

113TH CONGRESS
2D SESSION

S. 2760

To extend National Highway Traffic Safety Administration authorizations,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mrs. MCCASKILL introduced the following bill; which was read twice and
referred to the Committee on Commerce, Science, and Transportation

A BILL

To extend National Highway Traffic Safety Administration
authorizations, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Motor Vehicle and
5 Highway Safety Enhancement Act of 2014”.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, unless expressly provided otherwise, the
8 term “Secretary” means the Secretary of Transportation.

1 **TITLE I—HIGHWAY SAFETY**

2 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

6 (1) HIGHWAY SAFETY PROGRAMS.—For car-
7 rying out section 402 of title 23, United States
8 Code—

9 (A) \$241,146,351 for fiscal year 2015;

10 (B) \$253,203,669 for fiscal year 2016;

11 (C) \$265,863,852 for fiscal year 2017;

12 (D) \$279,157,045 for fiscal year 2018;

13 (E) \$293,114,898 for fiscal year 2019; and

14 (F) \$307,770,643 for fiscal year 2020.

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

18 (A) \$117,000,000 for fiscal year 2015;

19 (B) \$122,850,000 for fiscal year 2016;

20 (C) \$128,992,500 for fiscal year 2017;

21 (D) \$135,442,125 for fiscal year 2018;

22 (E) \$142,214,232 for fiscal year 2019; and

23 (F) \$149,353,294 for fiscal year 2020.

1 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
 2 For carrying out section 405 of title 23, United
 3 States Code—

- 4 (A) \$278,705,019 for fiscal year 2015;
- 5 (B) \$292,640,270 for fiscal year 2016;
- 6 (C) \$307,272,283 for fiscal year 2017;
- 7 (D) \$322,635,898 for fiscal year 2018;
- 8 (E) \$338,767,693 for fiscal year 2019; and
- 9 (F) \$355,706,078 for fiscal year 2020.

10 (4) NATIONAL DRIVER REGISTER.—For the Na-
 11 tional Highway Traffic Safety Administration to
 12 carry out chapter 303 of title 49, United States
 13 Code—

- 14 (A) \$5,000,000 for fiscal year 2015;
- 15 (B) \$5,250,000 for fiscal year 2016;
- 16 (C) \$5,512,500 for fiscal year 2017;
- 17 (D) \$5,788,125 for fiscal year 2018;
- 18 (E) \$6,077,532 for fiscal year 2019; and
- 19 (F) \$6,381,409 for fiscal year 2020.

20 (5) HIGH VISIBILITY ENFORCEMENT PRO-
 21 GRAM.—For carrying out section 2009 of
 22 SAFETEA-LU (23 U.S.C. 402 note)—

- 23 (A) \$29,000,000 for fiscal year 2015;
- 24 (B) \$30,450,000 for fiscal year 2016;
- 25 (C) \$31,972,500 for fiscal year 2017;

1 (D) \$33,571,125 for fiscal year 2018;

2 (E) \$35,249,682 for fiscal year 2019; and

3 (F) \$37,012,167 for fiscal year 2020.

4 (6) ADMINISTRATIVE EXPENSES.—For adminis-
 5 trative and related operating expenses of the Na-
 6 tional Highway Traffic Safety Administration in car-
 7 rying out chapter 4 of title 23, United States Code,
 8 and this title—

9 (A) \$28,148,630 for fiscal year 2015;

10 (B) \$29,556,062 for fiscal year 2016;

11 (C) \$31,033,865 for fiscal year 2017;

12 (D) \$32,585,558 for fiscal year 2018;

13 (E) \$34,214,836 for fiscal year 2019; and

14 (F) \$35,925,587 for fiscal year 2020.

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

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

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

1 (c) APPLICABILITY OF TITLE 23.—Except as other-
2 wise provided in chapter 4 of title 23, United States Code,
3 and in this title, amounts made available under subsection
4 (a) for fiscal years 2015 through 2020 shall be available
5 for obligation in the same manner as if such funds were
6 apportioned or allocated under chapter 1 of title 23,
7 United States Code.

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

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

23 (f) GRANT APPLICATION AND DEADLINE.—To re-
24 ceive a grant under this title, a State shall submit an ap-
25 plication, and the Secretary shall establish a single dead-

1 line for such applications to enable the award of grants
 2 early in the next fiscal year.

