for improvements to the*
21 *Administration’s data collection program; and*

22 (6) *the resources needed by the Administration to*
23 *implement such recommendations.*

1 **SEC. 311. UPDATE MEANS OF PROVIDING NOTIFICATION;**
2 **IMPROVING EFFICACY OF RECALLS.**

3 (a) *UPDATE OF MEANS OF PROVIDING NOTIFICA-*
4 *TION.—Section 30119(d) of title 49, United States Code, is*
5 *amended—*

6 (1) *by striking, in paragraph (1), “by first class*
7 *mail” and inserting “in the manner prescribed by the*
8 *Secretary, by regulation”;*

9 (2) *in paragraph (2)—*

10 (A) *by striking “(except a tire) shall be sent*
11 *by first class mail” and inserting “shall be sent*
12 *in the manner prescribed by the Secretary, by*
13 *regulation,”; and*

14 (B) *by striking the second sentence;*

15 (3) *in paragraph (3)—*

16 (A) *by striking the first sentence;*

17 (B) *by inserting “to the notification re-*
18 *quired under paragraphs (1) and (2)” after “ad-*
19 *dition”;* and

20 (C) *by inserting “by the manufacturer”*
21 *after “given”;* and

22 (4) *in paragraph (4), by striking “by certified*
23 *mail or quicker means if available” and inserting “in*
24 *the manner prescribed by the Secretary, by regula-*
25 *tion”.*

1 (b) *IMPROVING EFFICACY OF RECALLS.*—Section
2 *30119(e) of title 49, United States Code, is amended—*

3 (1) *in the subsection heading, by striking “SEC-*
4 *OND” and inserting “ADDITIONAL”;*

5 (2) *by striking “If the Secretary” and inserting*
6 *the following:*

7 “(1) *SECOND NOTIFICATION.*—*If the Secretary”;*
8 *and*

9 (3) *by adding at the end the following:*

10 “(2) *ADDITIONAL NOTIFICATIONS.*—*If the Sec-*
11 *retary determines, after considering the severity of the*
12 *defect or noncompliance, that the second notification*
13 *by a manufacturer does not result in an adequate*
14 *number of motor vehicles or items of replacement*
15 *equipment being returned for remedy, the Secretary*
16 *may order the manufacturer—*

17 “(A) *to send additional notifications in the*
18 *manner prescribed by the Secretary, by regula-*
19 *tion;*

20 “(B) *to take additional steps to locate and*
21 *notify each person registered under State law as*
22 *the owner or lessee or the most recent purchaser*
23 *or lessee, as appropriate; and*

1 “(C) to emphasize the magnitude of the safe-
 2 ty risk caused by the defect or noncompliance in
 3 such notification.”.

4 **SEC. 312. EXPANDING CHOICES OF REMEDY AVAILABLE TO**
 5 **MANUFACTURERS OF REPLACEMENT EQUIP-**
 6 **MENT.**

7 Section 30120 of title 49, United States Code, is
 8 amended—

9 (1) in subsection (a)(1), by amending subpara-
 10 graph (B) to read as follows:

11 “(B) if replacement equipment, by repair-
 12 ing the equipment, replacing the equipment with
 13 identical or reasonably equivalent equipment, or
 14 by refunding the purchase price.”;

15 (2) in the heading of subsection (i), by adding
 16 “OF NEW VEHICLES OR EQUIPMENT” at the end; and

17 (3) in the heading of subsection (j), by striking
 18 “REPLACED” and inserting “REPLACEMENT”.

