

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration, 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 [“_____ Act
5 of 2015”].

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is the following:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—ADMINISTRATIVE

- Sec. 101. Required reporting of NHTSA agenda.
- Sec. 102. Corporate responsibility for NHTSA reports.
- Sec. 103. NHTSA reporting on implementation of inspector general recommendations.
- Sec. 104. Report on operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.
- Sec. 105. Improvement of data collection on child occupants in vehicle crashes.
- Sec. 106. Electronic odometer disclosures.

TITLE II—MOTOR VEHICLE SAFETY RECALLS

- Sec. 201. Improvements in availability of motor vehicle safety recall information.
- Sec. 202. NHTSA recall notification and coordination.
- Sec. 203. Recall notification at State vehicle registration.
- Sec. 204. Recall obligations under bankruptcy.
- Sec. 205. Application of remedies for defects and noncompliance.

TITLE III—PRIVACY, HACKING PROHIBITION, AND CYBER SECURITY

- Sec. 301. Vehicle data privacy.
- Sec. 302. Motor vehicle data hacking.
- Sec. 303. Automotive Cybersecurity Advisory Council.

TITLE IV—SAFETY STANDARDS, GUIDELINES, EVALUATIONS, AND NEW REQUIREMENTS

- Sec. 401. NHTSA report on seat belts for school buses.
- Sec. 402. Rulemaking on rear seat crashworthiness.
- Sec. 403. Retention of safety records by manufacturers.
- Sec. 404. Nonapplication of prohibitions relating to noncomplying motor vehicles to vehicles used for testing or evaluation.
- Sec. 405. Treatment of low-volume manufacturers.
- Sec. 406. No liability on the basis of NHTSA motor vehicle safety guidelines.

TITLE V—ADVANCED AUTOMOTIVE TECHNOLOGIES

- Sec. 501. Metrics for advanced automotive technologies.
- Sec. 502. Credits for advanced automotive technology.
- Sec. 503. Fuel economy credits for advanced automotive technologies.

1 **TITLE I—ADMINISTRATIVE**2 **SEC. 101. REQUIRED REPORTING OF NHTSA AGENDA.**

3 Not later than December 1 of the year beginning
4 after the date of enactment of this Act, and each year
5 thereafter, the Administrator of the National Highway
6 Traffic Safety Administration shall publish on the public

1 website of the Administration, and file with the Committee
2 on Energy and Commerce of the House of Representatives
3 and the Committee on Commerce, Science, and Transpor-
4 tation of the Senate an annual plan for the following cal-
5 endar year detailing the Administration’s projected activi-
6 ties, including—

7 (1) the Administrator’s policy priorities;

8 (2) any rulemakings projected to be com-
9 menced;

10 (3) any plans to develop guidelines;

11 (4) any plans to restructure the Administration
12 or to establish or alter working groups;

13 (5) any planned projects or initiatives of the
14 Administration, including the working groups and
15 advisory committees of the Administration; and

16 (6) any projected dates or timetables associated
17 with any of the items described in paragraphs (1)
18 through (5).

19 **SEC. 102. CORPORATE RESPONSIBILITY FOR NHTSA RE-**
20 **PORTS.**

21 Section 30166(o) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (1), by striking “may” and in-
24 serting “shall”; and

25 (2) by adding at the end the following:

1 “(3) DEADLINE.—Not later than 1 year after
2 the date of enactment of this paragraph, the Sec-
3 retary shall issue final rules under paragraph (1).”.

4 **SEC. 103. NHTSA REPORTING ON IMPLEMENTATION OF IN-**
5 **SPECTOR GENERAL RECOMMENDATIONS.**

6 (a) INSPECTOR GENERAL REPORT.—Not later than
7 90 days after the date of enactment of this Act, and peri-
8 odically thereafter until the National Highway Traffic
9 Safety Administration has implemented all of the rec-
10 ommendations of the Inspector General of the Department
11 of Transportation, issued June 18, 2015, and contained
12 in report number ST–2015–063, such Inspector General
13 shall submit a report to the Committee on Energy and
14 Commerce of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate on the progress that the Administration has made
17 to implement the recommendations in such report.

18 (b) ADMINISTRATOR REPORT.—Not later than 90
19 days after the date of enactment of this Act, and every
20 90 days thereafter until the National Highway Traffic
21 Safety Administration has implemented all of the rec-
22 ommendations in the report described in subsection (a),
23 the Administrator of the National Highway Traffic Safety
24 Administration shall submit a report to the Committee on
25 Energy and Commerce of the House of Representatives

1 and the Committee on Commerce, Science, and Transpor-
2 tation of the Senate on the progress that the Administra-
3 tion has made to implement the recommendations in the
4 report described in subsection (a), including a plan and
5 timetable for implementing any remaining recommenda-
6 tions.

7 **SEC. 104. REPORT ON OPERATIONS OF THE COUNCIL FOR**
8 **VEHICLE ELECTRONICS, VEHICLE SOFT-**
9 **WARE, AND EMERGING TECHNOLOGIES.**

10 Not later than 1 year after the date of enactment
11 of this Act, the Secretary of Transportation shall submit
12 to the Committee on Commerce, Science, and Transpor-
13 tation of the Senate and the Committee on Energy and
14 Commerce of the House of Representatives a report re-
15 garding the operations of the Council for Vehicle Elec-
16 tronics, Vehicle Software, and Emerging Technologies es-
17 tablished under section 31401 of the Moving Ahead for
18 Progress in the 21st Century Act (49 U.S.C. 105 note).
19 The report shall include information about the accomplish-
20 ments of the Council, the role of the Council in integrating
21 and aggregating electronic and emerging technologies ex-
22 pertise across the National Highway Traffic Safety Ad-
23 ministration, the role of the Council in coordinating with
24 other Federal agencies, and the priorities of the Council
25 over the next 5 years.

1 **SEC. 105. IMPROVEMENT OF DATA COLLECTION ON CHILD**
2 **OCCUPANTS IN VEHICLE CRASHES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall revise the crash investigation data collection
6 system of the National Highway Traffic Safety Adminis-
7 tration to include the collection of the following data in
8 connection with vehicle crashes whenever a child restraint
9 system was in use in a vehicle involved in a crash:

10 (1) The type or types of child restraint systems
11 in use during the crash in any vehicle involved in the
12 crash, including whether a five-point harness or belt-
13 positioning booster.

14 (2) If a five-point harness child restraint system
15 was in use during the crash, whether the child re-
16 straint system was forward-facing or rear-facing in
17 the vehicle concerned.

18 (b) CONSULTATION.—In implementing subsection
19 (a), the Secretary shall work with law enforcement offi-
20 cials, safety advocates, the medical community, and re-
21 search organizations to improve the recordation of data
22 described in subsection (a) in police and other applicable
23 incident reports.

24 (c) REPORT.—Not later than 3 years after the date
25 of enactment of this Act, the Secretary shall submit to
26 the Committee on Commerce, Science, and Transportation

1 of the Senate and the Committee on Energy and Com-
2 merce of the House of Representatives a report on child
3 occupant crash data collection in the crash investigation
4 data collection system of the National Highway Traffic
5 Safety Administration pursuant to the revision required
6 by subsection (a).

7 **SEC. 106. ELECTRONIC ODOMETER DISCLOSURES.**

8 Section 32705(g) of title 49, United States Code, is
9 amended—

10 (1) by striking “Not” and inserting “(1) Not”;

11 and

12 (2) by adding at the end the following:

13 “(2) Notwithstanding paragraph (1) and subject to
14 paragraph (3), a State, without approval from the Sec-
15 retary under subsection (d), may allow for written disclo-
16 sures or notices and related matters to be provided elec-
17 tronically if the disclosures or notices and related mat-
18 ters—

19 “(A) are provided in compliance with—

20 “(i) the requirements of title I of the Elec-
21 tronic Signatures in Global and National Com-
22 merce Act (15 U.S.C. 7001 et seq.); or

23 “(ii) the requirements of a State law under
24 section 102(a) of such Act (15 U.S.C. 7002(a));

25 and

1 “(B) otherwise meet the requirements under
2 this section, including appropriate authentication
3 and security measures.

4 “(3) Paragraph (2) ceases to be effective on the date
5 the regulations under paragraph (1) become effective.”.