3 **SEC. 102. HIGHWAY SAFETY PROGRAMS.**

4 (a) UNIFORM GUIDELINES.—Section 402(a)(2)(A) of
 5 title 23, United States Code, is amended—

6 (1) by striking “and” at the end of clause (vi);

7 (2) by redesignating clause (vii) as clause (ix);

8 and

9 (3) by inserting after clause (vi) the following:

10 “(vii) to reduce injuries and deaths to
 11 older drivers;

12 “(viii) to improve emergency medical
 13 services response to crash sites; and”.

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

17 (1) by redesignating clauses (iii) through (v) as
 18 clauses (iv) through (vi), respectively; and

19 (2) by inserting after clause (ii) the following:

20 “(iii) countermeasures designed to de-
 21 crease deaths and injuries to pedestrians
 22 and bicyclists traveling in the roadways;”.

23 (c) RESTRICTION.—Section 402(g) of title 23, United
 24 States Code, is amended to read as follows:

1 “(g) RESTRICTION.—Nothing in this section may be
 2 construed to authorize the appropriation or expenditure
 3 of funds for highway construction, maintenance, or design
 4 (other than design of safety features of highways to be
 5 incorporated into guidelines).”.

6 **SEC. 103. IGNITION INTERLOCK GRANT CRITERIA.**

7 Section 405(d)(6) of title 23, United States Code, is
 8 amended by amending subparagraph (A) to read as fol-
 9 lows:

10 “(A) IN GENERAL.—The Secretary shall
 11 make a separate grant under this subsection to
 12 each State that adopts and is enforcing a law
 13 that requires any individual convicted of driving
 14 under the influence of alcohol or of driving
 15 while intoxicated to receive a restriction on driv-
 16 ing privileges that limits the individual to oper-
 17 ating only motor vehicles with an ignition inter-
 18 lock installed. The State may provide limited
 19 exceptions for circumstances when—

20 “(i) a State-certified ignition interlock
 21 provider is not available within 100 miles
 22 of the individual’s residence;

23 “(ii) the individual is required to oper-
 24 ate an employer’s motor vehicle in the
 25 course and scope of employment and the

1 business entity that owns the vehicle is not
 2 owned or controlled by the individual; or
 3 “(iii) the individual is certified by a
 4 medical doctor as being unable to provide
 5 a deep lung breath sample for analysis by
 6 an ignition interlock device.”.

7 **SEC. 104. HIGHWAY RESEARCH AND DEVELOPMENT.**

8 Section 403 of title 23, United States Code, is
 9 amended by inserting at the end the following:

10 “(i) FEDERAL SHARE.—The Federal share of the
 11 cost of any project or activity carried out under this sec-
 12 tion may be up to 100 percent if so specified in the project
 13 agreement.”.

14 **SEC. 105. MISCELLANEOUS AND TECHNICAL AMENDMENTS.**

15 (a) HIGHWAY SAFETY PROGRAMS.—Section 402 of
 16 title 23, United States Code, is amended—

17 (1) in subsection (b)(1)(C), by striking “except
 18 as provided in paragraph (3)” and inserting “except
 19 as provided in paragraph (2)”;

20 (2) in subsection (b)(1)(E)—

21 (A) by striking “in which a State” and in-
 22 serting “for which a State”; and

23 (B) by striking “subsection (f)” and insert-
 24 ing “subsection (k)”; and

1 (3) in subsection (k)(4), by striking “paragraph
2 (2)(A)” and inserting “paragraph (3)(A)”.

3 (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-
4 MENT.—Section 403(e) of title 23, United States Code,
5 is amended by inserting “of title 49” after “chapter 301”.

6 (c) NATIONAL PRIORITY SAFETY PROGRAMS.—Sec-
7 tion 405 of title 23, United States Code, is amended—

8 (1) in subsection (d)(5), by striking “section
9 402(c)” and inserting “section 402”;

10 (2) by striking subsection (f)(2), and inserting
11 the following:

12 “(2) GRANT AMOUNT.—The allocation of grant
13 funds to a State under this subsection for a fiscal
14 year shall be in proportion to the State’s apportion-
15 ment under section 402 for fiscal year 2009, except
16 that the amount of a grant awarded to a State for
17 a fiscal year may not exceed 25 percent of the
18 amount apportioned to the State under section 402
19 for fiscal year 2009.”; and

20 (3) in subsection (f)(4)(A)(iv), by striking “de-
21 veloped under subsection (g)”.