19 **SEC. 313. RECALL OBLIGATIONS AND BANKRUPTCY OF MAN-**
 20 **UFACTURER.**

21 (a) *IN GENERAL.*—Chapter 301 of title 49, United
 22 States Code, is amended by inserting the following after sec-
 23 tion 30120:

1 **“§30120A. Recall obligations and bankruptcy of a**
 2 **manufacturer**

3 *“A manufacturer’s filing of a petition in bankruptcy*
 4 *under chapter 11 of title 11, does not negate the manufac-*
 5 *turer’s duty to comply with section 30112 or sections 30115*
 6 *through 30120 of this title. In any bankruptcy proceeding,*
 7 *the manufacturer’s obligations under such sections shall be*
 8 *treated as a claim of the United States Government against*
 9 *such manufacturer, subject to subchapter II of chapter 37*
 10 *of title 31, United States Code, and given priority, pursu-*
 11 *ant to section 3710 of such chapter, to ensure that con-*
 12 *sumers are adequately protected from any safety defect or*
 13 *noncompliance determined to exist in the manufacturer’s*
 14 *products. This section shall apply equally to actions of a*
 15 *manufacturer taken before or after the filing of a petition*
 16 *in bankruptcy.”.*

17 *(b) CONFORMING AMENDMENT.—The chapter analysis*
 18 *of chapter 301 of title 49, United States Code, is amended*
 19 *by inserting after the item relating to section 30120 the fol-*
 20 *lowing:*

“30120a. Recall obligations and bankruptcy of a manufacturer.”.

21 **SEC. 314. REPEAL OF INSURANCE REPORTS AND INFORMA-**
 22 **TION PROVISION.**

23 *Chapter 331 of title 49, United States Code, is amend-*
 24 *ed—*

1 (1) *in the chapter analysis, by striking the item*
 2 *relating to section 33112; and*

3 (2) *by striking section 33112.*

4 **SEC. 315. MONRONEY STICKER TO PERMIT ADDITIONAL**
 5 **SAFETY RATING CATEGORIES.**

6 *Section 3(g)(2) of the Automobile Information Disclo-*
 7 *sure Act (15 U.S.C. 1232(g)(2)), is amended by inserting*
 8 *“safety rating categories that may include” after “refers*
 9 *to”.*

10 **TITLE IV—VEHICLE ELEC-**
 11 **TRONICS AND SAFETY STAND-**
 12 **ARDS**

13 **SEC. 401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
 14 **TRATION ELECTRONICS, SOFTWARE, AND EN-**
 15 **GINEERING EXPERTISE.**

16 (a) *COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE*
 17 *SOFTWARE, AND EMERGING TECHNOLOGIES.—*

18 (1) *IN GENERAL.—The Secretary shall establish,*
 19 *within the National Highway Traffic Safety Admin-*
 20 *istration, a Council for Vehicle Electronics, Vehicle*
 21 *Software, and Emerging Technologies (referred to in*
 22 *this section as the “Council”) to build, integrate, and*
 23 *aggregate the Administration’s expertise in passenger*
 24 *motor vehicle electronics and other new and emerging*
 25 *technologies.*

1 (2) *IMPLEMENTATION OF ROADMAP.*—*The Council*
2 *shall research the inclusion of emerging light-*
3 *weight plastic and composite technologies in motor ve-*
4 *hicles to increase fuel efficiency, lower emissions, meet*
5 *fuel economy standards, and enhance passenger motor*
6 *vehicle safety through continued utilization of the Ad-*
7 *ministration’s Plastic and Composite Intensive Vehi-*
8 *cle Safety Roadmap (Report No. DOT HS 810 863).*

9 (3) *INTRA-AGENCY COORDINATION.*—*The Council*
10 *shall coordinate with all components of the Adminis-*
11 *tration responsible for vehicle safety, including re-*
12 *search and development, rulemaking, and defects in-*
13 *vestigation.*

14 (b) *HONORS RECRUITMENT PROGRAM.*—

15 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
16 *lish, within the National Highway Traffic Safety Ad-*
17 *ministration, an honors program for engineering stu-*
18 *dents, computer science students, and other students*
19 *interested in vehicle safety that will enable such stu-*
20 *dents to train with engineers and other safety officials*
21 *for a career in vehicle safety.*

22 (2) *STIPEND.*—*The Secretary is authorized to*
23 *provide a stipend to students during their participa-*
24 *tion in the program established pursuant to para-*
25 *graph (1).*

1 (c) *ASSESSMENT.*—*The Council, in consultation with*
2 *affected stakeholders, shall assess the implications of emerg-*
3 *ing safety technologies in passenger motor vehicles, includ-*
4 *ing the effect of such technologies on consumers, product*
5 *availability, and cost.*

