

S 1449

Mariah's Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Jul 29, 2011

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. 112-261. (Dec 21, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1449>

Sponsor

Name: Sen. Pryor, Mark L. [D-AR]

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

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Jul 29, 2011
Sen. Klobuchar, Amy [D-MN]	D · MN		Jul 29, 2011
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Jul 29, 2011
Sen. Udall, Tom [D-NM]	D · NM		Jul 29, 2011
Sen. Schumer, Charles E. [D-NY]	D · NY		Aug 2, 2011

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Nov 14, 2012

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
112 HR 6051	Related bill	Jun 29, 2012: Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
112 HR 14	Related bill	Mar 21, 2012: Referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Energy and Commerce, Agriculture, Science, Space, and Technology, the Budget, Oversight and Government Reform, Financial Services, Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
112 HR 2324	Related bill	Jun 24, 2011: Referred to the Subcommittee on Highways and Transit.
112 S 510	Related bill	Mar 8, 2011: Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S1410)

Motor Vehicle and Highway Safety Improvement Act of 2011 [sic] or Mariah's Act - **Title I: Highway Safety** - (Sec. 101) Authorizes appropriations out of the Highway Trust Fund (HTF) (other than the Mass Transit Account) for FY2012 and FY2013 for National Highway Traffic Safety Administration (NHTSA) safety programs, including: (1) highway safety research and development, (2) the combined occupant protection incentive grants program, (3) state traffic safety information system improvements, (4) the impaired driving countermeasures incentive grants program, (5) the distracted driving incentive grants program, (6) the National Register, (7) the high visibility enforcement program, (8) the motorcyclist safety grant program, (9) NHTSA administrative expenses, (10) driver alcohol detection system for safety research, and (11) state graduated driver licensing laws.

Requires use of such funds for such programs only, and prohibits their use by a state or local government for construction purposes.

(102) Revises NHTSA highway safety programs requirements.

Requires state highway safety programs to comply with certain uniform guidelines that meet specified criteria, including requirements for an effective accident record system.

Prohibits the Secretary of Transportation (DOT) from approving a state highway program which does not, beginning FY2013, provide for a robust, data-driven traffic safety enforcement program in areas most at risk for accidents.

Lowers from 50% to 20% the minimum amount of any reduction in the apportionment to a state that does not have an approved highway safety program, or is not implementing one, until the Secretary approves such a program or determines that the state is implementing one. Revises the dates for: (1) apportionment to a state of withheld funds upon compliance with the highway safety program requirement, or (2) reapportionment to other states of such withheld funds if the state does not correct its failure to comply by a certain deadline.

Repeals authority for a grant to states that use a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways.

Repeals the requirement that the Secretary establish an approval process by which a state may apply for all highway safety grants for which a single consolidated application process with one annual deadline is appropriate.

Directs the Secretary to require states to develop for DOT approval highway safety plans that comply with certain performance measures by July 1, 2012, and annually thereafter.

Earmarks an amount of the state highway safety programs apportionment for expenditure by the Secretary, acting through the NHTSA Administrator, for a cooperative program to research and evaluate priority highway safety countermeasures.

Authorizes a state to use a portion of program funds to implement a statewide teen traffic safety program.

(Sec. 103) Revises highway safety research and development program requirements.

Authorizes the Secretary to carry out collaborative research and development (R&D) projects, to encourage innovative solutions to highway safety problems, with federal laboratories that are either: (1) government-owned and government-operated, or (2) government-owned and contractor-operated.

Authorizes the Secretary, acting through the NHTSA Administrator, to expend a specified amount to establish an electronic clearinghouse and technical assistance service to collect and disseminate research and analysis of medical information and best practices on drivers with medical issues that may be used by state driver licensing agencies in making licensing qualification decisions.

Authorizes the Secretary, acting through the NHTSA Administrator, to establish an international highway safety information and cooperation program to permit the exchange of certain information with foreign countries that could be used to enhance highway safety.

Requires any NHTSA report relating to a highway traffic accident or the investigation of an accident to be made available to the public in a manner that does not identify individuals.

Directs the Secretary, acting through the NHTSA Administrator, to develop and test (including by a federal laboratory) model specifications and testing procedures for devices, including any designed to measure the concentration of alcohol in the body.