1 **TITLE II—MOTOR VEHICLE**
 2 **SAFETY**

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 30104 of title 49, United States Code, is
 5 amended—

6 (1) by striking “\$98,313,500”; and

7 (2) by striking “to carry out this part in each
 8 fiscal year beginning in fiscal year 1999 and ending
 9 in fiscal year 2011.” and inserting the following: “to
 10 carry out this part—

11 “(1) \$152,000,000 for fiscal year 2015;

12 “(2) \$170,240,000 for fiscal year 2016;

13 “(3) \$190,670,000 for fiscal year 2017;

14 “(4) \$213,550,000 for fiscal year 2018;

15 “(5) \$239,175,000 for fiscal year 2019; and

16 “(6) \$268,000,000 for fiscal year 2020.”.

17 **SEC. 202. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

18 Section 30120A of title 49, United States Code is
 19 amended by striking “chapter 11 of title 11” and inserting
 20 “chapter 7 or chapter 11 of title 11”.

21 **SEC. 203. CIVIL PENALTIES.**

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

24 (1) in subsection (a)(1)—

25 (A) in the first sentence—

1 (i) by striking “A person that violates
 2 any” and inserting “A person that violates
 3 or causes to be violated any”; and

4 (ii) by striking “\$5,000” and insert-
 5 ing “\$25,000”; and

6 (B) by striking the third sentence; and

7 (2) in subsection (a)(3)—

8 (A) in the second sentence by striking
 9 “\$5,000” and inserting “\$25,000”; and

10 (B) by striking the third sentence.

11 (b) CONSTRUCTION.—Nothing in this section shall be
 12 construed as preventing the imposition of penalties under
 13 section 30165 of title 49, United States Code, prior to
 14 the issuance of a final rule under section 31203(b) of the
 15 Moving Ahead for Progress in the 21st Century Act (49
 16 U.S.C. 30165 note).

17 **SEC. 204. CRIMINAL PENALTIES.**

18 Section 30170 of title 49, United States Code, is
 19 amended to read as follows:

20 **“§ 30170. Criminal penalties**

21 “(a) IN GENERAL.—A person who violates any of sec-
 22 tion 30112, 30115, 30117 through 30122, 30123(a),
 23 30125(c), 30127, 30141 through 30147, or 30166, or a
 24 regulation prescribed thereunder shall be subject to crimi-
 25 nal penalties of—

1 “(1) if death of an individual results, a fine
2 under title 18, or imprisonment for any term of
3 years or for life, or both;

4 “(2) if serious bodily injury to any individual
5 results, a fine under title 18 or imprisonment for not
6 more than 15 years, or both; and

7 “(3) in any other case, a fine under title 18, or
8 imprisoned for not more than 5 years, or both.

9 “(b) AGENTS.—Any individual director, officer, or
10 agent of a corporation who authorizes, orders, or performs
11 any of the acts or practices constituting in whole or in
12 part a violation of any of the sections described under sub-
13 section (a), shall be subject to penalties under this section
14 without regard to any penalties to which that corporation
15 may be subject under subsection (a).

16 “(c) FORFEITURE OF ASSETS.—In addition to the
17 penalties provided by subsection (a), the penalty for a
18 criminal violation of any of the sections described under
19 subsection (a) may include a forfeiture of assets associated
20 with the violation.

21 “(d) DEFINITIONS.—In this section:

22 “(1) CRIMINAL VIOLATION.—The term ‘crimi-
23 nal violation’ means a violation of any of the sec-
24 tions described under subsection (a) for which the

1 violator is sentenced to pay a fine, be imprisoned, or
2 both.

3 “(2) SERIOUS BODILY INJURY.—The term ‘seri-
4 ous bodily injury’ has the meaning given the term in
5 section 1365 of title 18.”.

6 **TITLE III—RENTAL CAR SAFETY**

7 **SEC. 301. SHORT TITLE.**

8 This title may be cited as the “Raechel and Jac-
9 queline Houck Safe Rental Car Act of 2014”.

10 **SEC. 302. DEFINITIONS.**

11 Section 30102(a) of title 49, United States Code, is
12 amended—

13 (1) by redesignating paragraphs (10) and (11)
14 as paragraphs (12) and (13), respectively;

15 (2) by redesignating paragraphs (1) through
16 (9) as paragraphs (2) through (10), respectively;

17 (3) by inserting before paragraph (2), as redes-
18 igned, the following:

19 “(1) ‘covered rental vehicle’ means a motor ve-
20 hicle that—

21 “(A) has a gross vehicle weight rating of
22 10,000 pounds or less;

23 “(B) is rented without a driver for an ini-
24 tial term of less than 4 months; and

1 “(C) is part of a motor vehicle fleet of 5
 2 or more motor vehicles that are used for rental
 3 purposes by a rental company.”; and

4 (4) by inserting after paragraph (10), as rededesignated, the following:

6 “(11) ‘rental company’ means a person who—

7 “(A) is engaged in the business of renting
 8 covered rental vehicles; and

9 “(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.”.

