

S 3302

Motor Vehicle Safety Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: May 4, 2010

Current Status: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report.

Latest Action: By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report.

Report No. 111-381. (Dec 21, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/3302>

Sponsor

Name: Sen. Rockefeller, John D., IV [D-WV]

Party: Democratic • **State:** WV • **Chamber:** Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Begich, Mark [D-AK]	D · AK		May 4, 2010
Sen. Boxer, Barbara [D-CA]	D · CA		May 4, 2010
Sen. Cantwell, Maria [D-WA]	D · WA		May 4, 2010
Sen. Klobuchar, Amy [D-MN]	D · MN		May 4, 2010
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		May 4, 2010
Sen. Pryor, Mark L. [D-AR]	D · AR		May 4, 2010
Sen. Udall, Tom [D-NM]	D · NM		May 4, 2010
Sen. McCaskill, Claire [D-MO]	D · MO		May 7, 2010
Sen. Snowe, Olympia J. [R-ME]	R · ME		Jun 14, 2010

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Nov 29, 2010

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
111 HR 5381	Related bill	Jul 14, 2010: Placed on the Union Calendar, Calendar No. 307.

Motor Vehicle Safety Act of 2010 - **Title I: Vehicle Electronics and Safety Standards** - (Sec. 101) Directs the Secretary of Transportation (DOT), acting through the Administrator of the National Highway Traffic Safety Administration (NHTSA), to establish within NHTSA: (1) a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to build, integrate, and aggregate NHTSA's expertise in passenger motor vehicle electronics and other new and emerging technologies; and (2) an honors recruitment program for engineering students, computer science students, and other students interested in vehicle safety to train with engineers and other safety officials for careers in vehicle safety.

Requires the Council to: (1) implement the NHTSA Plastic and Composite Intensive Vehicle Safety Roadmap to ensure that inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, and meet Corporate Average Fuel Economy (CAFE) standards enhances passenger motor vehicle safety; and (2) assess emerging safety technologies in passenger motor vehicles in consultation with affected stakeholders.

(Sec. 102) Requires the Secretary to initiate a rulemaking to prescribe a federal motor vehicle safety standard to: (1) mitigate unintended acceleration in passenger motor vehicles (excluding motorcycles, low speed vehicles, or trailers) through a brake override system; (2) consider prescribing a standard that would mitigate potential obstruction of pedal movement, taking into account various pedal mounting configurations and minimum clearances for passenger motor vehicle foot pedals; (3) require electronic systems in passenger motor vehicles to meet minimum performance requirements; (4) consider prescribing standards for the operation of passenger motor vehicles with push-button ignition systems, particularly in an emergency situation when the vehicle is in motion; and (5) consider amending a specified standard to improve the recognition of gear selector positions for drivers.

(Sec. 107) Directs the Secretary to modify federal motor vehicle safety standards to require new passenger motor vehicles sold in the United States in model year 2015 to be equipped with an event data recorder (EDR) that records vehicle operational data that can be stored and accessed for retrieval and analysis.

Prohibits the retrieval of information recorded or transmitted by an EDR by any person other than the owner or lessee of the motor vehicle in which the device is installed, unless: (1) authorized by court order; (2) the owner or lessee consents; (3) the information is retrieved by a government motor vehicle safety agency, and the owner's, lessee's, or driver's personally identifiable information and vehicle identification number (VIN) are not disclosed in the information retrieval; or (4) such information is retrieved to determine the need for emergency medical response in the event of a motor vehicle crash.

Subjects violations of such requirements to certain civil penalties.

Directs the Secretary to require all new medium-duty vehicles and heavy-duty vehicles sold in the United States in model year 2017 to be equipped with an EDR.

Title II: Enhanced Safety Authorities - (Sec. 201) Increases civil penalties for violation of federal motor vehicle safety requirements: (1) from \$5,000 to \$25,000 per violation; and (2) from \$15 million to \$300 million, maximum, for a related series of violations. Requires the nature, circumstances, extent, and gravity of a violation to be considered in determining the amount of a civil penalty or compromise.

(Sec. 202) Requires the Secretary to notify manufacturers of motor vehicles or motor vehicle equipment whose defect or noncompliance with federal motor vehicle safety standards presents a substantial likelihood of death or serious injury to

the public if not discontinued immediately. Directs the Secretary to issue procedures for issuance of such decisions and enforcement of imminent safety hazard orders.

Title III: Transparency and Accountability - (Sec. 301) Requires the Secretary to issue regulations to require public disclosure of possible defects of motor vehicles or related equipment reported to the Secretary by motor vehicle manufacturers (Early Warning data).