(Sec. 104) Requires the Secretary to make continual improvements to modernize the National Driver Register's data processing system.

(Sec. 105) Replaces the occupant protection incentive grant program with a combined occupant protection incentive grant program (for both high seat and lower seat belt use). Sets the maximum federal share of the costs of related activities at 80%.

Sets differing grant eligibility criteria for states with an observed seat belt use of: (1) 90% or higher, or (2) below 90%.

(Sec. 106) Revises state traffic safety information system improvements program eligibility requirements.

(Sec. 107) Replaces the the alcohol-impaired driving countermeasures incentive grant program with the impaired driving countermeasures incentive grants program.

Directs the Secretary to award grants to states that adopt and implement: (1) programs to reduce driving under the influence of alcohol (as under current law), drugs, or combination of alcohol and drugs; or (2) alcohol-ignition interlock laws. Requires separate grants to each state that adopts and enforces a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

Prescribes differing eligibility grant criteria for states with: (1) a high-range average impaired driving fatality rate of 0.60 or higher, (2) a low-range rate of 0.30 or lower, and (3) a mid-range rate between 0.30 and 0.60.

Differentiates specified programs for which grants can be used between mandatory (high-range states) and discretionary (mid-range and low-range states).

Authorizes mid-range and low-range states to use grants for costs associated with a 24-7 sobriety law or program that authorizes a state court or a state agency, as a condition of sentence, probation, parole, or work permit, to: (1) require an individual who pled guilty or was convicted of driving under the influence of alcohol or drugs to abstain totally from alcohol or drugs for a period of time; and (2) subject the individual to alcohol or drug testing at least twice a day, by continuous transdermal electronic alcohol monitoring, or by an alternate method with the Secretary's concurrence.

(Sec. 108) Replaces the state highway safety data improvements incentive grants program with a distracted driving

incentive grants program.

Directs the Secretary to award grants to states that enact and enforce a law that: (1) prohibits drivers (including those under age 18) from texting through a personal wireless communications device (including a cell phone, but not a global navigation satellite [GPS] system receiver) while driving (with specified emergency exceptions), (2) makes a violation of the statute a primary offense, and (3) establishes minimum and increased fines and civil and criminal penalties for violations.

(Sec. 109) Amends the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to revise the High Visibility Enforcement Program.

Requires the NHTSA Administrator to increase from at least two to at least three the number of high-visibility traffic safety law enforcement campaigns to be carried out through 2013.

(Sec. 110) Revises eligibility criteria for state motorcyclist safety grants.

(Sec. 111) Directs the NHTSA Administrator to carry out a collaborative research effort to continue to explore the feasibility and potential benefits of, and the public policy challenges associated with, more widespread deployment of in-vehicle technology to prevent alcohol-impaired driving.

(Sec. 112) Directs the Secretary to award incentive grants to states with graduated driver licensing laws that include, for novice drivers under age 21, a two-stage licensing process before the grant of an unrestricted driver's license.

Requires such laws, at a minimum, to include: (1) a learner's permit stage that lasts at least six months, prohibits driver use of a cellular phone or other communications device in nonemergency situations, and remains in effect until the driver attains age 16 and enters the intermediate stage, or attains 18; (2) an intermediate stage in effect until the driver attains age 18 that lasts at least six months, prohibits driver use of a cellular phone or other communications device in nonemergency situations, restricts nighttime driving, prohibits more than one non-familial passenger under age 21 unless there is a licensed driver at least age 21 present in the vehicle; and (3) any other requirement that the Secretary may require.

Deems a state that meets such minimum requirements to be in compliance if the state enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants under age 18 to drive a motor vehicle in connection with work performed on or for the operation of a farm owned by family members of the licensees or applicants, or if demonstrable hardship would result from the denial of a license to such licensees or applicants.

(Sec. 113) Authorizes the Secretary to review the highway safety programs of the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate. (Currently, requires the Secretary to review triennially state highway safety programs).

Repeals the requirement that the Comptroller General analyze the effectiveness of NHTSA oversight of traffic safety grants.

(Sec. 114) Directs the Secretary to establish a National Emergency Medical Services Advisory Council.

Title II: Enhanced Safety Authorities - (Sec. 201) Subjects a motorcycle helmet to federal motor vehicle equipment safety requirements.