6 **SEC. 402. VEHICLE STOPPING DISTANCE AND BRAKE OVER-**
7 **RIDE STANDARD.**

8 *Not later than 1 year after the date of enactment of*
9 *this Act, the Secretary shall prescribe a Federal motor vehi-*
10 *cle safety standard that—*

11 (1) *mitigates unintended acceleration in pas-*
12 *senger motor vehicles;*

13 (2) *establishes performance requirements, based*
14 *on the speed, size, and weight of the vehicle, that en-*
15 *able a driver to bring a passenger motor vehicle safely*
16 *to a full stop by normal braking application even if*
17 *the vehicle is simultaneously receiving accelerator*
18 *input signals, including a full-throttle input signal;*

19 (3) *may permit compliance through a system*
20 *that requires brake pedal application, after a period*
21 *of time determined by the Secretary, to override an*
22 *accelerator pedal input signal in order to stop the ve-*
23 *hicle;*

24 (4) *requires that redundant circuits or other*
25 *mechanisms be built into accelerator control systems,*

1 *including systems controlled by electronic throttle, to*
 2 *maintain vehicle control in the event of failure of the*
 3 *primary circuit or mechanism; and*

4 *(5) may permit vehicles to incorporate a means*
 5 *to temporarily disengage the function required under*
 6 *paragraph (2) to facilitate operations, such as ma-*
 7 *neuversing trailers or climbing steep hills, which may*
 8 *require the simultaneous operation of brake and accel-*
 9 *erator.*

10 **SEC. 403. PEDAL PLACEMENT STANDARD.**

11 *(a) IN GENERAL.—The Secretary shall initiate a rule-*
 12 *making proceeding to consider a Federal motor vehicle safe-*
 13 *ty standard that would mitigate potential obstruction of*
 14 *pedal movement in passenger motor vehicles, after taking*
 15 *into account—*

16 *(1) various pedal mounting configurations; and*

17 *(2) minimum clearances for passenger motor ve-*
 18 *hicle foot pedals with respect to other pedals, the vehi-*
 19 *cle floor (including aftermarket floor coverings), and*
 20 *any other potential obstructions to pedal movement*
 21 *that the Secretary determines to be relevant.*

22 *(b) DEADLINE.—*

23 *(1) IN GENERAL.—Except as provided under*
 24 *paragraph (2), the Secretary shall issue a final rule*
 25 *to implement the safety standard described in sub-*

1 *section (a) not later than 3 years after the date of the*
 2 *enactment of this Act.*

3 (2) *REPORT.—If the Secretary determines that a*
 4 *pedal placement standard does not meet the require-*
 5 *ments and considerations set forth in subsections (a)*
 6 *and (b) of section 30111 of title 49, United States*
 7 *Code, the Secretary shall submit a report describing*
 8 *the reasons for not prescribing such standard to—*

9 (A) *the Committee on Commerce, Science,*
 10 *and Transportation of the Senate; and*

11 (B) *the Committee on Energy and Com-*
 12 *merce of the House of Representatives.*

13 (c) *COMBINED RULEMAKING.—The Secretary may*
 14 *combine the rulemaking proceeding required under sub-*
 15 *section (a) with the rulemaking proceeding required under*
 16 *section 402.*

17 **SEC. 404. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
 18 **ARD.**

19 (a) *IN GENERAL.—Not later than 2 years after the*
 20 *date of enactment of this Act, the Secretary shall initiate*
 21 *a rulemaking proceeding to consider prescribing or amend-*
 22 *ing a Federal motor vehicle safety standard that—*

23 (1) *requires electronic systems in passenger*
 24 *motor vehicles to meet minimum performance require-*
 25 *ments; and*

1 (2) *may include requirements for—*

2 (A) *electronic components;*

3 (B) *the interaction of electronic components;*

4 (C) *security needs for those electronic sys-*
5 *tems to prevent unauthorized access; or*