6 **TITLE II—MOTOR VEHICLE**
7 **SAFETY RECALLS**

8 **SEC. 201. IMPROVEMENTS IN AVAILABILITY OF MOTOR VE-**
9 **HICLE SAFETY RECALL INFORMATION.**

10 (a) IMPROVEMENTS TO FEDERAL WEBSITE.—Begin-
11 ning not later than 2 years after the date of enactment
12 of this Act, the Secretary of Transportation shall imple-
13 ment and keep current information technology, web design
14 trends, and best practices that will help ensure that motor
15 vehicle safety recall information available to the public on
16 the Federal website established for making available such
17 information is readily accessible and easy to use, includ-
18 ing—

19 (1) by improving the organization, availability,
20 readability, and functionality of the website;

21 (2) by accommodating high-traffic volume; and

22 (3) by establishing best practices for scheduling
23 routine website maintenance.

24 (b) GOVERNMENT ACCOUNTABILITY OFFICE PUBLIC
25 AWARENESS REPORT.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall study the use by consumers,
3 dealers, and manufacturers of motor vehicle safety
4 recall information made available to the public, in-
5 cluding the usability and content of the Federal
6 website and manufacturers’ websites established for
7 making available such information and the National
8 Highway Traffic Safety Administration’s efforts to
9 publicize and educate consumers about such infor-
10 mation.

11 (2) REPORT.—Not later than 2 years after the
12 date of enactment of this Act, the Comptroller Gen-
13 eral shall issue a report on the findings of the study
14 required by paragraph (1), including recommenda-
15 tions for any actions the Secretary of Transportation
16 can take to improve public awareness and use of the
17 websites described in such paragraph.

18 (c) PROMOTION OF PUBLIC AWARENESS.—Section
19 31301(c) of the Moving Ahead for Progress in the 21st
20 Century Act (49 U.S.C. 30166 note) is amended to read
21 as follows:

22 “(c) PROMOTION OF PUBLIC AWARENESS.—The Sec-
23 retary shall improve public awareness of motor vehicle
24 safety recall information made publicly available by peri-
25 odically updating the method of conveying that informa-

1 tion to consumers, dealers, and manufacturers, such as
2 through public service announcements.”.

3 (d) CONSUMER GUIDANCE.—Not later than 1 year
4 after the date of enactment of this Act, the Secretary of
5 Transportation shall make available to the public on the
6 Internet detailed guidance for consumers submitting
7 motor vehicle safety complaints, including—

8 (1) a detailed explanation of what information
9 a consumer should include in a complaint; and

10 (2) a detailed explanation of the possible ac-
11 tions the National Highway Traffic Safety Adminis-
12 tration can take to address a complaint and respond
13 to the consumer, including information on—

14 (A) the consumer records, such as photo-
15 graphs and police reports, that could assist with
16 an investigation; and

17 (B) the length of time a consumer should
18 retain the records described in subparagraph

19 (A).

20 **SEC. 202. NHTSA RECALL NOTIFICATION AND COORDINA-**
21 **TION.**

22 (a) NOTIFICATION BY EMAIL AND OTHER ELEC-
23 TRONIC MEANS.—

24 (1) TO OWNERS, PURCHASERS, AND LESSEES.—

25 Not later than 270 days after the date of enactment

1 of this Act, the Secretary of Transportation shall
2 prescribe a final rule revising the regulations under
3 paragraphs (a) and (b) of section 577.7 of title 49,
4 Code of Federal Regulations, relating to notification
5 of motor vehicle defects and noncompliance to—

6 (A) require notification by email (if the
7 email address of the person required to be noti-
8 fied is available to and has been authorized to
9 be used by the manufacturer) in addition to no-
10 tification by first class mail (or, if the postal
11 address of such person is not reasonably ascer-
12 tainable by the manufacturer, instead of notifi-
13 cation by first class mail); and

14 (B) encourage notification by other elec-
15 tronic means, including through social media
16 and targeted online campaigns.

17 (2) TO SECRETARY OF TRANSPORTATION.—Sec-
18 tion 30118(e) of title 49, United States Code, is
19 amended by inserting “or email” after “certified
20 mail”.

21 (b) COORDINATION WITH MANUFACTURER RE-
22 QUIRED.—Section 30118(a) of title 49, United States
23 Code, is amended—

1 (1) by striking “The Secretary of Transpor-
2 tation” and inserting “(1) The Secretary of Trans-
3 portation”; and

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

5 “(2) Prior to publishing notice of any defect or non-
6 compliance, the Secretary shall draft such notice in coordi-
7 nation with the affected manufacturer or manufacturers.
8 Such notice may not be published unless all vehicle identi-
9 fication numbers for the affected vehicles have been made
10 available to the Secretary in such a manner that, begin-
11 ning immediately after the notice is published, consumers
12 can determine, by a vehicle identification number search
13 functionality made available on the Internet, whether par-
14 ticular vehicles are involved in the recall. The vehicle iden-
15 tification numbers shall be made available to the Secretary
16 pursuant to the following process:

17 “(A) Upon the decision by the Administrator of
18 the National Highway Traffic Safety Administration
19 to publish a notice of defect or noncompliance, the
20 Administrator shall first notify each affected manu-
21 facturer, including any suppliers responsible for the
22 defect or noncompliance.

23 “(B) Any supplier of parts that the Adminis-
24 trator has determined to be defective or noncompli-
25 ant under this section shall identify all parts that

1 are subject to the recall and provide the Adminis-
2 trator and each affected manufacturer all part num-
3 bers for each affected part within 3 business days
4 after receiving notice under subparagraph (A).

5 “(C) Upon receipt of notice from the Adminis-
6 trator or a supplier as required under this para-
7 graph, each affected manufacturer shall identify the
8 vehicle identification number for each affected vehi-
9 cle and provide, within 5 business days after receiv-
10 ing such notice, such vehicle identification numbers
11 to the Administrator in a searchable format deter-
12 mined by the Administrator.

13 “(3) Any public notice of any defect or noncompliance
14 shall also include, to the extent reasonable under the cir-
15 cumstances, whether remedies are available with respect
16 to each defective or noncompliant part and each manufac-
17 turer involved in the recall.”.

18 (c) ESTIMATED TIME OF AVAILABILITY OF EACH
19 REMEDY.—Section 30119(a) of title 49, United States
20 Code, is amended—

21 (1) by redesignating paragraphs (6) and (7) as
22 paragraphs (7) and (8), respectively; and

23 (2) by inserting after paragraph (5) the fol-
24 lowing:

1 “(6) to the extent reasonable under the cir-
2 cumstances, for each remedy for the defect or non-
3 compliance, an estimate, stated as a time range not
4 longer than 2 months, of when consumers should ex-
5 pect to have access to such remedy;”.

6 (d) OPTION FOR PURCHASERS TO PROVIDE EMAIL
7 TO MANUFACTURERS.—Section 30117 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) OPTION FOR PURCHASERS TO PROVIDE EMAIL
11 TO MANUFACTURERS.—At the time when a motor vehicle
12 is purchased or leased from a manufacturer or from a
13 dealer that has a franchise, operating, or other agreement
14 with the manufacturer, the manufacturer shall give the
15 purchaser or lessee of the motor vehicle the option to pro-
16 vide an email address or other information to enable noti-
17 fication by electronic means in the event of a safety recall
18 or noncompliance as provided under section 577.5 of title
19 49, Code of Federal Regulations. Email addresses and
20 other contact information collected under this subsection
21 may not be used to contact the purchaser or lessee for
22 any reason, including marketing, other than to provide a
23 safety recall or noncompliance notice.”.

24 (e) RECALL COMPLETION RATES REPORT.—

1 (1) ANALYSIS REQUIRED.—Not later than 1
2 year after the date of enactment of this Act, and bi-
3 ennially thereafter for 4 years, the Secretary of
4 Transportation shall—

5 (A) conduct an analysis of vehicle safety
6 recall completion rates to assess potential ac-
7 tions by the National Highway Traffic Safety
8 Administration to improve vehicle safety recall
9 completion rates; and

10 (B) submit to the Committee on Energy
11 and Commerce of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate a report on the
14 results of the analysis.

15 (2) CONTENTS.—Each report shall include—

16 (A) the annual recall completion rate by
17 manufacturer, model year, component (such as
18 brakes, fuel systems, and air bags), and vehicle
19 type (passenger car, sport utility vehicle, pas-
20 senger van, and pick-up truck) for each of the
21 5 years before the year the report is submitted;
22 and

23 (B) the methods by which the Secretary
24 has conducted analyses of these recall comple-

1 tion rates to determine trends and identify risk
2 factors associated with lower recall rates.

3 (f) INSPECTOR GENERAL AUDIT OF MOTOR VEHICLE
4 RECALLS.—

5 (1) AUDIT REQUIRED.—The Inspector General
6 of the Department of Transportation shall conduct
7 an audit of the National Highway Traffic Safety Ad-
8 ministration's management of motor vehicle safety
9 recalls.