(Sec. 302) Directs the Secretary to: (1) improve public accessibility to information on the NHTSA vehicle safety databases, including mandatory motor vehicle recall information on the Internet; (2) issue regulations to require passenger motor vehicle manufacturers to affix, in a readily accessible location, a device that provides information on how to submit a safety-related motor vehicle defect complaint to NHTSA; and (3) establish a NHTSA passenger motor vehicle safety defect hotline for manufacturer, dealer, and mechanic personnel.

(Sec. 303) Requires certain motor vehicle manufacturer communications to include all notices to dealerships of software upgrades and recommended vehicle modifications.

(Sec. 306) Establishes whistleblower protections for motor vehicle manufacturer, part supplier, and dealership employees, including complaint, investigation, and enforcement procedures.

(Sec. 307) Directs the Secretary to require the principal officer (or principal executive officer) of a corporation to be responsible for requests for information in NHTSA safety defect or compliance investigations. Prescribes both civil and criminal penalties for knowingly and willfully submitting false, misleading, or incomplete information.

(Sec. 308) Prohibits a motor vehicle manufacturer or other person who is subject to federal motor vehicle safety regulation from employing NHTSA employees for the 36-month period following the employee's termination of employment with NHTSA. Prescribes civil penalties for violations of this prohibition.

Requires the DOT Inspector General to review DOT policies and procedures regarding: (1) official communications with former NHTSA employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their DOT tenure; and (2) post-employment restrictions on NHTSA employees who perform transportation safety-related functions.

(Sec. 309) Requires the Secretary, in the event that a deadline for a rulemaking under this Act cannot be met, to: (1) notify Congress; and (2) establish a new deadline.

(Sec. 310) Prohibits a dealer from selling or leasing a used passenger motor vehicle unless: (1) the dealer clearly and conspicuously notifies the purchaser or lessee in writing of any unremedied defects or noncompliance of federal motor vehicle safety standards; and (2) the purchaser or lessee acknowledges in writing receipt of such notification.

(Sec. 312) Authorizes the Secretary, in cases where a manufacturer's second notification (recall) of a defective motor vehicle or motor vehicle equipment or noncompliance with a federal motor vehicle safety standard does not result in an adequate number of motor vehicles or replacement equipment being returned for remedy, to: (1) attempt to notify the registered owner of the recalled vehicle; and (2) explain in writing the safety risk the defect or noncompliance poses.

Authorizes the Secretary, in the case of severe and life-threatening passenger motor vehicle defects, to utilize governmental motor vehicle databases or require manufacturers to provide sufficient information to enable the Secretary to locate and notify the owner or lessee of the defective or noncompliant vehicle or replacement equipment.

Title V: Funding - (Sec. 401) Authorizes appropriations for FY2011-FY2013 for NHTSA vehicle safety programs.

Title V: Pedestrian Safety Enhancement - Pedestrian Safety Enhancement Act of 2009 - (Sec. 503) Directs the Secretary to initiate a rulemaking to promulgate a phased-in motor vehicle safety standard: (1) establishing performance requirements for an alert sound that allows blind and other pedestrians to detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and (2) requiring such vehicles to provide an alert sound conforming to established standard requirements. Prescribes requirements for such standards. Prohibits requiring either driver or pedestrian activation of the alert sound.

Directs the Secretary to study whether there is a safety need to apply such standard to conventional motor vehicles.

(Sec. 504) Authorizes appropriations.

Title VI: In-Vehicle Alcohol Detection Device Research - Research of Alcohol Detection Systems for Stopping Alcohol-related Fatalities Everywhere Act of 2010 or ROADS SAFE Act of 2010 - (Sec. 603) Directs the Administrator of NHTSA to carry out a collaborative research effort to continue to explore the feasibility and the potential benefits of, and the public policy challenges associated with, more widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

(Sec. 606) Authorizes appropriations to the Secretary for FY2011-FY2015 to carry out the collaborative research effort.

Actions Timeline

- **Dec 21, 2010:** By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 111-381.
- **Nov 29, 2010:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. Without written report.
- **Nov 29, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 653.
- **Jun 9, 2010:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 19, 2010:** Committee on Commerce, Science, and Transportation. Hearings held. Hearings printed: S.Hrg. 111-992.
- **May 4, 2010:** Introduced in Senate
- **May 4, 2010:** Read twice and referred to the Committee on Commerce, Science, and Transportation.