6 (D) *the effect of surrounding environments*
7 *on those electronic systems.*

8 (b) *DEADLINE.—*

9 (1) *IN GENERAL.—Except as provided under*
10 *paragraph (2), the Secretary shall issue a final rule*
11 *to implement the safety standard described in sub-*
12 *section (a) not later than 4 years after the date of en-*
13 *actment of this Act.*

14 (2) *REPORT.—If the Secretary determines that*
15 *such a standard does not meet the requirements and*
16 *considerations set forth in subsections (a) and (b) of*
17 *section 30111 of title 49, United States Code, the Sec-*
18 *retary shall submit a report describing the reasons for*
19 *not prescribing such standard to—*

20 (A) *the Committee on Commerce, Science,*
21 *and Transportation of the Senate; and*

22 (B) *the Committee on Energy and Com-*
23 *merce of the House of Representatives.*

24 (c) *NATIONAL ACADEMY OF SCIENCES.—In conducting*
25 *the rulemaking under subsection (a), the Secretary shall*

1 *consider the findings and recommendations of the National*
2 *Academy of Sciences, if any, pursuant to its study of elec-*
3 *tronic vehicle controls.*

4 **SEC. 405. PUSHBUTTON IGNITION SYSTEMS STANDARD.**

5 *(a) PUSHBUTTON IGNITION STANDARD.—*

6 *(1) IN GENERAL.—The Secretary shall initiate a*
7 *rulemaking proceeding to consider a Federal motor*
8 *vehicle safety standard for passenger motor vehicles*
9 *with pushbutton ignition systems that establishes a*
10 *standardized operation of such systems when used by*
11 *drivers, including drivers who may be unfamiliar*
12 *with such systems, in an emergency situation when*
13 *the vehicle is in motion.*

14 *(2) OTHER IGNITION SYSTEMS.—In the rule-*
15 *making proceeding initiated under paragraph (1), the*
16 *Secretary may include any other ignition-starting*
17 *mechanism that the Secretary determines should be*
18 *considered.*

19 *(b) PUSHBUTTON IGNITION SYSTEM DEFINED.—The*
20 *term “pushbutton ignition system” means a mechanism,*
21 *such as the push of a button, for starting a passenger motor*
22 *vehicle that does not involve the physical insertion and*
23 *turning of a tangible key.*

24 *(c) DEADLINE.—*

1 (1) *IN GENERAL.*—*Except as provided under*
2 *paragraph (2), the Secretary shall issue a final rule*
3 *to implement the standard described in subsection (a)*
4 *not later than 2 years after the date of the enactment*
5 *of this Act.*

6 (2) *REPORT.*—*If the Secretary determines that a*
7 *standard does not meet the requirements and consid-*
8 *erations set forth in subsections (a) and (b) of section*
9 *30111 of title 49, United States Code, the Secretary*
10 *shall submit a report describing the reasons for not*
11 *prescribing such standard to—*

12 (A) *the Committee on Commerce, Science,*
13 *and Transportation of the Senate; and*

14 (B) *the Committee on Energy and Com-*
15 *merce of the House of Representatives.*

16 **SEC. 406. VEHICLE EVENT DATA RECORDERS.**

17 (a) *MANDATORY EVENT DATA RECORDERS.*—

18 (1) *IN GENERAL.*—*Not later than 180 days after*
19 *the date of enactment of this Act, the Secretary shall*
20 *revise part 563 of title 49, Code of Federal Regula-*
21 *tions, to require, beginning with model year 2015,*
22 *that new passenger motor vehicles sold in the United*
23 *States be equipped with an event data recorder that*
24 *meets the requirements under that part.*

1 (2) *PENALTY.*—*The violation of any provision*
2 *under part 563 of title 49, Code of Federal Regula-*
3 *tions—*

4 (A) *shall be deemed to be a violation of sec-*
5 *tion 30112 of title 49, United States Code;*

6 (B) *shall be subject to civil penalties under*
7 *section 30165(a) of that title; and*

8 (C) *shall not subject a manufacturer (as de-*
9 *defined in section 30102(a)(5) of that title) to the*
10 *requirements under section 30120 of that title.*