10 (2) CONTENTS.—The audit shall include a de-
11 termination of whether the National Highway Traf-
12 fic Safety Administration—

13 (A) appropriately monitors recalls to en-
14 sure the appropriateness of scope and adequacy
15 of recall completion rates and remedies;

16 (B) ensures that manufacturers provide
17 safe remedies, at no cost to consumers;

18 (C) is capable of coordinating recall rem-
19 edies and processes; and

20 (D) can improve its policy on consumer no-
21 tice to combat the effects of the dilution of the
22 effectiveness of recall notices due to the number
23 or frequency of such notices.

1 **SEC. 203. RECALL NOTIFICATION AT STATE VEHICLE REG-**
2 **ISTRATION.**

3 (a) RECALL PROGRAM PARTICIPATION REQUIRED.—
4 Section 30303 of title 49, United States Code, is amended
5 by adding at the end the following:

6 “(d) RECALL NOTICE REQUIRED.—A participating
7 State shall—

8 “(1) agree to notify, at the time of vehicle reg-
9 istration, each owner or lessee of a motor vehicle
10 presented for registration in the State of any open
11 recall on that vehicle;

12 “(2) provide the open motor vehicle recall infor-
13 mation at no cost to each owner or lessee of a motor
14 vehicle presented for registration in the State; and

15 “(3) provide such other information as the Sec-
16 retary may require.

17 “(e) DEFINITIONS.—In this section:

18 “(1) MOTOR VEHICLE.—The term ‘motor vehi-
19 cle’ has the meaning given the term under section
20 30102(a) of this title.

21 “(2) OPEN MOTOR VEHICLE RECALL.—The
22 term ‘open motor vehicle recall’ means a recall for
23 which a notification by a manufacturer has been
24 provided under section 30119 of this title, and that
25 has not been remedied under section 30120 of this
26 title.

1 “(3) REGISTRATION.—The term ‘registration’
2 means the process for registering a motor vehicle in
3 the State or renewing the registration for such
4 motor vehicle.

5 “(4) STATE.—The term ‘State’ has the mean-
6 ing given the term under section 101(a) of title 23.”.

7 (b) CONFORMING AMENDMENT.—Section 30303(a)
8 of title 49, United States Code, is amended by inserting
9 “and subsection (d) of this section” before the period.

10 **SEC. 204. RECALL OBLIGATIONS UNDER BANKRUPTCY.**

11 Section 30120A of title 49, United States Code, is
12 amended by striking “chapter 11 of title 11,” and insert-
13 ing “chapter 7 or chapter 11 of title 11”.

14 **SEC. 205. APPLICATION OF REMEDIES FOR DEFECTS AND**
15 **NONCOMPLIANCE.**

16 Section 30120(g)(1) of title 49, United States Code,
17 is amended by striking “10 calendar years” and inserting
18 “15 calendar years”.

19 **TITLE III—PRIVACY, HACKING**
20 **PROHIBITION, AND CYBER SE-**
21 **CURITY**

22 **SEC. 301. VEHICLE DATA PRIVACY.**

23 (a) IN GENERAL.—Part C of subtitle VI of title 49,
24 United States Code, is amended by inserting after chapter
25 323 the following new chapter:

1 **“CHAPTER 324—VEHICLE DATA PRIVACY**

“Sec.

“32401. Definitions.

“32402. Vehicle data privacy.

2 **“§ 32401. Definitions**

3 “In this chapter:

4 “(1) ADMINISTRATOR.—The term ‘Adminis-
5 trator’ means the Administrator of the National
6 Highway Traffic Safety Administration.

7 “(2) COVERED INFORMATION.—The term ‘cov-
8 ered information’ means information that—

9 “(A) passenger motor vehicles collect, gen-
10 erate, record, or store in electronic form that
11 may be retrieved by or on behalf of the manu-
12 facturer of the original motor vehicle equip-
13 ment; or

14 “(B) is provided by the owner, lessee, or
15 renter, if applicable, of a vehicle who subscribes
16 to or registers for technologies and services pro-
17 vided by, made available through, or offered on
18 behalf of the manufacturer that involves the
19 collection, use, or sharing of information that is
20 collected, generated, recorded, or stored by a
21 vehicle.

22 “(3) MANUFACTURER; MOTOR VEHICLE.—The
23 terms ‘manufacturer’ and ‘motor vehicle’ have the
24 meanings given those terms in section 30102.

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Transportation.

3 **“§ 32402. Vehicle data privacy**

4 “(a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this chapter, each manufacturer of
6 motor vehicles sold or offered for sale in the United States
7 shall develop and implement a privacy policy outlining the
8 practices of such manufacturer regarding the collection,
9 use, and sharing of covered information.

10 “(b) IDENTIFICATION OF PRIVACY POLICY REQUIRE-
11 MENTS.—The privacy policy developed and implemented
12 pursuant to subsection (a) shall identify whether the man-
13 ufacturer will provide an owner, lessee, or renter, if appli-
14 cable, with any of the following:

15 “(1) Notices about the manufacturer’s collec-
16 tion, use, and sharing of covered information.

17 “(2) The choices that are available to the
18 owner, lessee, or renter regarding the collection, use,
19 and sharing of covered information.

20 “(3) How and under what circumstances cov-
21 ered information is collected.

22 “(4) A commitment to retain the covered infor-
23 mation no longer than is determined necessary by
24 the manufacturer for legitimate business purposes.

1 “(5) A commitment to implement reasonable
2 measures to protect covered information against loss
3 and unauthorized access or use.

4 “(6) A commitment to implement reasonable
5 measures to maintain the accuracy of covered infor-
6 mation and to provide the owner, lessee, or renter
7 with reasonable means to review and correct infor-
8 mation provided by the owner, lessee, or renter, if
9 applicable.

10 “(7) A commitment to take reasonable steps to
11 ensure that the manufacturer and other entities that
12 receive the covered information by or on behalf of
13 the manufacturer adhere to the privacy policy.

14 “(c) FILING AND PUBLICATION.—

15 “(1) PRIVACY POLICY.—Not later than 60 days
16 after the implementation of a privacy policy by a
17 manufacturer described in subsection (a), the manu-
18 facturer shall file such policy with the Secretary.

19 “(2) WEBSITE PUBLICATION.—Not later than
20 30 days after the submission of a privacy policy pur-
21 suant to paragraph (1) or (3), the Secretary shall
22 make such policy publicly accessible on a website op-
23 erated by the Secretary.

24 “(3) UPDATE OF PRIVACY POLICY.—Not later
25 than 30 days after updating the terms of a privacy

1 policy submitted pursuant to paragraph (1), the
2 manufacturer shall file the updated policy with the
3 Secretary.

4 “(d) ENFORCEMENT.—

5 “(1) CIVIL PENALTY.—A manufacturer that
6 does not meet the requirements of subsection (a) or
7 (b) or that violates any of the terms of the privacy
8 policy submitted pursuant to paragraph (1) or (3) of
9 subsection (c) is liable to the United States Govern-
10 ment for a civil penalty of not more than \$5,000 per
11 day. The maximum penalty under this section for a
12 series of violations by a single manufacturer is
13 \$1,000,000.

14 “(2) LIABILITY PROTECTION.—A manufacturer
15 that submits a privacy policy that meets all of the
16 requirements described under subsection (b) is not
17 subject to civil penalties described in paragraph (1).

18 “(e) SAFE HARBOR.—A manufacturer whose privacy
19 policy identifies that such manufacturer will provide an
20 owner, lessee, or renter, if applicable, with all of the items
21 described under subsection (b) shall not be subject to the
22 provisions of section 5 of the Federal Trade Commission
23 Act (15 U.S.C. 45) with respect to any unfair or deceptive
24 act or practice relating to privacy.”.

25 (b) VEHICLE EVENT DATA RECORDER STUDY.—

1 (1) STUDY BY ADMINISTRATOR.—Not later
2 than 1 year after the date of enactment of this Act,
3 the Administrator of the National Highway Traffic
4 Safety Administration shall submit to the Secretary
5 of Transportation a study—

6 (A) to determine the appropriate amount
7 of time for an event data recorder installed in
8 a passenger motor vehicle to capture and record
9 for retrieval vehicle-related data related to an
10 event to provide sufficient information to inves-
11 tigate the cause of a motor vehicle crash; and

12 (B) to identify data that may be appro-
13 priate to transfer to a first responder for the
14 treatment of a crash victim.

15 (2) REPORT BY SECRETARY.—Not later than
16 10 days after the submission of the study required
17 under paragraph (1), the Secretary shall submit to
18 the Committee on Energy and Commerce of the
19 House of Representatives and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report that contains the results of the study
22 conducted by the Administrator pursuant to para-
23 graph (1).

