

COMMITTEE PRINT

(MAY 18, 2010)

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Motor Vehicle Safety Act of 2010”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—VEHICLE ELECTRONICS AND SAFETY STANDARDS

- Sec. 101. Electronics and Engineering Expertise.
- Sec. 102. Brake override standard.
- Sec. 103. Accelerator control systems.
- Sec. 104. Pedal placement standard.
- Sec. 105. Electronic systems performance standard.
- Sec. 106. Push-button ignition systems standard.
- Sec. 107. Transmission configuration standard.
- Sec. 108. Vehicle event data recorders.

TITLE II—TRANSPARENCY AND ACCOUNTABILITY

- Sec. 201. Public availability of early warning data.
- Sec. 202. Improved NHTSA vehicle safety database.
- Sec. 203. Promotion of vehicle defect reporting.
- Sec. 204. NHTSA hotline for manufacturer, dealer, and mechanic personnel.
- Sec. 205. Corporate responsibility for NHTSA reports.
- Sec. 206. Appeal of defect petition rejection.
- Sec. 207. Deadlines for rulemaking.
- Sec. 208. Reports to Congress.

TITLE III—FUNDING

- Sec. 301. Vehicle safety user fee.
- Sec. 302. Authorization of appropriations.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act, the following definitions apply:

8 (1) The term “passenger motor vehicle” means
9 a motor vehicle (as defined in section 30102(a)(6) of

1 title 49, United States Code) that is rated at less
2 than 10,000 pounds gross vehicular weight. Such
3 term does not include—

4 (A) a motorcycle;

5 (B) a trailer; or

6 (C) a low speed vehicle (as defined in sec-
7 tion 571.3 in title 49, Code of Federal Regula-
8 tions).

9 (2) The term “Secretary” means the Secretary
10 of Transportation, acting through the Administrator
11 of the National Highway Traffic Safety Administra-
12 tion.

13 **TITLE I—VEHICLE ELECTRONICS AND SAFETY STAND-** 14 **ARDS**

16 **SEC. 101. ELECTRONICS AND ENGINEERING EXPERTISE.**

17 (a) CENTER FOR VEHICLE ELECTRONICS AND
18 EMERGING TECHNOLOGIES.—

19 (1) IN GENERAL.—The Secretary shall estab-
20 lish, within the National Highway Traffic Safety Ad-
21 ministration, a Center for Vehicle Electronics and
22 Emerging Technologies to build, integrate, and ag-
23 gregate the agency’s expertise in vehicle electronics
24 and other new and emerging technologies. The cen-
25 ter shall coordinate with all components of the agen-

1 cy responsible for vehicle safety, including research
2 and development, rulemaking, and defects investiga-
3 tion.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to the Sec-
6 retary \$4,000,000 for each of fiscal years 2011
7 through 2015 to fund the operations of the center
8 established under paragraph (1).

9 (b) HONORS RECRUITMENT PROGRAM.—

10 (1) ESTABLISHMENT.—The Secretary shall es-
11 tablish, within the National Highway Traffic Safety
12 Administration, an honors program for engineering
13 students and other students interested in vehicle
14 safety that will enable them to train with engineers
15 and other safety officials for a career in vehicle safe-
16 ty. The Secretary is authorized to provide a stipend
17 to students during their participation in the pro-
18 gram.

19 (2) TARGETED STUDENT.—The Secretary shall
20 develop a plan to target and make an aggressive out-
21 reach to recruit the top 10 percent of science, tech-
22 nology, engineering and mathematics students at-
23 tending—

24 (A) 1890 Land Grant Institutions (as de-
25 fined in section 2 of the Agricultural Research,

1 Extension, and Education Reform Act of 1998
2 (7 U.S.C. 7061));

3 (B) Predominantly Black Institutions (as
4 defined in section 318 of the Higher Education
5 Act of 1965 (20 U.S.C. 1059e));

6 (C) Tribal Colleges or Universities (as de-
7 fined in section 316(b) of the Higher Education
8 Act of 1965 (20 U.S.C. 1059c(b)); and

9 (D) Hispanic Serving Institutions (as de-
10 fined in section 318 of the Higher Education
11 Act of 1965 (20 U.S.C. 059e)).