11 (b) *LIMITATIONS ON INFORMATION RETRIEVAL.*—

12 (1) *OWNERSHIP OF DATA.*—*Any data in an*
13 *event data recorder required under part 563 of title*
14 *49, Code of Federal Regulations, regardless of when*
15 *the passenger motor vehicle in which it is installed*
16 *was manufactured, is the property of the owner, or in*
17 *the case of a leased vehicle, the lessee of the passenger*
18 *motor vehicle in which the data recorder is installed.*

19 (2) *PRIVACY.*—*Data recorded or transmitted by*
20 *such a data recorder may not be retrieved by a person*
21 *other than the owner or lessee of the motor vehicle in*
22 *which the recorder is installed unless—*

23 (A) *a court authorizes retrieval of the infor-*
24 *mation in furtherance of a legal proceeding;*

1 (B) the owner or lessee consents to the re-
2 trieval of the information for any purpose, in-
3 cluding the purpose of diagnosing, servicing, or
4 repairing the motor vehicle;

5 (C) the information is retrieved pursuant to
6 an investigation or inspection authorized under
7 section 1131(a) or 30166 of title 49, United
8 States Code, and the personally identifiable in-
9 formation of the owner, lessee, or driver of the ve-
10 hicle and the vehicle identification number is not
11 disclosed in connection with the retrieved infor-
12 mation; or

13 (D) the information is retrieved for the pur-
14 pose of determining the need for, or facilitating,
15 emergency medical response in response to a
16 motor vehicle crash.

17 (c) *REPORT TO CONGRESS.*—Two years after the date
18 of implementation of subsection (a), the Secretary shall
19 study the safety impact and the impact on individual pri-
20 vacy of event data recorders in passenger motor vehicles and
21 report its findings to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Committee on
23 Energy and Commerce of the House of Representatives. The
24 report shall include—

1 (1) *the safety benefits gained from installation of*
2 *event data recorders;*

3 (2) *the recommendations on what, if any, addi-*
4 *tional data the event data recorder should be modified*
5 *to record;*

6 (3) *the additional safety benefit such information*
7 *would yield;*

8 (4) *the estimated cost to manufacturers to imple-*
9 *ment the new enhancements;*

10 (5) *an analysis of how the information proposed*
11 *to be recorded by an event data recorder conforms to*
12 *applicable legal, regulatory, and policy requirements*
13 *regarding privacy;*

14 (6) *a determination of the risks and effects of col-*
15 *lecting and maintaining the information proposed to*
16 *be recorded by an event data recorder;*

17 (7) *an examination and evaluation of the protec-*
18 *tions and alternative processes for handling informa-*
19 *tion recorded by an event data recorder to mitigate*
20 *potential privacy risks.*

21 (d) *REVISED REQUIREMENTS FOR EVENT DATA RE-*
22 *CORDERES.—Based on the findings of the study under sub-*
23 *section (c), the Secretary shall initiate a rulemaking pro-*
24 *ceeding to revise part 563 of title 49, Code of Federal Regu-*
25 *lations. The rule—*

1 (1) shall require event data recorders to capture
2 and store data related to motor vehicle safety covering
3 a reasonable time period before, during, and after a
4 motor vehicle crash or airbag deployment, including
5 a rollover;

6 (2) shall require that data stored on such event
7 data recorders be accessible, regardless of vehicle man-
8 ufacturer or model, with commercially available
9 equipment in a specified data format;

10 (3) shall establish requirements for preventing
11 unauthorized access to the data stored on an event
12 data recorder in order to protect the security, integ-
13 rity, and authenticity of the data; and

14 (4) may require an interoperable data access
15 port to facilitate universal accessibility and analysis.

16 (e) *DISCLOSURE OF EXISTENCE AND PURPOSE OF*
17 *EVENT DATA RECORDER.*—The rule issued under sub-
18 *section (d) shall require that any owner’s manual or simi-*
19 *lar documentation provided to the first purchaser of a pas-*
20 *senger motor vehicle for purposes other than resale—*

21 (1) disclose that the vehicle is equipped with such
22 a data recorder; and

23 (2) explain the purpose of the data recorder.

