

Calendar No. 561

113TH CONGRESS
2^D SESSION

S. 921

[Report No. 113–253]

To amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2013

Mr. SCHUMER (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mrs. MCCASKILL, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. CASEY, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2014

Reported by Mr. ROCKEFELLER, without amendment

A BILL

To amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Raechel and Jacqueline
3 Houck Safe Rental Car Act of 2013”.

4 **SEC. 2. DEFINITIONS.**

5 Section 30102(a) of title 49, United States Code, is
6 amended—

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

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

11 (3) by inserting before paragraph (2), as redес-
12 igned, the following:

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

15 “(A) has a gross vehicle weight rating of
16 10,000 pounds or less;

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

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

22 (4) by inserting after paragraph (10), as redес-
23 igned, the following:

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

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

1 “(B) uses for rental purposes a motor ve-
 2 hicle fleet of 5 or more covered rental vehi-
 3 cles.”.

4 **SEC. 3. REMEDIES FOR DEFECTS AND NONCOMPLIANCE.**

5 Section 30120(i) of title 49, United States Code, is
 6 amended—

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

9 (2) in paragraph (1)—

10 (A) by striking “(1) If notification” and
 11 inserting the following:

12 “(1) IN GENERAL.—If notification”;

13 (B) by indenting subparagraphs (A) and
 14 (B) four ems from the left margin;

15 (C) by inserting “or the manufacturer has
 16 provided to a rental company notification about
 17 a covered rental vehicle in the company’s pos-
 18 session at the time of notification” after “time
 19 of notification”;

20 (D) by striking “the dealer may sell or
 21 lease,” and inserting “the dealer or rental com-
 22 pany may sell, lease, or rent”; and

23 (E) in subparagraph (A), by striking “sale
 24 or lease” and inserting “sale, lease, or rental
 25 agreement”;

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

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

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

8 “(3) SPECIFIC RULES FOR RENTAL COMPA-
9 NIES.—

10 “(A) IN GENERAL.—Except as otherwise
11 provided under this paragraph, a rental com-
12 pany shall comply with the limitations on sale,
13 lease, or rental set forth in subparagraph (C)
14 and paragraph (1) as soon as practicable, but
15 not later than 24 hours after the earliest re-
16 ceipt of the notice to owner under subsection
17 (b) or (c) of section 30118 (including the vehi-
18 cle identification number for the covered vehi-
19 cle) by the rental company, whether by elec-
20 tronic means or first class mail.

21 “(B) SPECIAL RULE FOR LARGE VEHICLE
22 FLEETS.—Notwithstanding subparagraph (A),
23 if a rental company receives a notice to owner
24 covering more than 5,000 motor vehicles in its
25 fleet, the rental company shall comply with the

1 limitations on sale, lease, or rental set forth in
2 subparagraph (C) and paragraph (1) as soon as
3 practicable, but not later than 48 hours after
4 the earliest receipt of the notice to owner under
5 subsection (b) or (c) of section 30018 (includ-
6 ing the vehicle identification number for the
7 covered vehicle) by the rental company, whether
8 by electronic means or first class mail.

9 “(C) SPECIAL RULE FOR WHEN REMEDIES
10 NOT IMMEDIATELY AVAILABLE.—If a notifica-
11 tion required under subsection (b) or (c) of sec-
12 tion 30118 indicates that the remedy for the
13 defect or noncompliance is not immediately
14 available and specifies actions to temporarily
15 alter the vehicle that eliminate the safety risk
16 posed by the defect or noncompliance, the rent-
17 al company, after causing the specified actions
18 to be performed, may rent (but may not sell or
19 lease) the motor vehicle. Once the remedy for
20 the rental vehicle becomes available to the rent-
21 al company, the rental company may not rent
22 the vehicle until the vehicle has been remedied,
23 as provided in subsection (a).

24 “(D) INAPPLICABILITY TO JUNK AUTO-
25 MOBILES.—Notwithstanding paragraph (1), this

subsection does not prohibit a rental company
from selling a covered rental vehicle if such ve-
hicle—

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

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

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

**SEC. 4. MAKING SAFETY DEVICES AND ELEMENTS INOPER-
ATIVE.**

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

SEC. 5. INSPECTIONS, INVESTIGATIONS, AND RECORDS.

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

(1) in subsection (c)(2), by striking “or dealer”
each place such term appears and inserting “dealer,
or rental company”;

1 (2) in subsection (e), by striking “or dealer”
 2 each place such term appears and inserting “dealer,
 3 or rental company”; and

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

6 **SEC. 6. RESEARCH AUTHORITY.**

7 The Secretary of Transportation may conduct a
 8 study of—

9 (1) the effectiveness of the amendments made
 10 by this Act; and

11 (2) other activities of rental companies (as de-
 12 fined in section 30102(a)(11) of title 49, United
 13 States Code) related to their use and disposition of
 14 motor vehicles that are the subject of a notification
 15 required under section 30118 of title 49, United
 16 States Code.

17 **SEC. 7. STUDY.**

18 (a) **ADDITIONAL REQUIREMENT.**—Subsection (b)(2)
 19 of section 32206 of the Moving Ahead for Progress in the
 20 21st Century Act (Public Law 112–141; 126 Stat. 785)
 21 is amended—

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

24 (2) by redesignating subparagraph (F) as sub-
 25 paragraph (G); and

1 (3) by inserting after subparagraph (E) the fol-
 2 lowing:

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

5 (b) REPORT.—Subsection (c) of such section is
 6 amended—

7 (1) by redesignating paragraphs (1) and (2) as
 8 subparagraphs (A) and (B), respectively, and indent-
 9 ing such subparagraphs, as so redesignated, an addi-
 10 tional two ems from the left margin;

11 (2) by striking “REPORT.—Not later” and in-
 12 serting the following:

13 “(c) REPORTS.—

14 “(1) INITIAL REPORT.—Not later”;

15 (3) in paragraph (1), by striking “subsection
 16 (b)” and inserting “subparagraphs (A) through (E)
 17 and (G) of subsection (b)(2)”; and

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

19 “(2) SAFETY RECALL REMEDY REPORT.—Not
 20 later than 1 year after the date of the enactment of
 21 the ‘Raechel and Jacqueline Houck Safe Rental Car
 22 Act of 2013’, the Secretary shall submit a report to
 23 the congressional committees set forth in paragraph
 24 (1) that contains—

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

3 “(B) any recommendations for legislation
4 that the Secretary determines to be appro-
5 priate.”.

6 **SEC. 8. PUBLIC COMMENTS.**

7 The Secretary of Transportation shall solicit com-
8 ments regarding the implementation of this Act from
9 members of the public, including rental companies, con-
10 sumer organizations, automobile manufacturers, and auto-
11 mobile dealers.

12 **SEC. 9. RULEMAKING.**

13 The Secretary of Transportation may promulgate
14 rules, as appropriate, to implement this Act and the
15 amendments made by this Act.

16 **SEC. 10. EFFECTIVE DATE.**

17 The amendments made by this Act shall take effect
18 on the date that is 180 days after the date of the enact-
19 ment of this Act.

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