1 (c) CLERICAL AMENDMENT.—The analysis of subtitle
2 VI of title 49, United States Code, is amended by inserting
3 after the item relating to chapter 323 the following:

“324. Vehicle Data Privacy 32401”.

4 **SEC. 302. MOTOR VEHICLE DATA HACKING.**

5 (a) AMENDMENT.—Section 30122 of title 49, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(d) MOTOR VEHICLE DATA HACKING PROHIB-
9 ITED.—

10 “(1) PROHIBITION.—It shall be unlawful for
11 any person to access, without authorization, an elec-
12 tronic control unit or critical system of a motor vehi-
13 cle, or other system containing driving data for such
14 motor vehicle, either wirelessly or through a wired
15 connection.

16 “(2) DEFINITIONS.—In this subsection:

17 “(A) CRITICAL SYSTEM.—The term ‘crit-
18 ical system’ means software, firmware, or hard-
19 ware located within or on a motor vehicle that,
20 if accessed without authorization, can affect the
21 movement of the vehicle.

22 “(B) DRIVING DATA.—The term ‘driving
23 data’ means information that a motor vehicle
24 collects, generates, records, or stores in elec-
25 tronic form and information that is provided by

1 the owner, lessee, or renter, if applicable, of a
2 motor vehicle who subscribes to or registers for
3 technologies and services provided by, made
4 available through, or offered on behalf of the
5 manufacturer that involves the collection, use,
6 or sharing of information that is collected, gen-
7 erated, recorded, or stored by the motor vehicle.

8 “(C) ELECTRONIC CONTROL UNIT.—The
9 term ‘electronic control unit’ means an elec-
10 trical system interface or software that can im-
11 pact the movement, functioning, or operation of
12 any component of a vehicle.”.

13 (b) CIVIL PENALTIES.—Section 30165(a) of title 49,
14 United States Code, is amended by inserting at the end
15 the following new paragraph:

16 “(5) MOTOR VEHICLE DATA HACKING.—Not-
17 withstanding paragraph (1), a person who violates
18 section 30122(d) is liable to the United States Gov-
19 ernment for a civil penalty of not more than
20 \$100,000 for each violation. A separate violation oc-
21 curs for each motor vehicle or item of motor vehi-
22 cle.”.

1 **SEC. 303. AUTOMOTIVE CYBERSECURITY ADVISORY COUN-**
2 **CIL.**

3 (a) IN GENERAL.—Part A of subtitle VI of title 49,
4 United States Code, is amended by adding at the end the
5 following new chapter:

6 **“CHAPTER 307—CYBERSECURITY**

“Sec.

“30701. Automotive Cybersecurity Advisory Council.

7 **“§ 30701. Automotive Cybersecurity Advisory Council**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this chapter, the Adminis-
11 trator of the National Highway Traffic Safety Ad-
12 ministration shall establish an Automotive Cyberse-
13 curity Advisory Council (in this chapter referred to
14 as the ‘Council’) to develop cybersecurity best prac-
15 tices for manufacturers of automobiles offered for
16 sale in the United States.

17 “(2) NOTICE OF INTENT.—Not later than 30
18 days after the date of enactment of this chapter, the
19 Administrator shall issue a notice of intent to open
20 a proceeding establishing the Council. This notice
21 shall be made public in the Federal Register and on
22 a website maintained by the Administrator.

23 “(3) PROCEEDING AND APPOINTMENT OF MEM-
24 BERS.—Not later than 60 days after the notice of

1 intent is published pursuant to paragraph (2), the
2 Administrator shall formally open a proceeding to
3 establish the Council, and shall consult with the
4 agencies listed under paragraph (4) and appoint
5 members of the Council as set forth in such para-
6 graph.

7 “(4) MEMBERSHIP.—

8 “(A) FEDERAL GOVERNMENT MEMBERS.—

9 The Council shall be comprised of the Adminis-
10 trator of the National Highway Traffic Safety
11 Administration and at least one representative
12 from each of the following agencies:

13 “(i) The Department of Defense.

14 “(ii) The National Institute of Stand-
15 ards and Technology.

16 “(iii) The National Highway Traffic
17 Safety Administration, other than the Ad-
18 ministrator.

19 “(B) MEMBERS FROM MANUFACTURERS.—

20 Not later than 180 days after the date of enact-
21 ment of this chapter, the Administrator shall
22 require each manufacturer of automobiles that
23 manufactures more than 20,000 automobiles
24 sold in the previous calendar year in the United
25 States, in such manner as the Administrator

1 determines necessary, to appoint one represent-
2 ative of the manufacturer to serve as a member
3 on the Council.

4 “(C) OTHER MEMBERS.—The Adminis-
5 trator shall invite one representative from a
6 company, organization, or association rep-
7 resenting authorized franchised car dealerships,
8 independent repair shops, consumer advocates,
9 parts suppliers (for tiers one, two, three and
10 four), standards-setting bodies, academics, and
11 security researchers to serve as a member on
12 the Council.

13 “(D) LIMITATION.—Not fewer than 50
14 percent of the members on the Council shall be
15 representatives of manufacturers of auto-
16 mobiles.

17 “(b) MEETINGS.—The Council shall meet not less
18 than quarterly to develop best practices for cybersecurity
19 for manufacturers of automobiles offered for sale in the
20 United States. Not later than 10 business days before the
21 day on which a meeting is held, the Administrator shall
22 publish the meeting time and agenda of each meeting in
23 the Federal Register and on a publicly accessible website.
24 Any meeting held by the Council shall be closed to the
25 public.

1 “(c) DEVELOPMENT OF BEST PRACTICES.—Not later
2 than 1 year after Council is established pursuant to sub-
3 section (a)(1), the Council shall develop cybersecurity best
4 practices for manufacturers of automobiles offered for sale
5 in the United States. Such best practices shall be approved
6 by a simple majority of members of the Council and may
7 include the following:

8 “(1) The quality of security controls imple-
9 mented within software, firmware, and hardware
10 used within automobiles.

11 “(2) The design of the automobile’s internal ar-
12 chitecture with respect to connections between vehi-
13 cle systems and critical safety systems.

14 “(3) The security specifications required by
15 manufacturers of automobiles for suppliers of auto-
16 mobile equipment, network service providers, and
17 other relevant suppliers in the supply chain for vehi-
18 cle development.

19 “(4) The security controls designed around
20 ports, connection points, or other openings into the
21 vehicle’s internal network and operating system.

22 “(5) The implementation of security controls to
23 protect critical safety systems in the vehicle from ex-
24 ploitation from any after-market or third-party de-

1 vice and wireless connection brought into, plugged
2 into, or established within the vehicle.

3 “(6) The remediation of cybersecurity
4 vulnerabilities.

5 “(7) The use and quality of data forensics to
6 investigate and identify cyber security vulnerabilities
7 in vehicle systems and critical safety systems.

8 “(8) The coordination of cyber security vulner-
9 ability disclosures among vehicle manufacturers and
10 security researchers.

11 “(d) ANNUAL EVALUATION.—The Council shall re-
12 view, and, if necessary, update cybersecurity best practices
13 as the Council considers necessary on an annual basis. If
14 no updates are necessary or approved following such an
15 evaluation, the Administrator shall report such determina-
16 tion in the Federal Register. If the Council determines by
17 a simple majority of all representatives that updates are
18 necessary, the Council shall publish any updates in the
19 Federal Register and on the website maintained by the
20 Administrator that is publicly accessible not later than 90
21 days after such determination.

22 “(e) SUBMISSION OF PLAN AND REVIEW.—

23 “(1) SUBMISSION OF PLAN.—

24 “(A) VEHICLE SECURITY AND INTEGRITY
25 PLAN.—Not later than 90 days after the date

1 on which the best practices approved by the
2 Council pursuant to subsection (c) or (d) are
3 published in the Federal Register, each manu-
4 facturer of automobiles may file a vehicle secu-
5 rity and integrity plan with the Administrator
6 describing the policies and procedures the man-
7 ufacturer uses to implement and maintain such
8 best practices. Such plan, including any modi-
9 fication of such plan, may not be disclosed to
10 the public and is specifically exempted from dis-
11 closure as described under section 552(b)(3) of
12 title 5.

13 “(B) MODIFICATION OF PLAN.—Not later
14 than 90 days after a manufacturer modifies the
15 plan described in subparagraph (A), the manu-
16 facturer may file an updated plan with the Ad-
17 ministrator.