24 (f) *ACCESS TO EVENT DATA RECORDERS IN AGENCY*
25 *INVESTIGATIONS.*—Section 30166(c)(3)(C) of title 49,

1 *United States Code, is amended by inserting “, including*
2 *any electronic data contained within the vehicle’s diag-*
3 *nostic system or event data recorder” after “equipment.”*

4 (g) *DEADLINE FOR RULEMAKING.—The Secretary*
5 *shall issue a final rule under subsection (d) not later than*
6 *4 years after the date of enactment of this Act.*

7 **SEC. 407. PROHIBITION ON ELECTRONIC VISUAL ENTER-**
8 **TAINMENT IN DRIVER’S VIEW.**

9 (a) *VISUAL ENTERTAINMENT SCREENS IN DRIVER’S*
10 *VIEW.—Not later than 2 years after the date of enactment*
11 *of this Act, the Secretary of Transportation shall issue a*
12 *final rule that prescribes a Federal motor vehicle safety*
13 *standard prohibiting electronic screens from displaying*
14 *broadcast television, movies, video games, and other forms*
15 *of similar visual entertainment that is visible to the driver*
16 *while driving.*

17 (b) *EXCEPTIONS.—The standard prescribed under sub-*
18 *section (a) shall allow electronic screens that display infor-*
19 *mation or images regarding operation of the vehicle, vehicle*
20 *surroundings, and telematic functions, such as the vehicles*
21 *navigation and communications system, weather, time, or*
22 *the vehicle’s audio system.*

1 **TITLE V—CHILD SAFETY**
2 **STANDARDS**

3 **SEC. 501. CHILD SAFETY SEATS.**

4 (a) *PROTECTION FOR LARGER CHILDREN.*—Not later
5 than 1 year after the date of enactment of this Act, the Sec-
6 retary shall issue a final rule amending Federal Motor Ve-
7 hicle Safety Standard Number 213 to establish frontal crash
8 protection requirements for child restraint systems for chil-
9 dren weighing more than 65 pounds.

10 (b) *SIDE IMPACT CRASHES.*—Not later than 2 years
11 after the date of the enactment of this Act, the Secretary
12 shall issue a final rule amending Federal Motor Vehicle
13 Safety Standard Number 213 to improve the protection of
14 children seated in child restraint systems during side im-
15 pact crashes.

16 (c) *FRONTAL IMPACT TEST PARAMETERS.*—

17 (1) *COMMENCEMENT.*—Not later than 2 years
18 after the date of enactment of this Act, the Secretary
19 shall commence a rulemaking proceeding to amend
20 test parameters under Federal Motor Vehicle Safety
21 Standard Number 213 to better replicate real world
22 conditions.

23 (2) *FINAL RULE.*—Not later than 4 years after
24 the date of enactment of this Act, the Secretary shall
25 issue a final rule pursuant to paragraph (1).

1 **SEC. 502. CHILD RESTRAINT ANCHORAGE SYSTEMS.**

2 (a) *INITIATION OF RULEMAKING PROCEEDING.*—Not
3 later than 1 year after the date of enactment of this Act,
4 the Secretary shall initiate a rulemaking proceeding to—

5 (1) *amend Federal Motor Vehicle Safety Stand-*
6 *ard Number 225 (relating to child restraint anchor-*
7 *age systems) to improve the visibility of, accessibility*
8 *to, and ease of use for lower anchorages and tethers*
9 *in all rear seat seating positions if such anchorages*
10 *and tethers are feasible; and*

11 (2) *amend Federal Motor Vehicle Safety Stand-*
12 *ard Number 213 (relating to child restraint systems)*
13 *or Federal Motor Vehicle Safety Standard Number*
14 *225 (relating to child restraint anchorage systems)—*

15 (A) *to establish a maximum allowable*
16 *weight of the child and child restraint for stand-*
17 *ardizing the recommended use of child restraint*
18 *anchorage systems in all vehicles; and*

19 (B) *to provide the information described in*
20 *subparagraph (A) to the consumer.*

21 (b) *FINAL RULE.*—

22 (1) *IN GENERAL.*—*Except as provided under*
23 *paragraph (2), the Secretary shall issue a final rule*
24 *under subsection (a) not later than 3 years after the*
25 *date of the enactment of this Act.*