12 **SEC. 102. BRAKE OVERRIDE STANDARD.**

13 (a) UNINTENDED ACCELERATION.—The Secretary
14 shall initiate a rulemaking proceeding pursuant to section
15 30111 of title 49, United States Code, to prescribe or
16 amend a Federal motor vehicle safety standard that would
17 mitigate unintended acceleration in passenger motor vehi-
18 cles. The standard—

19 (1) shall establish performance requirements
20 that enable a driver to bring a passenger motor vehi-
21 cle safely to a full stop by normal braking applica-
22 tion even if the vehicle is simultaneously receiving
23 accelerator input signals;

24 (2) may permit compliance with such require-
25 ments through a smart pedal system that requires

1 brake pedal application, after a period of time deter-
2 mined by the Secretary, to override an accelerator
3 input signal in order to stop the vehicle; and

4 (3) may permit vehicles to incorporate a means
5 by which the driver would be able to temporarily dis-
6 engage the technology or mechanism required under
7 paragraph (1) to facilitate operations, such as ma-
8 neuvering trailers, or other operating conditions,
9 that may require the simultaneous operation of the
10 service brake and accelerator pedal.

11 (b) DEADLINE.—The Secretary shall issue a final
12 rule under subsection (a) within 1 year after the date of
13 enactment of this Act.

14 **SEC. 103. ACCELERATOR CONTROL SYSTEMS.**

15 (a) IN GENERAL.—The Secretary shall initiate a
16 rulemaking proceeding to amend Federal motor vehicle
17 safety standard 124 to require that at least 1 redundant
18 circuit or other mechanism be built into accelerator control
19 systems, including systems controlled by electronic throt-
20 tle, to maintain vehicle control in the event of failure or
21 malfunction in the accelerator control system.

22 (b) DEADLINE.—The Secretary shall issue a final
23 rule under subsection (a) within 2 years after the date
24 of enactment of this Act.

1 (c) COMBINED.—If the Secretary considers it appro-
2 priate, the Secretary may combine the rulemaking pro-
3 ceeding required by subsection (a) with the rulemaking
4 proceeding required by section 102.

5 **SEC. 104. PEDAL PLACEMENT STANDARD.**

6 (a) CONSIDERATION OF RULE.—Not later than 18
7 months after the date of the enactment of this Act, the
8 Secretary shall initiate a rulemaking proceeding pursuant
9 to section 30111 of title 49, United States Code, to con-
10 sider prescribing or amending Federal motor vehicle safety
11 standards to prevent the potential obstruction of pedal
12 movement in passenger motor vehicles by establishing
13 minimum clearances for passenger motor vehicle foot ped-
14 als with respect to other pedals and the vehicle floor (in-
15 cluding aftermarket floor coverings), taking into account
16 various pedal mounting configurations.

17 (b) DEADLINE FOR DECISION.—If the Secretary de-
18 termines such safety standards are reasonable, prac-
19 ticable, and appropriate, the Secretary shall prescribe the
20 safety standards described in subsection (a) not later than
21 4 years after the date of enactment of this Act. If the
22 Secretary determines that no additional safety standards
23 are reasonable, practicable, and appropriate the Secretary
24 shall transmit a report to the Committee on Energy and
25 Commerce of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate describing the reasons such standards were not
3 prescribed.

4 **SEC. 105. ELECTRONIC SYSTEMS PERFORMANCE STAND-**
5 **ARD.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 enactment of this Act, the Secretary shall initiate a rule-
8 making proceeding pursuant to section 30111 of title 49,
9 United States Code, to require electronic systems in pas-
10 senger motor vehicles to meet minimum standards for per-
11 formance. The Secretary shall consider the findings and
12 recommendations of the National Academy of Sciences
13 pursuant to its study of electronic vehicle controls and un-
14 intended acceleration. The standard may include require-
15 ments for electronic components, the interaction of those
16 electronic components, or the effect of surrounding envi-
17 ronments on those electronic systems.

18 (b) DEADLINE FOR DECISION.—If the Secretary de-
19 termines such safety standards are reasonable, prac-
20 ticable, and appropriate, the Secretary shall prescribe the
21 safety standards described in subsection (a) not later than
22 4 years after the date of enactment of this Act. If the
23 Secretary determines that no additional safety standards
24 are reasonable, practicable, and appropriate the Secretary
25 shall transmit a report to the Committee on Energy and

1 Commerce of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate describing the reasons such standards were not
4 prescribed.