12 **SEC. 303. REMEDIES FOR DEFECTS AND NONCOMPLIANCE.**

13 Section 30120(i) of title 49, United States Code, is
 14 amended—

15 (1) in the subsection heading, by adding “, OR
 16 RENTAL” at the end;

17 (2) in paragraph (1)—

18 (A) by striking “(1) If notification” and
 19 inserting the following:

20 “(1) IN GENERAL.—If notification”;

21 (B) by indenting subparagraphs (A) and
 22 (B) four ems from the left margin;

23 (C) by inserting “or the manufacturer has
 24 provided to a rental company notification about
 25 a covered rental vehicle in the company’s pos-

1 session at the time of notification” after “time
2 of notification”;

3 (D) by striking “the dealer may sell or
4 lease,” and inserting “the dealer or rental com-
5 pany may sell, lease, or rent”; and

6 (E) in subparagraph (A), by striking “sale
7 or lease” and inserting “sale, lease, or rental
8 agreement”;

9 (3) by amending paragraph (2) to read as fol-
10 lows:

11 “(2) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to prohibit a dealer
13 or rental company from offering the vehicle or equip-
14 ment for sale, lease, or rent.”; and

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

16 “(3) SPECIFIC RULES FOR RENTAL COMPA-
17 NIES.—

18 “(A) IN GENERAL.—Except as otherwise
19 provided under this paragraph, a rental com-
20 pany shall comply with the limitations on sale,
21 lease, or rental set forth in subparagraph (C)
22 and paragraph (1) as soon as practicable, but
23 not later than 24 hours after the earliest re-
24 ceipt of the notice to owner under subsection
25 (b) or (c) of section 30118 (including the vehi-

1 le identification number for the covered vehi-
2 cle) by the rental company, whether by elec-
3 tronic means or first class mail.

4 “(B) SPECIAL RULE FOR LARGE VEHICLE
5 FLEETS.—Notwithstanding subparagraph (A),
6 if a rental company receives a notice to owner
7 covering more than 5,000 motor vehicles in its
8 fleet, the rental company shall comply with the
9 limitations on sale, lease, or rental set forth in
10 subparagraph (C) and paragraph (1) as soon as
11 practicable, but not later than 48 hours after
12 the earliest receipt of the notice to owner under
13 subsection (b) or (c) of section 30118 (includ-
14 ing the vehicle identification number for the
15 covered vehicle) by the rental company, whether
16 by electronic means or first class mail.

17 “(C) SPECIAL RULE FOR WHEN REMEDIES
18 NOT IMMEDIATELY AVAILABLE.—If a notifica-
19 tion required under subsection (b) or (c) of sec-
20 tion 30118 indicates that the remedy for the
21 defect or noncompliance is not immediately
22 available and specifies actions to temporarily
23 alter the vehicle that eliminate the safety risk
24 posed by the defect or noncompliance, the rent-
25 al company, after causing the specified actions

1 to be performed, may rent (but may not sell or
 2 lease) the motor vehicle. Once the remedy for
 3 the rental vehicle becomes available to the rent-
 4 al company, the rental company may not rent
 5 the vehicle until the vehicle has been remedied,
 6 as provided in subsection (a).

7 “(D) INAPPLICABILITY TO JUNK AUTO-
 8 MOBILES.—Notwithstanding paragraph (1), this
 9 subsection does not prohibit a rental company
 10 from selling a covered rental vehicle if such ve-
 11 hicle—

12 “(i) meets the definition of a junk
 13 automobile under section 201 of the Anti-
 14 Car Theft Act of 1992 (49 U.S.C. 30501);

15 “(ii) is retitled as a junk automobile
 16 pursuant to applicable State law; and

17 “(iii) is reported to the National
 18 Motor Vehicle Information System, if re-
 19 quired under section 204 of such Act (49
 20 U.S.C. 30504).”.