1 (2) *REPORT.*—*If the Secretary determines that*
2 *an amendment to the standard referred to in sub-*
3 *section (a) does not meet the requirements and consid-*
4 *erations set forth in subsections (a) and (b) of section*
5 *30111 of title 49, United States Code, the Secretary*
6 *shall submit a report describing the reasons for not*
7 *prescribing such a standard to—*

8 (A) *the Committee on Commerce, Science,*
9 *and Transportation of the Senate; and*

10 (B) *the Committee on Energy and Com-*
11 *merce of the House of Representatives.*

12 **SEC. 503. REAR SEAT BELT REMINDERS.**

13 (a) *INITIATION OF RULEMAKING PROCEEDING.*—*Not*
14 *later than 2 years after the date of enactment of this Act,*
15 *the Secretary shall initiate a rulemaking proceeding to*
16 *amend Federal Motor Vehicle Safety Standard Number 208*
17 *(relating to occupant crash protection) to provide a safety*
18 *belt use warning system for designated seating positions in*
19 *the rear seat.*

20 (b) *FINAL RULE.*—

21 (1) *IN GENERAL.*—*Except as provided under*
22 *paragraph (2), the Secretary shall issue a final rule*
23 *under subsection (a) not later than 3 years after the*
24 *date of enactment of this Act.*

1 (2) *REPORT.*—*If the Secretary determines that*
2 *an amendment to the standard referred to in sub-*
3 *section (a) does not meet the requirements and consid-*
4 *erations set forth in subsections (a) and (b) of section*
5 *30111 of title 49, United States Code, the Secretary*
6 *shall submit a report describing the reasons for not*
7 *prescribing such a standard to—*

8 (A) *the Committee on Commerce, Science,*
9 *and Transportation of the Senate; and*

10 (B) *the Committee on Energy and Com-*
11 *merce of the House of Representatives.*

12 **SEC. 504. UNATTENDED PASSENGER REMINDERS.**

13 (a) *SAFETY RESEARCH INITIATIVE.*—*Not later than 2*
14 *years after the date of enactment of this Act, the Secretary*
15 *shall complete research into the development of performance*
16 *requirements to warn drivers that a child or other unat-*
17 *tended passenger remains in a rear seating position after*
18 *the vehicle motor is disengaged.*

19 (b) *SPECIFICATIONS.*—*In carrying out subsection (a),*
20 *the Secretary shall consider performance requirements*
21 *that—*

22 (1) *sense weight, the presence of a buckled seat*
23 *belt, or other indications of the presence of a child or*
24 *other passenger; and*

1 (2) *provide an alert to prevent hyperthermia and*
2 *hypothermia that can result in death or severe inju-*
3 *ries.*

4 (c) *RULEMAKING OR REPORT.—*

5 (1) *RULEMAKING.—Not later than 1 year after*
6 *the completion of each research and testing initiative*
7 *required under subsection (a), the Secretary shall ini-*
8 *tiate a rulemaking proceeding to issue a Federal*
9 *motor vehicle safety standard if the Secretary deter-*
10 *mines that such a standard meets the requirements*
11 *and considerations set forth in subsections (a) and (b)*
12 *of section 30111 of title 49, United States Code.*

13 (2) *REPORT.—If the Secretary determines that*
14 *the standard described in subsection (a) does not meet*
15 *the requirements and considerations set forth in sub-*
16 *sections (a) and (b) of section 30111 of title 49,*
17 *United States Code, the Secretary shall submit a re-*
18 *port describing the reasons for not prescribing such a*
19 *standard to—*

20 (A) *the Committee on Commerce, Science,*
21 *and Transportation of the Senate; and*

22 (B) *the Committee on Energy and Com-*
23 *merce of the House of Representatives.*

1 **SEC. 505. NEW DEADLINE.**

2 *If the Secretary determines that any deadline for*
 3 *issuing a final rule under this Act cannot be met, the Sec-*
 4 *retary shall—*