5 **SEC. 106. PUSH-BUTTON IGNITION SYSTEMS STANDARD.**

6 (a) IN GENERAL.—The Secretary shall initiate a
7 rulemaking proceeding pursuant to section 30111 of title
8 49, United States Code, to prescribe or amend a Federal
9 motor vehicle safety standard for passenger motor vehicles
10 equipped with push-button ignition systems, to establish
11 the standard operation and function of such systems when
12 used by drivers, including drivers unfamiliar with the vehi-
13 cle, in an emergency situation when the vehicle is in mo-
14 tion.

15 (b) DEADLINE.—The Secretary shall issue a final
16 rule under subsection (a) within 2 years after the date
17 of enactment of this Act.

18 **SEC. 107. TRANSMISSION CONFIGURATION STANDARD.**

19 (a) IN GENERAL.—The Secretary shall initiate a
20 rulemaking proceeding pursuant to section 30111 of title
21 49, United States Code, to revise Federal motor vehicle
22 safety standard 102, to improve the recognition of the
23 gear selector positions for drivers, including drivers unfa-
24 miliar with the vehicle, and to improve the conspicuity of
25 the neutral position.

1 (b) DEADLINE.—The Secretary shall issue a final
2 rule under subsection (a) within 1 year after the date of
3 enactment of this Act.

4 **SEC. 108. VEHICLE EVENT DATA RECORDERS.**

5 (a) REQUIREMENTS FOR EVENT DATA RECORD-
6 ERS.—The Secretary shall initiate a rulemaking pro-
7 ceeding pursuant to section 30111 of title 49, United
8 States Code, to require that event data recorders be in-
9 stalled in passenger motor vehicles that—

10 (1) meet performance requirements for tem-
11 perature, water, crash, and tamper resistance; and

12 (2) continuously record vehicle operational data
13 that can be stored and accessed for retrieval and
14 analysis in accordance with subsections (b) and (c).

15 (b) SPECIFICATIONS.—The rule—

16 (1) shall require such recorders to store data
17 covering a reasonable time before, during, and after
18 a crash or airbag deployment, including information
19 on engine performance, steering, braking, accelera-
20 tion, vehicle speed, seat belt use, and airbag deploy-
21 ment level, deactivation status, deployment time, and
22 deployment stage, and may require such recorders to
23 store other data, such as data related to vehicle roll-
24 overs, as the Secretary considers appropriate;

1 (2) shall require such recorders to store data
2 covering a sufficient period of time to capture data
3 from a crash event, including a vehicle rollover, and
4 may require such recorders to store data covering at
5 least 60 seconds prior to, and 15 seconds after, a
6 crash event;

7 (3) may require such recorders to capture cer-
8 tain events such as rapid deceleration and full brak-
9 ing lasting more than 10 seconds, even if there is
10 not a crash or airbag deployment;

11 (4) may not require information recorded or
12 transmitted by such data recorders to include the ve-
13 hicle location, except for the purposes of emergency
14 response;

15 (5) shall require that data stored on such re-
16 corders be accessible, regardless of vehicle manufac-
17 turer or model, with commercially available equip-
18 ment; and

19 (6) shall specify any data format requirements
20 or other requirements, including a standardized data
21 access port, the Secretary determines appropriate to
22 facilitate accessibility and analysis.

23 (c) LIMITATIONS ON INFORMATION RETRIEVAL.—

24 (1) OWNERSHIP OF DATA.—The rule issued
25 under subsection (a) shall provide that any data in

1 a data recorder required under the rule is the prop-
2 erty of the owner or lessee of the motor vehicle in
3 which the data recorder is installed.

4 (2) PRIVACY.—The rule issued under sub-
5 section (a) shall provide that information recorded
6 or transmitted by such a data recorder may not be
7 retrieved by a person other than the owner or lessee
8 of the motor vehicle in which the recorder is in-
9 stalled unless—

10 (A) a court authorizes retrieval of the in-
11 formation in furtherance of a legal proceeding;

12 (B) the owner or lessee consents to the re-
13 trieval of the information for any purpose, in-
14 cluding the purpose of diagnosing, servicing, or
15 repairing the motor vehicle; or

16 (C) the information is retrieved by a gov-
17 ernment motor vehicle safety agency for the
18 purpose of improving motor vehicle safety if the
19 personally identifiable information of the owner,
20 lessee, or driver of the vehicle and the vehicle
21 identification number is not disclosed in connec-
22 tion with the retrieved information.