18 “(2) REVIEW.—

19 “(A) REVIEW OF SUBMISSION.—Not later
20 than 30 days after the submission of a plan
21 pursuant to paragraph (1), the Administrator
22 shall determine whether the plan complies with
23 the best practices approved pursuant to sub-
24 section (c) or (d) and, if necessary, order nec-
25 essary modification to the plan to comply with

1 such best practices. The Administrator shall de-
2 termine that the plan complies with the best
3 practices unless the Administrator demonstrates
4 by clear and convincing evidence in the order
5 issued under subparagraph (B) that the plan of
6 the manufacturer is not consistent with the best
7 practices.

8 “(B) ORDER FOR MODIFICATION.—If upon
9 review, the Administrator determines that the
10 plan of a manufacturer is not consistent with
11 the best practices approved pursuant to sub-
12 section (c) or (d), the Administrator shall issue
13 an order to the manufacturer and the manufac-
14 turer shall modify the plan in accordance with
15 the order. A manufacturer shall have 30 days
16 to submit a modified plan in accordance with
17 such order. The Administrator may not pre-
18 scribe specific action that a manufacturer must
19 take to comply with such best practices.

20 “(f) ENFORCEMENT.—

21 “(1) VIOLATION OF PLAN.—A manufacturer
22 that violates the vehicle security and integrity plan
23 described in subsection (e)(1) of such manufacturer
24 is subject to the civil penalties described in section
25 30165(a)(1).

1 “(2) LIABILITY PROTECTION.—A manufacturer
2 is not subject to civil penalties described in section
3 30165(a)(1) with regard to a violation of the vehicle
4 security and integrity plan of such manufacturer if
5 the manufacturer—

6 “(A) submits such a vehicle security and
7 integrity plan described in subsection (e)(1)
8 that is approved by the Administrator; and

9 “(B) implements and maintains the best
10 practices identified in the plan.

11 “(3) NO LIABILITY ON THE BASIS OF CYBERSE-
12 CURITY BEST PRACTICES ISSUED BY THE COUNCIL
13 .—The best practices issued by the Council under
14 this section may not provide a basis for or evidence
15 of liability in an action against a manufacturer of
16 automobiles whose cyber security practices are al-
17 leged to be inconsistent with the best practices
18 issued by the Council if—

19 “(A) the manufacturer has not filed a vehi-
20 cle security and integrity plan under subsection
21 (e)(1); or

22 “(B) the plan of the manufacturer does
23 not include the cyber security practice at issue.

24 “(g) SAFE HARBOR.—A manufacturer that submits
25 a vehicle security and integrity plan in accordance with

1 subsection (e)(1) shall not be subject to the provisions of
2 section 5 of the Federal Trade Commission Act (15 U.S.C.
3 45) with respect to any unfair or deceptive act or practice
4 relating to the best practices the manufacturer implements
5 and maintains under such plan.

6 “(h) DEFINITIONS.—The terms ‘automobile’ and
7 ‘manufacturer’ have the meanings given those terms in
8 section 32901(a).”.

9 (b) CLERICAL AMENDMENT.—The analysis for sub-
10 title VI of title 49, United States Code, is amended by
11 inserting after the item relating to chapter 305 the fol-
12 lowing:

“307. Cybersecurity 30701”.

13 (c) TECHNICAL AND CONFORMING CIVIL PENALTY
14 AMENDMENT.—Section 30165(a)(1) of title 49, United
15 States Code, is amended by inserting “30701,” after
16 “30147,”.

17 **TITLE IV—SAFETY STANDARDS,**
18 **GUIDELINES, EVALUATIONS,**
19 **AND NEW REQUIREMENTS**

20 **SEC. 401. NHTSA REPORT ON SEAT BELTS FOR SCHOOL**
21 **BUSES.**

22 (a) STUDY.—The Administrator of the National
23 Highway Traffic Safety Administration shall identify and
24 publish a report evaluating seat belts, advanced auto-
25 motive technologies, and connected vehicle technologies for

1 school buses (with a gross vehicle weight rating of more
2 than 10,000 pounds that meet all required motor vehicle
3 safety standards) to—

4 (1) determine the advanced automotive tech-
5 nologies and connected vehicle technologies for
6 motor vehicles that have the largest potential to im-
7 pact school bus safety;

8 (2) evaluate the potential costs and potential
9 safety benefits of installing various seat belt systems
10 in school buses; and

11 (3) identify the system that is least expensive to
12 install and would not impede the capacity of such
13 school buses that are less than 10 years old.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Administrator shall submit
16 to Congress a report on the findings of the study required
17 by subsection (a), including any recommendations to im-
18 prove public awareness of safety measures relating to
19 school buses.

20 **SEC. 402. RULEMAKING ON REAR SEAT CRASH-**
21 **WORTHINESS.**

22 (a) SAFETY RESEARCH INITIATIVE.—Not later than
23 2 years after the date of enactment of this Act, the Sec-
24 retary of Transportation shall complete research into the
25 development of safety standards or performance require-

1 ments for the crashworthiness and survivability for pas-
2 sengers in the rear seats of motor vehicles.

3 (b) SPECIFICATIONS.—In carrying out subsection (a),
4 the Secretary shall consider side- and rear-impact collision
5 testing, additional airbags, head restraints, seatbelt fit,
6 seatbelt airbags, belt anchor location, and any other fac-
7 tors the Secretary considers appropriate.

8 (c) RULEMAKING OR REPORT.—

9 (1) RULEMAKING.—Not later than 1 year after
10 the completion of each research and testing initiative
11 required under subsection (a), the Secretary shall
12 initiate a rulemaking proceeding to issue a Federal
13 motor vehicle safety standard if the Secretary deter-
14 mines that such a standard meets the requirements
15 and considerations set forth in subsections (a) and
16 (b) of section 30111 of title 49, United States Code.

17 (2) REPORT.—If the Secretary determines that
18 the standard described in paragraph (1) does not
19 meet the requirements and considerations set forth
20 in such subsections, the Secretary shall submit a re-
21 port describing the reasons for not prescribing such
22 a standard to the Committee on Energy and Com-
23 merce of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of
25 the Senate.

1 **SEC. 403. RETENTION OF SAFETY RECORDS BY MANUFAC-**
2 **TURERS.**

3 (a) RULE.—Not later than 18 months after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall issue a final rule pursuant to section 30117 of title
6 49, United States Code, requiring each manufacturer of
7 motor vehicles or motor vehicle equipment to retain all
8 motor vehicle safety records, including documents, reports,
9 correspondence, or other materials that contain informa-
10 tion concerning malfunctions that may be related to motor
11 vehicle safety (including any failure or malfunction beyond
12 normal deterioration in use, or any failure of performance,
13 or any flaw or unintended deviation from design specifica-
14 tions, that could in any reasonably foreseeable manner be
15 a causative factor in, or aggravate, an accident or an in-
16 jury to a person), for a period of not less than 10 calendar
17 years from the date on which they were generated or ac-
18 quired by the manufacturer. Such requirement shall also
19 apply to all underlying records on which information re-
20 ported to the Secretary under part 579 of title 49, Code
21 of Federal Regulations, is based.

22 (b) APPLICATION.—The rule required by subsection
23 (a) shall apply with respect to any record described in such
24 subsection that is in the possession of a manufacturer on
25 the effective date of such rule.

1 **SEC. 404. NONAPPLICATION OF PROHIBITIONS RELATING**
2 **TO NONCOMPLYING MOTOR VEHICLES TO VE-**
3 **HICLES USED FOR TESTING OR EVALUATION.**

4 Section 30112(b) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (8), by striking “; or” and in-
7 serting a semicolon;

8 (2) in paragraph (9), by striking the period at
9 the end and inserting “; or”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(10) the introduction of a motor vehicle in
13 interstate commerce solely for purposes of testing or
14 evaluation by a manufacturer that prior to the date
15 of enactment of this paragraph—

16 “(A) has manufactured and distributed
17 motor vehicles into the United States that are
18 certified to comply with all applicable Federal
19 motor vehicle safety standards;

20 “(B) has submitted to the Secretary ap-
21 propriate manufacturer identification informa-
22 tion under part 566 of title 49, Code of Federal
23 Regulations;

24 “(C) if applicable, has identified an agent
25 for service of process in accordance with part
26 551 of such title; and

1 “(D) agrees not to sell or offer for sale the
2 motor vehicle at the conclusion of the testing or
3 evaluation.”.