5 *(1) provide the Committee on Commerce,*
 6 *Science, and Transportation of the Senate and the*
 7 *Committee on Energy and Commerce of the House of*
 8 *Representatives with an explanation for why such*
 9 *deadline cannot be met; and*

10 *(2) establish a new deadline for that rule.*

11 **TITLE VI—IMPROVED DAYTIME**
 12 **AND NIGHTTIME VISIBILITY**
 13 **OF AGRICULTURAL EQUIP-**
 14 **MENT**

15 **SEC. 601. RULEMAKING ON VISIBILITY OF AGRICULTURAL**
 16 **EQUIPMENT.**

17 *(a) DEFINITIONS.—In this section:*

18 *(1) AGRICULTURAL EQUIPMENT.—The term “ag-*
 19 *ricultural equipment” has the meaning given the term*
 20 *“agricultural field equipment” in ASABE Standard*
 21 *390.4, entitled “Definitions and Classifications of Ag-*
 22 *ricultural Field Equipment”, which was published in*
 23 *January 2005 by the American Society of Agriculture*
 24 *and Biological Engineers, or any successor standard.*

1 (2) *PUBLIC ROAD*.—The term “public road” has
2 the meaning given the term in section 101(a)(27) of
3 title 23, United States Code.

4 (b) *RULEMAKING*.—

5 (1) *IN GENERAL*.—Not later than 2 years after
6 the date of enactment of this Act, the Secretary of
7 Transportation, after consultation with representa-
8 tives of the American Society of Agricultural and Bi-
9 ological Engineers and appropriate Federal agencies,
10 and with other appropriate persons, shall promulgate
11 a rule to improve the daytime and nighttime visi-
12 bility of agricultural equipment that may be operated
13 on a public road.

14 (2) *MINIMUM STANDARDS*.—The rule promul-
15 gated pursuant to this subsection shall—

16 (A) establish minimum lighting and mark-
17 ing standards for applicable agricultural equip-
18 ment manufactured at least 1 year after the date
19 on which such rule is promulgated; and

20 (B) provide for the methods, materials, spec-
21 ifications, and equipment to be employed to com-
22 ply with such standards, which shall be equiva-
23 lent to *ASABE Standard 279.14*, entitled
24 “*Lighting and Marking of Agricultural Equip-*
25 *ment on Highways*”, which was published in

1 *July 2008 by the American Society of Agricul-*
2 *tural and Biological Engineers, or any successor*
3 *standard.*

4 *(c) REVIEW.—Not less frequently than once every 5*
5 *years, the Secretary of Transportation shall—*

6 *(1) review the standards established pursuant to*
7 *subsection (b); and*

8 *(2) revise such standards to reflect the revision*
9 *of ASABE Standard 279 that is in effect at the time*
10 *of such review.*

11 *(d) LIMITATIONS.—*

12 *(1) COMPLIANCE WITH SUCCESSOR STAND-*
13 *ARDS.—Any rule promulgated pursuant to this sec-*
14 *tion may not prohibit the operation on public roads*
15 *of agricultural equipment that is equipped in accord-*
16 *ance with any adopted revision of ASABE Standard*
17 *279 that is later than the revision of such standard*
18 *that was referenced during the promulgation of the*
19 *rule.*

20 *(2) NO RETROFITTING REQUIRED.—Any rule*
21 *promulgated pursuant to this section may not require*
22 *the retrofitting of agricultural equipment that was*
23 *manufactured before the date on which the lighting*
24 *and marking standards are enforceable under sub-*
25 *section (b)(2)(A).*

1 (3) *NO EFFECT ON ADDITIONAL MATERIALS AND*
2 *EQUIPMENT.—Any rule promulgated pursuant to this*
3 *section may not prohibit the operation on public*
4 *roads of agricultural equipment that is equipped with*
5 *materials or equipment that are in addition to the*
6 *minimum materials and equipment specified in the*
7 *standard upon which such rule is based.*

Calendar No. 548

112TH CONGRESS
2^D SESSION
S. 1449

A BILL

To authorize the appropriation of funds for
highway safety programs and for other purposes.

NOVEMBER 14, 2012

Reported with an amendment