23 (d) DISCLOSURE OF EXISTENCE AND PURPOSE OF
24 EVENT DATA RECORDER.—The rule issued under sub-
25 section (a) shall provide that any owner's manual or simi-

1 lar documentation provided to the first purchaser of a pas-
2 senger motor vehicle for purposes other than resale shall
3 disclose that the vehicle is equipped with such a data re-
4 corder and explain the purpose of the recorder.

5 (e) ACCESS TO EVENT DATA RECORDERS IN DEFECT
6 INVESTIGATIONS.—Section 30166(e)(3)(C) of title 49,
7 United States Code, is amended by inserting “, including
8 any electronic data contained within the vehicle’s diag-
9 nostic system or event data recorder” after “equipment”.

10 (f) DEADLINE FOR RULEMAKING.—The Secretary
11 shall issue a final rule under subsection (a) not later than
12 3 years after the date of enactment of this Act.

13 (g) LEAD TIME.—The standard prescribed under
14 subsection (a) shall establish a phase-in period for compli-
15 ance, as determined by the Secretary, and shall require
16 full compliance for passenger motor vehicles not equipped
17 with an event data recorder not later than 2 years after
18 the date on which the final rule is issued.

19 **TITLE II—TRANSPARENCY AND** 20 **ACCOUNTABILITY**

21 **SEC. 201. PUBLIC AVAILABILITY OF EARLY WARNING DATA.**

22 (a) IN GENERAL.—Section 30166(m) of title 49,
23 United States Code, is amended by in paragraph (4), by
24 striking subparagraph (C) and inserting the following:

1 “(C) DISCLOSURE.—The information pro-
2 vided to the Secretary pursuant to this sub-
3 section shall be disclosed publicly unless exempt
4 from disclosure under section 552(b) of title
5 5.”.

6 (b) REGULATIONS.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary shall issue
8 regulations establishing categories of information provided
9 to the Secretary pursuant to this subsection that must be
10 made available to the public. The Secretary may also es-
11 tablish categories of information that may be withheld
12 from public disclosure under section 552(b) of title 5,
13 United States Code.

14 (c) CONSULTATION.—In conducting the rulemaking
15 required under subsection (a), the Secretary shall consult
16 with the Director of the Office of Government Information
17 Services within the National Archives and the Director of
18 the Office of Information Policy of the Department of Jus-
19 tice.

20 (d) PRESUMPTION AND LIMITATION.—The Secretary
21 shall issue the regulations with a presumption in favor of
22 maximum public availability of information. The following
23 types of information shall not be eligible for protection
24 under section 552(b)(4) of title 5, United States Code, and
25 shall not be withheld from public disclosure:

1 (1) Production information regarding passenger
2 motor vehicles, information on incidents involving
3 death or injury, and numbers of property damage
4 claims.

5 (2) Aggregated numbers of consumer com-
6 plaints.

7 (e) NULLIFICATION OF PRIOR REGULATIONS.—Be-
8 ginning 2 years after the date of the enactment of this
9 Act, the regulations establishing early warning reporting
10 class determinations in Appendix C of section 512 of title
11 49, Code of Federal Regulations, shall have no force or
12 effect.

13 **SEC. 202. IMPROVED NHTSA VEHICLE SAFETY DATABASE.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of the enactment of this Act, the Secretary shall im-
16 prove public accessibility to information on the National
17 Highway Traffic Safety Administration’s publicly acces-
18 sible vehicle safety databases by—

19 (1) improving organization and functionality,
20 including design features such as drop-down menus,
21 and allowing for data to be searched, aggregated,
22 and downloaded;

23 (2) providing greater consistency in presen-
24 tation of vehicle safety issues; and

1 (3) improving searchability about specific vehi-
2 cles and issues through standardization of commonly
3 used search terms.

4 (b) VEHICLE RECALL INFORMATION.—The Secretary
5 shall require that motor vehicle recall information be made
6 available to consumers on the Internet, searchable by vehi-
7 cle identification number in a format that preserves con-
8 sumer privacy. The Secretary may initiate a rulemaking
9 proceeding to require that such information be available
10 on manufacturer websites or through other reasonable
11 means.