4 **SEC. 405. TREATMENT OF LOW-VOLUME MANUFACTURERS.**

5 (a) EXEMPTION FROM VEHICLE SAFETY STANDARDS
6 FOR LOW-VOLUME MANUFACTURERS.—Section 30114 of
7 title 49, United States Code, is amended—

8 (1) by striking “The” and inserting “(a) VEHI-
9 CLES USED FOR PARTICULAR PURPOSES.—The”;
10 and

11 (2) by adding at the end the following new sub-
12 section:

13 “(b) EXEMPTION FOR LOW-VOLUME MANUFACTUR-
14 ERS.—

15 “(1) IN GENERAL.—The Secretary shall—

16 “(A) exempt from section 30112(a) of this
17 title not more than 500 replica motor vehicles
18 per year that are manufactured or imported by
19 a low-volume manufacturer; and

20 “(B) except as provided in paragraph (4)
21 of this subsection, limit any such exemption to
22 the Federal Motor Vehicle Safety Standards ap-
23 plicable to motor vehicles and not motor vehicle
24 equipment.

1 “(2) REGISTRATION REQUIREMENT.—To qual-
2 ify for an exemption under paragraph (1), a low-vol-
3 ume manufacturer shall register with the Secretary
4 at such time, in such manner, and under such terms
5 that the Secretary determines appropriate. The Sec-
6 retary shall establish terms that ensure that no per-
7 son may register as a low-volume manufacturer if
8 the person is registered as an importer under section
9 30141 of this title.

10 “(3) PERMANENT LABEL REQUIREMENT.—

11 “(A) IN GENERAL.—The Secretary shall
12 require a low-volume manufacturer to affix a
13 permanent label to a motor vehicle exempted
14 under paragraph (1) that identifies the speci-
15 fied standards and regulations for which such
16 vehicle is exempt from section 30112(a) and
17 designates the model year such vehicle rep-
18 licates.

19 “(B) WRITTEN NOTICE.—The Secretary
20 may require a low-volume manufacturer of a
21 motor vehicle exempted under paragraph (1) to
22 deliver written notice of the exemption to—

23 “(i) the dealer; and

24 “(ii) the first purchaser of the motor
25 vehicle, if the first purchaser is not an in-

1 dividual that purchases the motor vehicle
2 for resale.

3 “(C) REPORTING REQUIREMENT.—A low-
4 volume manufacturer shall annually submit a
5 report to the Secretary including the number
6 and description of the motor vehicles exempted
7 under paragraph (1) and a list of the exemp-
8 tions described on the label affixed under sub-
9 paragraph (A).

10 “(4) EFFECT ON OTHER PROVISIONS.—Any
11 motor vehicle exempted under this subsection shall
12 also be exempted from sections 32304, 32502, and
13 32902 of this title and from section 3 of the Auto-
14 mobile Information Disclosure Act (15 U.S.C.
15 1232).

16 “(5) LIMITATION AND PUBLIC NOTICE.—The
17 Secretary shall have 60 days to review and approve
18 a registration submitted under paragraph (2). Any
19 registration not approved or denied within 60 days
20 after submission shall be deemed approved. The Sec-
21 retary shall have the authority to revoke an existing
22 registration based on a failure to comply with re-
23 quirements set forth in this subsection. The reg-
24 istrant shall be provided a reasonable opportunity to
25 correct all deficiencies, if such are correctable based

1 on the sole discretion of the Secretary. An exemption
2 granted by the Secretary to a low-volume manufac-
3 turer under this subsection may not be transferred
4 to any other person, and shall expire at the end of
5 the calendar year for which it was granted with re-
6 spect to any volume authorized by the exemption
7 that was not applied by the low-volume manufac-
8 turer to vehicles built during that calendar year. The
9 Secretary shall maintain an up-to-date list of reg-
10 istrants on an annual basis and publish such list in
11 the Federal Register or on a website operated by the
12 Secretary.

13 “(6) LIMITATION OF LIABILITY FOR ORIGINAL
14 MANUFACTURERS, LICENSORS OR OWNERS OF PROD-
15 UCT CONFIGURATION, TRADE DRESS, OR DESIGN
16 PATENTS.—The original manufacturer, its successor
17 or assignee, or current owner, who grants a license
18 or otherwise transfers rights to a low-volume manu-
19 facturer shall incur no liability to any person or enti-
20 ty under Federal or State statute, regulation, local
21 ordinance, or under any Federal or State common
22 law for such license or assignment to a low-volume
23 manufacturer.

24 “(7) DEFINITIONS.—In this subsection:

1 “(A) LOW-VOLUME MANUFACTURER.—The
2 term ‘low-volume manufacturer’ means a motor
3 vehicle manufacturer, other than a person who
4 is registered as an importer under section
5 30141 of this title, whose annual worldwide
6 production is not more than 5,000 motor vehi-
7 cles.

8 “(B) REPLICA MOTOR VEHICLE.—The
9 term ‘replica motor vehicle’ means a motor ve-
10 hicle produced by a low-volume manufacturer
11 and that—

12 “(i) is intended to resemble the body
13 of another motor vehicle that was manu-
14 factured not less than 25 years before the
15 manufacture of the replica motor vehicle;
16 and

17 “(ii) is manufactured under a license
18 for the product configuration, trade dress,
19 trademark, or patent, for the motor vehicle
20 that is intended to be replicated from the
21 original manufacturer, its successors or as-
22 signees, or current owner of such product
23 configuration, trade dress, trademark, or
24 patent rights.”.

1 (b) VEHICLE EMISSION COMPLIANCE STANDARDS
2 FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—
3 Part A of title II of the Clean Air Act (42 U.S.C. 7521
4 et seq.) is amended—

5 (1) in section 206(a) by adding at the end the
6 following new paragraph:

7 “(5)(A) A motor vehicle engine (including all engine
8 emission controls) from a motor vehicle that has been
9 granted a certificate of conformity by the Administrator
10 for the model year in which the motor vehicle is assembled,
11 or a motor vehicle engine that has been granted an Execu-
12 tive order subject to regulations promulgated by the Cali-
13 fornia Air Resources Board for the model year in which
14 the motor vehicle is assembled, may be installed in an ex-
15 empted specially produced motor vehicle, if—

16 “(i) the manufacturer of the engine supplies
17 written instructions explaining how to install the en-
18 gine and maintain functionality of the engine’s emis-
19 sion control system and the on-board diagnostic sys-
20 tem (commonly known as ‘OBD II’), except with re-
21 spect to evaporative emissions diagnostics;

22 “(ii) the manufacturer of the exempted specially
23 produced motor vehicle installs the engine in accord-
24 ance with such instructions; and

1 “(iii) the installation instructions include emis-
2 sion control warranty information from the engine
3 manufacturer in compliance with section 207, in-
4 cluding where warranty repairs can be made, emis-
5 sion control labels to be affixed to the vehicle, and
6 the certificate of conformity number for the applica-
7 ble vehicle in which the engine was originally in-
8 tended or the applicable Executive order number for
9 the engine.

10 “(B) A motor vehicle containing an engine compliant
11 with the requirements of subparagraph (A) shall be treat-
12 ed as meeting the requirements of section 202 applicable
13 to new vehicles manufactured or imported in the model
14 year in which the exempted specially produced motor vehi-
15 cle is assembled.

16 “(C) Engine installations that are not performed in
17 accordance with installation instructions provided by the
18 manufacturer and alterations to the engine not in accord-
19 ance with the installation instructions shall—

20 “(i) be treated as prohibited acts by the in-
21 staller under section 203; and

22 “(ii) subject to civil penalties under the first
23 and third sentences of section 205(a), civil actions
24 under section 205(b), and administrative assessment
25 of penalties under section 205(c).

1 “(D) The manufacturer of an exempted specially pro-
2 duced motor vehicle that has an engine compliant with the
3 requirements of subparagraph (A) shall provide to the
4 purchaser of such vehicle all information received by the
5 manufacturer from the engine manufacturer, including in-
6 formation regarding emissions warranties from the engine
7 manufacturer and all emissions-related recalls by the en-
8 gine manufacturer.

9 “(E) To qualify to install an engine under this para-
10 graph, a manufacturer of exempted specially produced
11 motor vehicles shall register with the Administrator at
12 such time and in such manner as the Administrator deter-
13 mines appropriate. The manufacturer shall submit an an-
14 nual report to the Administrator that includes—

15 “(i) a description of the exempted specially pro-
16 duced motor vehicles and engines installed in such
17 vehicles; and

18 “(ii) the certificate of conformity number issued
19 to the motor vehicle in which the engine was origi-
20 nally intended or the applicable Executive order
21 number for the engine.

22 “(F) Exempted specially produced motor vehicles
23 compliant with this paragraph shall be exempted from—

24 “(i) motor vehicle certification testing under
25 this section; and

1 “(ii) vehicle emission control inspection and
2 maintenance programs required under section 110.