(Sec. 202) Repeals the exception for safety belt interlocks and buzzers designed to indicate a safety belt is not in use from the general prohibition against knowingly making inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard unless its manufacturer, distributor, dealer, or repair business reasonably believes the vehicle or equipment will not be used when the device or element is inoperative.

Prohibits, instead, a motor vehicle safety standard from requiring a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt.

(Sec. 203) Increases from \$15 million to \$250 million the maximum civil penalties for persons who commit a related series of daily violations of federal motor vehicle safety requirements.

Revises and increases the number of factors the Secretary must consider in determining the amount of a civil penalty or compromise.

(Sec. 204) Directs the Secretary to conduct specified motor vehicle safety research and development (R&D) activities.

(Sec. 206) Authorizes the Secretary, with respect to odometer disclosures required when ownership of a motor vehicle is transferred, to prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.

(Sec. 207) Increases from \$2,000 to \$10,000 for each violation, and from \$100,000 to \$1 million for a related series of violations, the civil penalties for violations of federal prohibitions against tampering with motor vehicle odometers.

Increases from \$1,500 to \$10,000 the alternative amount of maximum civil damages for violating a federal prohibition against fraudulent tampering with odometers.

(Sec. 208) Prohibits a person from selling, offering for sale, introducing in interstate commerce, or importing into the United States motor vehicles or motor vehicle equipment containing a safety defect about which a notice or order of noncompliance with federal motor vehicle safety requirements has been issued, unless it receives a required recall remedy before being sold to a U.S. consumer.

(Sec. 209) Authorizes the Secretary to issue regulations to require persons who import motor vehicles and equipment, including a registered importer (as under current law), to provide and meet certain financial responsibility requirements.

Authorizes the Secretary of Homeland Security (DHS) to refuse admission into the U.S. customs territory of any motor vehicle or equipment imported by a person that fails to meet such requirements.

(Sec. 210) Prescribes conditions for the importation of vehicles and equipment relating to required identifying information.

Exempts from such information requirements and rules original motor vehicle manufacturers that have already submitted identifying information about imported motor vehicles which are certified to comply with federal motor vehicle safety standards.

(Sec. 211) Requires an officer or employee designated by the Secretary, in order to determine compliance with federal motor vehicle safety law, to: (1) obtain from the DHS Secretary, without charge, a reasonable number of samples of imported motor vehicle equipment, and (2) instruct the DHS Secretary to refuse admission of such equipment into the U.S. customs territory if the Secretary determines after examination of the samples that such refusal is warranted due to

noncompliance with a federal motor vehicle safety law or regulation or NHTSA order.

Title III: Transparency and Accountability - (Sec. 301) Directs the Secretary to: (1) improve public accessibility to information on the NHTSA vehicle safety databases; (2) require motor vehicle safety recall information be made available to the public on the Internet; and (3) establish a NHTSA passenger vehicle safety defect hotline for manufacturer, dealer, and mechanic personnel.

(Sec. 303) Requires certain motor vehicle manufacturer communications to: (1) be made available on a publicly accessible Internet website, and (2) include all notices to dealerships of software upgrades and recommended vehicle modifications.

(Sec. 304) Requires public disclosure of possible defects of motor vehicles or related equipment (Early Warning data) reported to the Secretary by motor vehicle manufacturers.

(Sec. 305) Directs the Secretary to require the senior official of a company responsible for safety to certify certain information submitted to the Secretary in response to requests for information in NHTSA safety defect or compliance investigations. Prescribes civil penalties for knowingly and willfully submitting false, misleading, or incomplete information.

(Sec. 306) Directs the Secretary to include information on crash avoidance as well as any other areas the Secretary determines will improve motor vehicle safety in the passenger motor vehicle information program.

(Sec. 307) Directs the Secretary to 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.

(Sec. 308) Establishes whistleblower protections for motor vehicle manufacturer, part supplier, and dealership employees, including requirements for complaint procedures and enforcement of orders.

(Sec. 309) Prohibits a motor vehicle manufacturer or other person who is subject to federal motor vehicle safety regulation from employing NHTSA employees for the two-year period following the employee's termination of employment with NHTSA. Prohibits former NHTSA employees from knowingly lobbying NHTSA within the same two-year period. Prescribes civil penalties for violations of such prohibitions.