12 (c) ACCESSIBILITY OF MANUFACTURER COMMUNICA-
13 TIONS.—Section 30166(f) of title 49, United States Code,
14 is amended by inserting “, and make available on a pub-
15 licly accessible Internet website,” after “Secretary of
16 Transportation”.

17 **SEC. 203. PROMOTION OF VEHICLE DEFECT REPORTING.**

18 Section 32302 of title 49, United States Code, is
19 amended by adding at the end the following:

20 “(d) MOTOR VEHICLE DEFECT REPORTING INFOR-
21 MATION.—

22 “(1) RULEMAKING REQUIRED.—Within 1 year
23 after the date of enactment of the Motor Vehicle
24 Safety Act of 2010 the Secretary shall prescribe reg-
25 ulations that require passenger motor vehicle manu-

1 facturers to affix, in the glove compartment or in
2 another readily accessible location on the vehicle, a
3 sticker, decal, or other device that provides, in sim-
4 ple and understandable language, information about
5 how to submit a safety-related motor vehicle defect
6 complaint with the National Highway Traffic Safety
7 Administration. The information may not be placed
8 on the label required by section 3 of the Automobile
9 Information Disclosure Act (15 U.S.C. 1232).

10 “(2) APPLICATION.—The requirements estab-
11 lished under paragraph (1) shall apply to passenger
12 motor vehicles manufactured in model years begin-
13 ning more than 1 year after the date on which a
14 final rule is published under that paragraph.”.

15 **SEC. 204. NHTSA HOTLINE FOR MANUFACTURER, DEALER,**
16 **AND MECHANIC PERSONNEL.**

17 The Secretary shall—

18 (1) establish a means by which mechanics,
19 automobile dealership personnel, and automobile
20 manufacturer personnel may contact the National
21 Highway Traffic Safety Administration directly and
22 confidentially regarding potential passenger auto-
23 mobile safety defects; and

24 (2) publicize the means for contacting the Na-
25 tional Highway Traffic Safety Administration in a

1 manner that targets mechanics, automobile dealer-
2 ship personnel, and manufacturer personnel.

3 **SEC. 205. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
4 **PORTS.**

5 (a) IN GENERAL.—Section 30166 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(o) CORPORATE RESPONSIBILITY FOR REPORTS.—
9 The Secretary shall require, for each company submitting
10 information to the Secretary in response to a request for
11 information in a safety or compliance investigation under
12 this chapter, that a senior officer responsible for safety
13 residing in the United States certify that—

14 “(1) the signing officer has reviewed the sub-
15 mission; and

16 “(2) based on the officer’s knowledge, the sub-
17 mission does not contain any untrue statement of a
18 material fact or omit to state a material fact nec-
19 essary in order to make the statements made, in
20 light of the circumstances under which such state-
21 ments were made, not misleading.”.

22 (b) CIVIL PENALTY.—Section 30165(a) of title 49,
23 United States Code, is amended—

1 (1) by striking “A person” in paragraph (3)
2 and inserting “Except as provided in paragraph (4),
3 a person”; and

4 (2) by adding at the end thereof the following:

5 “(4) FALSE, MISLEADING, OR INCOMPLETE RE-
6 PORTS.—A person who knowingly and willfully sub-
7 mits materially false, misleading, or incomplete in-
8 formation to the Secretary, after certifying the same
9 information as accurate and complete under the cer-
10 tification process established pursuant to section
11 30166(o), shall be subject to a civil penalty of not
12 more than \$5,000 per day. The maximum penalty
13 under this paragraph for a related series of daily
14 violations is \$5,000,000.”.

15 **SEC. 206. APPEAL OF DEFECT PETITION REJECTION.**

16 Section 30162 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(f) JUDICIAL REVIEW.—A decision of the Secretary
19 to deny a petition filed under subsection (a)(2) of this sec-
20 tion is agency action subject to judicial review under chap-
21 ter 7 of title 5, and such action shall not be considered
22 committed to agency discretion within the meaning of sec-
23 tion 701(a)(2) of such title. A person aggrieved by the
24 denial of a petition may obtain judicial review by filing
25 an action in the court of appeals of the United States for

1 the circuit in which the person resides or has its principal
2 place of business or the United States Court of Appeals
3 for the District of Columbia Circuit not more than 180
4 days after notice of the denial of the petition is published
5 in the Federal Register.”.