3 “(G) A person engaged in the manufacturing or as-
4 sembling of exempted specially produced motor vehicles
5 shall not be treated as a manufacturer for purposes of this
6 Act by virtue of such manufacturing or assembling, so
7 long as such person complies with subparagraphs (A)
8 through (E).”; and

9 (2) in section 216 by adding at the end the fol-
10 lowing new paragraph:

11 “(12) EXEMPTED SPECIALLY PRODUCED
12 MOTOR VEHICLE.—The term ‘exempted specially
13 produced motor vehicle’ means a replica motor vehi-
14 cle that is exempt from specified standards pursuant
15 to section 30114(b) of title 49, United States
16 Code.”.

17 (c) IMPLEMENTATION.—Not later than 12 months
18 after the date of enactment of this Act, the Secretary of
19 Transportation and the Administrator of the Environ-
20 mental Protection Agency shall issue such regulations as
21 may be necessary to implement the amendments made by
22 subsections (a) and (b), respectively.

1 **SEC. 406. NO LIABILITY ON THE BASIS OF NHTSA MOTOR**
2 **VEHICLE SAFETY GUIDELINES.**

3 Section 30111 of title 49, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(f) NO LIABILITY ON THE BASIS OF MOTOR VEHI-
7 CLE SAFETY GUIDELINES ISSUED BY THE SECRETARY.—

8 (1) No guidelines issued by the Secretary with respect to
9 motor vehicle safety shall provide a basis for or evidence
10 of liability in any action against a defendant whose prac-
11 tices are alleged to be inconsistent with such guidelines.
12 A person who is subject to any such guidelines may use
13 an alternative approach to that set forth in such guidelines
14 that complies with any requirement in a provision of this
15 subtitle, a motor vehicle safety standard issued under this
16 subtitle, or another relevant statute or regulation.

17 “(2) No such guidelines shall confer any rights on
18 any person nor shall operate to bind the Secretary or any
19 person who is subject to such guidelines to the approach
20 recommended in such guidelines. In any enforcement ac-
21 tion with respect to motor vehicle safety, the Secretary
22 must prove a violation of a provision of this subtitle, a
23 motor vehicle safety standard issued under this subtitle,
24 or another relevant statute or regulation. The Secretary
25 may not build a case against or negotiate a consent order
26 with any person based in whole or in part on practices

1 of the person that are alleged to be inconsistent with any
2 such guidelines.

3 “(3) A defendant may use compliance with any such
4 guidelines as evidence of compliance with the provision of
5 this subtitle, motor vehicle safety standard issued under
6 this subtitle, or other statute or regulation under which
7 such guidelines were developed.”.

8 **TITLE V—ADVANCED**
9 **AUTOMOTIVE TECHNOLOGIES**

10 **SEC. 501. METRICS FOR ADVANCED AUTOMOTIVE TECH-**
11 **NOLOGIES.**

12 (a) IN GENERAL.—Part C of subtitle VI of title 49,
13 United States Code, is amended by inserting after chapter
14 327 the following new chapter:

15 **“CHAPTER 328—ADVANCED AUTOMOTIVE**
16 **TECHNOLOGIES**

“Sec.

“32801. Definitions.

“32802. Metrics for advanced automotive technologies.

17 **“§ 32801. Definitions**

18 “In this chapter:

19 “(1) **ADVANCED AUTOMOTIVE TECHNOLOGY;**
20 **CONNECTED VEHICLE TECHNOLOGY.**—The terms
21 ‘advanced automotive technology’ and ‘connected ve-
22 hicle technology’ have the meanings given those
23 terms in section 32920.

1 “(2) MANUFACTURER; MOTOR VEHICLE.—The
2 terms ‘manufacturer’ and ‘motor vehicle’ have the
3 meanings given those terms in section 30102.

4 **“§ 32802. Metrics for advanced automotive tech-**
5 **nologies**

6 “(a) ADVANCED AUTOMOTIVE TECHNOLOGY ADVI-
7 SORY COMMITTEE.—

8 “(1) ESTABLISHMENT.—Not later than 1 year
9 after the date of enactment of this chapter, the Sec-
10 retary of Transportation shall establish an Advanced
11 Automotive Technology Advisory Committee (in this
12 chapter referred to as the ‘Committee’) to develop
13 safety performance metrics for advanced automotive
14 technologies and connected vehicle technologies origi-
15 nally installed in motor vehicles.

16 “(2) NOTICE OF INTENT.—Not later than 30
17 days after the date of enactment of this chapter, the
18 Secretary shall issue a notice of intent to open a
19 proceeding establishing the Committee. This notice
20 shall be published in the Federal Register and on a
21 website maintained by the Secretary.

22 “(3) PROCEEDING AND APPOINTMENT OF MEM-
23 BERS.—Not later than 60 days after the notice of
24 intent is published pursuant to paragraph (2), the
25 Secretary shall formally open a proceeding to estab-

1 lish the Committee and appoint members of the
2 Committee as set forth in paragraph (4).

3 “(4) MEMBERSHIP.—The Committee shall be
4 comprised of the National Highway Traffic Safety
5 Administration and representatives from manufac-
6 turers of motor vehicles for sale in the United
7 States, standards setting bodies including the Inter-
8 national Organization of Standards and SAE Inter-
9 national, and any others as determined by the Sec-
10 retary.

11 “(b) DEVELOPMENT OF SAFETY PERFORMANCE
12 METRICS.—

13 “(1) IN GENERAL.—The Committee shall de-
14 velop safety performance metrics for any advanced
15 automotive technology or connected vehicle tech-
16 nology that is original equipment in at least 15 per-
17 cent of the motor vehicle fleet for sale in the United
18 States by any manufacturer of motor vehicles. The
19 Secretary shall publish any safety performance
20 metrics developed by the Committee in the Federal
21 Register and otherwise provide public notice of such
22 metrics in such manner as determined by the Sec-
23 retary.

24 “(2) TEST PROCEDURES REQUIRED.—Each
25 safety performance metric developed pursuant to

1 paragraph (1) for an advanced automotive tech-
2 nology or connected vehicle technology shall include
3 a corresponding test procedure developed by the
4 Committee to be utilized to determine if the tech-
5 nology meets the established safety performance
6 metric. Each test procedure shall be made publicly
7 available on a website maintained by the Secretary.

8 “(3) SAFETY RATING.—The Secretary shall as-
9 sign a safety rating under the New Car Assessment
10 Program for each advanced automotive technology
11 or connected vehicle technology that has an estab-
12 lished safety performance metric and corresponding
13 test procedure.

14 “(c) LABEL REQUIREMENTS.—

15 “(1) IN GENERAL.—The safety rating for any
16 advanced automotive technology or connected vehicle
17 technology that has been installed as original equip-
18 ment in a new motor vehicle shall be added to the
19 label according to label requirements set forth in the
20 Automobile Information Disclosure Act (15 U.S.C.
21 1231 et seq.) if the Secretary determines that at
22 least 35 percent of new motor vehicles marketed and
23 sold in the United States are equipped with the tech-
24 nology as original equipment.

1 “(2) MOTOR VEHICLES THAT DO NOT CONTAIN
2 AN ADVANCED AUTOMOTIVE TECHNOLOGY.—If a
3 new motor vehicle does not have an advanced auto-
4 motive technology or connected vehicle technology
5 following the determination made by the Secretary
6 in paragraph (1), the manufacturer shall identify on
7 the label described in such paragraph that the vehi-
8 cle is not equipped with the technology in such man-
9 ner as determined by the Secretary.

10 “(3) ADVANCED AUTOMOTIVE TECHNOLOGIES
11 THAT DO NOT HAVE PUBLISHED OR RELEASED PER-
12 FORMANCE METRICS, TEST PROCEDURES, OR SAFE-
13 TY RATINGS.—If an advanced automotive technology
14 or connected vehicle technology that is installed as
15 part of the motor vehicle’s original equipment does
16 not have a formally published or released perform-
17 ance metric, test procedure, or safety rating, the
18 Secretary shall require that the technology be listed
19 on the label described in paragraph (1) as a special
20 feature of the motor vehicle until a performance
21 metric, test procedure, and safety rating is developed
22 for the technology and at least 35 percent of all new
23 motor vehicles marketed or sold in the United States
24 are equipped with the technology as original equip-
25 ment.

1 “(4) REMOVAL FROM LABEL.—If the Secretary
2 determines that more than 85 percent of new motor
3 vehicles contain a particular advanced automotive
4 technology or connected vehicle technology installed
5 as original equipment, the Secretary may require
6 that the technology safety rating be eliminated from
7 the label described in paragraph (1).”.

8 (b) CLERICAL AMENDMENT.—The analysis of sub-
9 title VI of title 49, United States Code, is amended by
10 inserting after the item relating to chapter 327 the fol-
11 lowing:

“328. Advanced Automotive Technologies 32801”.

