

113TH CONGRESS  
2D SESSION

# H. R. 5848

To enhance the early warning reporting requirements for motor vehicle  
manufacturers.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. CARTWRIGHT (for himself and Mr. NOLAN) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To enhance the early warning reporting requirements for  
motor vehicle manufacturers.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Early Warning Report-  
5       ing System Improvement Act of 2014”.

6       **SEC. 2. ADDITIONAL EARLY WARNING REPORTING RE-**  
7       **QUIREMENTS.**

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

10               (1) in paragraph (3)(C)—

1 (A) by striking “The manufacturer” and  
2 inserting the following:

3 “(i) IN GENERAL.—The manufac-  
4 turer”; and

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

6 “(ii) FATAL INCIDENTS.—If an inci-  
7 dent described in clause (i) involves fatali-  
8 ties, the Secretary shall require the manu-  
9 facturer to submit, as part of its incident  
10 report—

11 “(I) all initial claims or notice  
12 documents that notified the manufac-  
13 turer of the incident;

14 “(II) any police reports or other  
15 documents describing or recon-  
16 structing the incident; and

17 “(III) any amendments or sup-  
18 plements to the documents described  
19 in subclause (I), except for—

20 “(aa) medical documents  
21 and bills;

22 “(bb) property damage in-  
23 voices or estimates; and

24 “(cc) documents related to  
25 damages.”;

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

3           “(C) DISCLOSURE.—

4                 “(i) IN GENERAL.—The information  
5 provided to the Secretary pursuant to this  
6 subsection—

7                         “(I) shall be disclosed publicly  
8 unless exempt from disclosure under  
9 section 552(b) of title 5; and

10                        “(II) shall be entered into the  
11 early warning reporting database in a  
12 manner that is searchable by manu-  
13 facturer name, vehicle or equipment  
14 make and model name, model year,  
15 and type of potential defect.

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

20                 “(iii) INAPPLICABILITY OF CONFIDEN-  
21 TIALITY PROVISIONS.—In administering  
22 this paragraph, the confidentiality provi-  
23 sions under section 552(b)(4) of title 5,  
24 shall not be construed to prevent the public  
25 disclosure of—

1 “(I) production information re-  
2 garding passenger motor vehicles;

3 “(II) information on incidents in-  
4 volving death or injury;

5 “(III) numbers of property dam-  
6 age claims; or

7 “(IV) aggregated numbers of  
8 consumer complaints.”; and

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

10 “(6) USE OF EARLY WARNING REPORTS.—The  
11 Secretary shall consider information gathered under  
12 this section in proceedings described in sections  
13 30118 and 30162.”.

14 **SEC. 3. IMPROVED NATIONAL HIGHWAY TRAFFIC SAFETY**  
15 **ADMINISTRATION VEHICLE SAFETY DATA-**  
16 **BASES.**

17 (a) IN GENERAL.—Not later than 2 years after the  
18 date of the enactment of this Act, and after consultation  
19 with frequent users of its publicly available databases, the  
20 Secretary of Transportation (referred to in this section as  
21 the “Secretary”) shall improve public accessibility to infor-  
22 mation on the National Highway Traffic Safety Adminis-  
23 tration’s publicly accessible vehicle safety databases by—

24 (1) improving organization and functionality,  
25 including design features such as drop-down menus,

1 and allowing for data from all of the publicly acces-  
2 sible vehicle safety databases to be searched, sorted,  
3 aggregated, and downloaded in a manner—

4 (A) consistent with the public interest; and

5 (B) that facilitates easy use by consumers;

6 (2) providing greater consistency in presen-  
7 tation of vehicle safety issues;

8 (3) improving searchability about specific vehi-  
9 cles and issues through standardization of commonly  
10 used search terms and the integration of databases  
11 to enable all to be simultaneously searched using the  
12 same keyword search function; and

13 (4) ensuring that all documents, studies, inves-  
14 tigations, inspections, incident reports, and other  
15 materials related to an incident that are created or  
16 obtained by the National Highway Traffic Safety  
17 Administration be made publicly available in a man-  
18 ner that is searchable in databases by—

19 (A) manufacturer name, vehicle or equip-  
20 ment make and model name, and model year;

21 (B) type of potential defect;

22 (C) number of injuries or fatalities; and

23 (D) any other element that the Secretary  
24 determines to be in the public interest.

1       (b) INSPECTION AND INVESTIGATION INFORMA-  
2 TION.—The Secretary shall—

3           (1) provide public notice of all inspection and  
4       investigation activities conducted by the Secretary  
5       under section 30166 of title 49, United States Code;  
6       and

7           (2) make such notices, and notice of any en-  
8       forcement or other action taken as a result of an in-  
9       spection or investigation—

10           (A) available to consumers on the Internet  
11       immediately after such notice is issued; and

12           (B) searchable by manufacturer name, ve-  
13       hicle or equipment make and model name,  
14       model year, system or component, and the type  
15       of inspection or investigation being conducted.

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