6 **SEC. 207. DEADLINES FOR RULEMAKING.**

7 If the Secretary determines that a deadline for a final
8 rule under this Act, or an amendment made by this Act,
9 cannot be met, the Secretary shall—

10 (1) notify the Committee on Energy and Com-
11 merce of the House of Representatives and the Sen-
12 ate Committee on Commerce, Science, and Trans-
13 portation and explain why that deadline cannot be
14 met; and

15 (2) establish a new deadline for that rule.

16 **SEC. 208. REPORTS TO CONGRESS.**

17 (a) **STUDY ON EARLY WARNING DATA.**—Not later
18 than 3, 5, 7, and 9 years after the date of enactment of
19 this Act, the Office of the Inspector General of the Depart-
20 ment of Transportation shall complete a study of the utili-
21 zation of Early Warning data by the National Highway
22 Traffic Safety Administration (NHTSA). Each study shall
23 evaluate the following:

1 (1) The number and type of requests for infor-
2 mation made by the NHTSA based on data received
3 in the Early Warning Reporting system.

4 (2) The number of safety defect investigations
5 opened by NHTSA using any information reported
6 to the agency through the Early Warning Reporting
7 system.

8 (3) The nature and vehicle defect category of
9 all such safety defect investigations.

10 (4) The number of investigations described in
11 paragraph (2) that are subsequently closed without
12 further action.

13 (5) The duration of each investigation described
14 in paragraph (2)

15 (6) The percentage of each investigation that
16 result in a finding of a safety defect or recall by the
17 agency.

18 (7) Other information the Office of the Inspec-
19 tor General deems appropriate.

20 (b) REPORT ON OPERATIONS OF THE CENTER FOR
21 VEHICLE ELECTRONICS AND EMERGING TECH-
22 NOLOGIES.—Not later than 3 years after the date of en-
23 actment of this Act, the Secretary shall report to Congress
24 regarding the operations of the Center for Vehicle Elec-
25 tronics and Emerging Technologies. Such report shall in-

1 clude information about the accomplishments of the Cen-
2 ter, the role the Center plays in integrating and aggreg-
3 ating expertise across NHTSA, and priorities of the Cen-
4 ter over the next 5 years.

5 (c) STUDY OF CRASH DATA COLLECTION.—Not later
6 than 1 year after the date of enactment of this Act, the
7 Secretary shall issue a report regarding the quality of data
8 collected through the National Automotive Sampling Sys-
9 tem, including the Special Crash Investigations, and rec-
10 ommendations for improvements to this data collection
11 program. The report shall include information regard-
12 ing—

13 (1) the analysis and conclusions NHTSA can
14 reach based on the amount of data collected in a
15 given year, and the additional analysis and conclu-
16 sions NHTSA could reach if more crash investiga-
17 tions were conducted each year;

18 (2) the number of investigations per year that
19 would allow for optimal data analysis and crash in-
20 formation;

21 (3) the results of a comprehensive review of the
22 data elements collected from each crash to determine
23 if additional data should be collected; which review
24 shall include input from interested parties, such as

1 suppliers, automakers, safety advocates, the medical
2 community and research organizations; and

3 (4) the resources that would be necessary for
4 NHTSA to implement these recommendations.

5 (d) SUBMISSION OF REPORTS.—Each report shall be
6 submitted to the Committee on Energy and Commerce of
7 the House of Representatives and to the Committee on
8 Commerce, Science, and Transportation of the Senate
9 upon completion.

10 **TITLE III—FUNDING**

11 **SEC. 301. VEHICLE SAFETY USER FEE.**

12 (a) AMENDMENT.—Subchapter I of chapter 301 of
13 title 49, United States Code, is amended by adding at the
14 end the following:

15 **“SEC. 30107. VEHICLE SAFETY USER FEE.**

16 “(a) ESTABLISHMENT OF FUND.—There is estab-
17 lished in the Treasury of the United States a separate ac-
18 count for the deposit of fees under this section to be
19 known as the Vehicle Safety Fund.