Directs the DOT Inspector General to review DOT policies regarding: (1) official communication with former DOT 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 DOT transportation safety employees.

(Sec. 310) Directs the Secretary to report to Congress on the quality of data collected through the National Automotive Sampling System, including the Special Crash Investigations Program.

(Sec. 311) 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) send additional notifications in the manner prescribed by the Secretary, (2) take additional steps to locate and notify each registered owner or lessee or the most recent purchaser or lessee, and (3) emphasize in the notification the magnitude of the safety risk caused by the defect or noncompliance.

(Sec. 312) Adds refunding the purchase price as one of the ways by which a manufacturer of defective or noncomplying

motor vehicle or replacement equipment may remedy a defect or noncompliance.

(Sec. 313) Declares that filing for bankruptcy shall not negate a manufacturer's duty to comply with motor vehicle safety standards and requirements for the recall of defective motor vehicle and motor vehicle equipment.

(Sec. 314) Repeals certain insurance reporting requirements.

(Sec. 315) Amends the Automobile Information Disclosure Act to permit the addition of safety rating categories on labels (Monroney stickers) required by every manufacturer to be affixed to the windshield or side window of every new automobile.

Title IV: Vehicle Electronics and Safety Standards - (Sec. 401) Establishes within NHTSA a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to build and integrate NHTSA expertise in passenger motor vehicle electronics and other new and emerging technologies.

Directs the Secretary to establish within NHTSA an honors program enabling engineering, computer science, and other students interested in a career in vehicle safety to train with engineers and other safety officials.

(Sec. 402) Directs the Secretary to prescribe federal motor vehicle safety standards that: (1) mitigate unintended acceleration in passenger motor vehicles through a brake override system; (2) mitigate potential obstruction of pedal movement in passenger motor vehicles; (3) require electronic systems in passenger motor vehicles to meet minimum performance standards; (4) establish standards for the operation of passenger motor vehicles equipped with push-button ignition systems, particularly in emergency situations when the vehicle is in motion; and (5) prohibit electronic visual entertainment screens visible to the driver while driving.

(Sec. 406) Directs the Secretary to modify federal motor vehicle safety standards to require new passenger motor vehicles sold in the United States to be equipped with an event data recorder (EDR) that records vehicle operational data that can be stored and accessed for analysis.

Title V: Child Safety Standards - (Sec. 501) Directs the Secretary to modify federal motor vehicle safety standards to: (1) establish frontal crash protection requirements for child restraint systems for children weighing over 65 pounds; (2) improve the protection of children seated in child restraint systems during side impact crashes; (3) improve visibility of, accessibility to, and ease of use for lower anchorages and tethers in all rear seat child restraint anchorage systems; (4) establish a maximum allowable weight of the child and child restraint for use of such systems; and (5) provide a safety belt use warning system for designated seating positions in the rear seat.

(Sec. 504) Requires the Secretary to complete research to develop performance requirements to warn drivers that a child or other unattended passenger remains in the rear seating position after the vehicle motor is turned off.

(Sec. 505) Directs the Secretary, in cases where a deadline for issuing a final rule under this Act cannot be met, to: (1) explain to Congress why it cannot be met, and (2) establish a new deadline.

Title VI: Improved Daytime and Nighttime Visibility of Agricultural Equipment - (Sec. 601) Directs the Secretary to promulgate a rule to: (1) improve the daytime and nighttime visibility of agricultural equipment operating on public roads, and (2) establish minimum lighting and marking standards for such equipment.

Requires the Secretary to review and revise such standards at least once every five years to reflect the latest revision of American Society of Agricultural and Biological Engineers (ASABE) Standard 279 entitled "Lighting and Marking of Agricultural Equipment on Highways".

Actions Timeline

- **Dec 21, 2012:** By Senator Rockefeller from Committee on Commerce, Science, and Transportation filed written report. Report No. 112-261.
- **Nov 14, 2012:** Committee on Commerce, Science, and Transportation. Reported by Senator Rockefeller with an amendment in the nature of a substitute. Without written report.
- **Nov 14, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 548.
- **Dec 14, 2011:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 29, 2011:** Introduced in Senate
- **Jul 29, 2011:** Read twice and referred to the Committee on Commerce, Science, and Transportation.