21 **SEC. 304. MAKING SAFETY DEVICES AND ELEMENTS INOP-**
 22 **ERATIVE.**

23 Section 30122(b) of title 49, United States Code, is
 24 amended by inserting “rental company,” after “dealer,”
 25 each place it appears.

1 **SEC. 305. INSPECTIONS, INVESTIGATIONS, AND RECORDS.**

2 Section 30166 of title 49, United States Code, is
3 amended—

4 (1) in subsection (c)(2), by striking “or dealer”
5 each place it appears and inserting “dealer, or rental
6 company”;

7 (2) in subsection (e), by striking “or dealer”
8 each place it appears and inserting “dealer, or rental
9 company”; and

10 (3) in subsection (f), by striking “or to owners”
11 and inserting “, rental companies, or other owners”.

12 **SEC. 306. RESEARCH AUTHORITY.**

13 The Secretary of Transportation may conduct a
14 study of—

15 (1) the effectiveness of the amendments made
16 by this title; and

17 (2) other activities of rental companies (as de-
18 fined in section 30102(a)(11) of title 49, United
19 States Code) related to their use and disposition of
20 motor vehicles that are the subject of a notification
21 required under section 30118 of title 49, United
22 States Code.

23 **SEC. 307. STUDY.**

24 (a) **ADDITIONAL REQUIREMENT.**—Subsection (b)(2)
25 of section 32206 of the Moving Ahead for Progress in the

1 21st Century Act (Public Law 112–141; 126 Stat. 785)

2 is amended—

3 (1) in subparagraph (E), by striking “and” at
4 the end;

5 (2) by redesignating subparagraph (F) as sub-
6 paragraph (G); and

7 (3) by inserting after subparagraph (E) the fol-
8 lowing:

9 “(F) evaluate the completion of safety re-
10 call remedies on rental trucks; and”.

11 (b) REPORT.—Subsection (c) of section 32206 of the
12 Moving Ahead for Progress in the 21st Century Act (Pub-
13 lic Law 112–141; 126 Stat. 785) is amended—

14 (1) by redesignating paragraphs (1) and (2) as
15 subparagraphs (A) and (B), respectively, and indent-
16 ing such subparagraphs, as so redesignated, an addi-
17 tional two ems from the left margin;

18 (2) by striking “(c) REPORT.—Not later” and
19 inserting the following:

20 “(c) REPORTS.—

21 “(1) INITIAL REPORT.—Not later”;

22 (3) in subparagraph (A), as redesignated, by
23 striking “subsection (b)” and inserting “subpara-
24 graphs (A) through (E) and (G) of subsection
25 (b)(2)”; and

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

2 “(2) SAFETY RECALL REMEDY REPORT.—Not
3 later than 1 year after the date of the enactment of
4 the Raechel and Jacqueline Houck Safe Rental Car
5 Act of 2014, the Secretary shall submit a report to
6 the congressional committees set forth in paragraph
7 (1) that contains—

8 “(A) the findings of the study conducted
9 pursuant to subsection (b)(2)(F); and

10 “(B) any recommendations for legislation
11 that the Secretary determines to be appro-
12 priate.”.

13 **SEC. 308. PUBLIC COMMENTS.**

14 The Secretary of Transportation shall solicit com-
15 ments regarding the implementation of this title from
16 members of the public, including rental companies, con-
17 sumer organizations, automobile manufacturers, and auto-
18 mobile dealers.

19 **SEC. 309. RULE OF CONSTRUCTION.**

20 Nothing in this title or the amendments made by this
21 title shall—

22 (1) be construed to create or increase any liabil-
23 ity, including for loss of use, for a manufacturer as
24 a result of having manufactured or imported a
25 motor vehicle subject to a notification of defect or

1 noncompliance under subsection (b) or (c) of section
2 30118 of title 49, United States Code; or

3 (2) supersede or otherwise affect the contrac-
4 tual obligations, if any, between such a manufac-
5 turer and a rental company (as defined in section
6 30102(a) of title 49, United States Code, as amend-
7 ed by section 302 of this title).

8 **SEC. 310. RULEMAKING.**

9 The Secretary of Transportation may promulgate
10 rules, as appropriate, to implement this title and the
11 amendments made by this title.

12 **SEC. 311. EFFECTIVE DATE.**

13 The amendments made by this title shall take effect
14 on the date that is 180 days after the date of the enact-
15 ment of this title.

○