20 “(b) ASSESSMENT AND COLLECTION OF VEHICLE
21 SAFETY FEES.—Beginning 1 year after the date of enact-
22 ment of the Motor Vehicle Safety Act of 2010, the Sec-
23 retary shall assess and collect, in accordance with this sec-
24 tion, a vehicle safety user fee from the manufacturer for
25 each motor vehicle that is certified as compliant with ap-

1 plicable motor vehicle safety standards pursuant to section
2 30115.

3 “(c) DEPOSIT.—The Secretary shall deposit any fees
4 collected pursuant to subsection (b) into the Vehicle Safe-
5 ty Fund established by subsection (a).

6 “(d) USE.—Amounts in the Vehicle Safety Fund
7 shall be available to the Secretary, as provided in sub-
8 section (i), for making expenditures to meet the obliga-
9 tions of the United States to carry out vehicle safety pro-
10 grams of the National Highway Traffic Safety Adminis-
11 tration.

12 “(e) VEHICLE SAFETY USER FEE.—

13 “(1) FIRST, SECOND, AND THIRD YEAR FEES.—

14 The fee assessed under this section for the first
15 three years shall be as follows:

16 “(A) \$3 for each vehicle certified during
17 the first year in which such fees are assessed.

18 “(B) \$6 for each vehicle certified during
19 the second year in which such fees are assessed.

20 “(C) \$9 for each vehicle certified during
21 the third year in which such fees are assessed.

22 “(2) SUBSEQUENT YEARS.—The fee assessed
23 under this section for each vehicle certified after the
24 third year in which such fees are assessed shall be
25 adjusted by the Secretary by notice published in the

1 Federal Register to reflect the total percentage
2 change that occurred in the Consumer Price Index
3 for all Urban Consumers for the 12 month period
4 ending June 30 preceding the fiscal year for which
5 fees are being established.

6 “(3) PAYMENT.—The Secretary shall require
7 payment of fees under this section on a quarterly
8 basis and not later than one quarter after the date
9 on which the fee was assessed.

10 “(f) RULEMAKING.—Not later than 9 months after
11 the date of enactment of the Motor Vehicle Safety Act of
12 2010, the Secretary shall promulgate rules governing the
13 collection and payment of fees pursuant to this section.

14 “(g) LIMITATIONS.—

15 “(1) IN GENERAL.—Fees under this section
16 shall not be collected for a fiscal year unless appro-
17 priations for vehicle safety programs of the National
18 Highway Traffic Safety Administration for such fis-
19 cal year (excluding the amount of fees appropriated
20 for such fiscal year) are equal to or greater than the
21 amount of appropriations for vehicle safety pro-
22 grams of the National Highway Traffic Safety Ad-
23 ministration for fiscal year 2010.

24 “(2) AUTHORITY.—If the Secretary does not
25 assess fees under this section during any portion of

1 a fiscal year because of paragraph (1), the Secretary
2 may assess and collect such fees, without any modi-
3 fication in the rate, at a later date in such fiscal
4 year notwithstanding the provisions of subsection
5 (e)(3) relating to the date fees are to be paid.

6 “(h) COLLECTION OF UNPAID FEES.—In any case
7 where the Secretary does not receive payment of a fee as-
8 sessed under this section within 30 days after it is due,
9 such fee shall be treated as a claim of the United States
10 Government subject to subchapter II of chapter 37 of title
11 31.

12 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
13 tion to funds appropriated under section 30104, there is
14 authorized to be appropriated from the Vehicle Safety
15 Fund to the Secretary for the National Highway Traffic
16 Safety Administration for each fiscal year in which fees
17 are collected under subsection (b) an amount equal to the
18 total amount collected during the previous fiscal year from
19 fees assessed pursuant to this section. Such amounts are
20 authorized to remain available until expended.

21 “(j) CREDITING AND AVAILABILITY OF FEES.—Fees
22 authorized under subsection (b) shall be collected and
23 available for obligation only to the extent and in the
24 amount provided in advance in appropriations Acts.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
2 chapter is amended by inserting after the item relating
3 to section 30106 the following:

“30107. Vehicle safety user fee.”.

4 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

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

7 (1) by striking “\$98,313,500”; and

8 (2) by striking “in each fiscal year beginning”

9 and all that follows and inserting “and to carry out
10 the Motor Vehicle Safety Act of 2010—

11 “(1) \$200,000,000 for fiscal year 2011;

12 “(2) \$240,000,000 for fiscal year 2012; and

13 “(3) \$280,000,000 for fiscal year 2013.”.