12 **SEC. 502. CREDITS FOR ADVANCED AUTOMOTIVE TECH-**
13 **NOLOGY.**

14 (a) IN GENERAL.—

15 (1) CREDITS.—Section 202(a) of the Clean Air
16 Act (42 U.S.C. 7521(a)) is amended by adding at
17 the end the following:

18 “(7) CREDITS FOR ADVANCED AUTOMOTIVE
19 TECHNOLOGY.—

20 “(A) APPLICABILITY.—This paragraph ap-
21 plies with respect to any light-duty vehicle,
22 light-duty truck, or medium-duty passenger ve-
23 hicle that is—

24 “(i) manufactured after model year
25 2018; and

1 “(ii) equipped with (as original equip-
2 ment)—

3 “(I) at least three advanced auto-
4 motive technologies; or

5 “(II) one connected vehicle tech-
6 nology.

7 “(B) CREDITS.—Any greenhouse gas emis-
8 sions standards promulgated under paragraph
9 (1) for a light-duty vehicle, light-duty truck, or
10 medium-duty passenger vehicle shall provide a
11 credit of—

12 “(i) 3 or more grams per mile (as de-
13 termined by the Administrator) of green-
14 house gas emissions for any vehicle de-
15 scribed in subparagraph (A) with at least
16 three advanced automotive technologies in-
17 stalled as original equipment; and

18 “(ii) 6 or more grams per mile (as de-
19 termined by the Administrator) of green-
20 house gas emissions for any vehicle de-
21 scribed in subparagraph (A) with a con-
22 nected vehicle technology installed as origi-
23 nal equipment.

24 “(C) LIMITATION.—The Administrator
25 may not take the installation or noninstallation

1 of any advanced automotive technology or con-
2 nected vehicle technology into account for any
3 purpose other than providing credits pursuant
4 to subparagraph (B).

5 “(D) PERIODIC REVIEW OF NUMBER OF
6 GRAMS PER MILE.—Not later than the end of
7 calendar year 2026, and biennially thereafter,
8 the Administrator shall—

9 “(i) review the number of grams per
10 mile of greenhouse gas emissions being
11 given as credits under clauses (i) and (ii)
12 of subparagraph (B) to determine whether
13 (and if so to what extent) the Adminis-
14 trator will exercise the authority vested by
15 such clauses to change such number; and

16 “(ii) submit a report to the Congress
17 on the results of such review and deter-
18 mination.

19 “(E) DEFINITIONS.—In this paragraph:

20 “(i) The term ‘advanced automotive
21 technology’ has the meaning given to such
22 term in section 32920(a)(1) of title 49,
23 United States Code.

24 “(ii) The term ‘connected vehicle tech-
25 nology’ has the meaning given to such

1 term in section 32920(a)(2) of title 49,
2 United States Code.

3 “(iii) The term ‘medium-duty pas-
4 senger vehicle’ means a medium-duty pas-
5 senger vehicle as such term is used in the
6 final rules entitled ‘Greenhouse Gas Emis-
7 sions Standards and Fuel Efficiency
8 Standards for Medium- and Heavy-Duty
9 Engines and Vehicles’ published in the
10 Federal Register by the Environmental
11 Protection Agency and National Highway
12 Traffic Safety Administration on Sep-
13 tember 15, 2011 (76 Fed. Reg. 57106)
14 (including any successor regulations).”.

15 (2) CONFORMING AMENDMENTS.—Section
16 202(a)(6) of the Clean Air Act (42 U.S.C.
17 7521(a)(6)) is amended—

18 (A) by striking “Within 1 year” and in-
19 serting the following:

20 “(A) Within 1 year”; and

21 (B) by striking “The standards shall re-
22 quire” and inserting the following:

23 “(B) The standards shall require”.

24 (b) STATE STANDARDS.—Section 209(b) of the Clean
25 Air Act (42 U.S.C. 7543(b)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (B), by striking “or”
3 at the end;

4 (B) in subparagraph (C), by striking the
5 period at the end and inserting “, or”; and

6 (C) by adding at the end the following:

7 “(D) such State is not applying credits to the
8 full extent set forth in section 202(a)(7).”; and

9 (2) by adding at the end the following:

10 “(4) If the National Highway Traffic Safety
11 Administration publishes in the Federal Register a
12 safety performance metric for an advanced auto-
13 motive technology or connected vehicle technology
14 (as such terms are defined in section 202(a)(7)(D))
15 pursuant to section 32802(b)(1) of title 49, United
16 States Code, while a waiver is in effect with respect
17 to a State under this subsection, and such State
18 does not revise its standard under section 202(a)(1)
19 as described in section 202(a)(7) within 30 days
20 after the safety performance metric is formally pub-
21 lished, the waiver for such State under this sub-
22 section shall cease to apply.”.

1 **SEC. 503. FUEL ECONOMY CREDITS FOR ADVANCED AUTO-**
2 **MOTIVE TECHNOLOGIES.**

3 (a) IN GENERAL.—Chapter 329 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 32920. Fuel economy credits for advanced auto-**
7 **motive technologies**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ADVANCED AUTOMOTIVE TECHNOLOGY.—

10 The term ‘advanced automotive technology’ means
11 any vehicle information system, unit, device, or tech-
12 nology that meets any applicable performance metric
13 and demonstrates crash avoidance or congestion
14 mitigation benefits such as any of the following tech-
15 nologies:

16 “(A) Forward collision warning.

17 “(B) Adaptive brake assist.

18 “(C) Autonomous emergency braking.

19 “(D) Adaptive cruise control.

20 “(E) Lane departure warnings.

21 “(F) Lane keeping assistance.

22 “(G) Driver attention monitor.

23 “(H) Left turn assist.

24 “(I) Intersection movement assist.

25 “(2) CONNECTED VEHICLE TECHNOLOGY.—The
26 term ‘connected vehicle technology’ means a dedi-

1 cated short-range communications device that meets
2 applicable performance metrics as defined by the
3 Advanced Automotive Technology Advisory Com-
4 mittee established under section 32802 and operates
5 at 5.9 GHz for the purpose of sending safety mes-
6 sages between motor vehicles.

7 “(b) CREDITS FOR ADVANCED AUTOMOTIVE TECH-
8 NOLOGY.—For any model or models of automobiles manu-
9 factured by a manufacturer after model year 2018 and
10 equipped with three or more advanced automotive tech-
11 nologies or one connected vehicle technology as original
12 equipment, the calculation of the average fuel economy for
13 all categories of automobiles encompassing such model or
14 models shall be adjusted in accordance with the method-
15 ology set forth in section 600.510–12 of title 40, Code of
16 Federal Regulations, so as to provide fuel economy credits
17 for advanced automotive technology and connected vehicle
18 technology with a formally published safety metric that
19 are equivalent to the carbon-related exhaust emission cred-
20 its set forth in section 202(a)(7) of the Clean Air Act (42
21 U.S.C. 7521(a)(7)).

22 “(c) AUTHORITY TO ADD ADDITIONAL ADVANCED
23 AUTOMOTIVE TECHNOLOGIES AND TO DETERMINE THE
24 APPROPRIATE LEVEL OF CREDITS FOR SUCH TECH-
25 NOLOGIES.—Any interested person may petition the Sec-

1 retary of Transportation to promulgate a rule adding an
2 advanced automotive technology to the definition set forth
3 in subsection (a)(1). If the Secretary promulgates such a
4 rule, the Secretary shall, in consultation with the Adminis-
5 trator of the Environmental Protection Agency, determine
6 the appropriate level of greenhouse gas credits and fuel
7 economy credits necessary to incentivize the implementa-
8 tion of the additional advanced automotive technology.
9 The Secretary shall ensure that the calculations referenced
10 in subsection (b) shall provide an equivalent amount of
11 fuel economy credit for the added advanced automotive
12 technology. The Secretary shall determine the appropriate
13 fuel economy credit for any such additional advanced auto-
14 motive technology based on the relative contribution of any
15 such additional advanced automotive technology to crash
16 avoidance or congestion mitigation.

17 “(d) PERIODIC REVIEW.—Not later than the end of
18 calendar year 2026, and biennially thereafter, the Sec-
19 retary shall—

20 “(1) in coordination with the Administrator of
21 the Environmental Protection Agency, review the
22 methodology for providing fuel economy credits for
23 advanced automotive technology and connected vehi-
24 cle technology under subsection (b) that are equiva-
25 lent to the carbon-related exhaust emission credits

1 set forth in section 202(a)(7) of the Clean Air Act
2 and make determinations on and adjustments to
3 such credits accordingly; and

4 “(2) submit to Congress a report on the results
5 of such review, determinations, and adjustments.”.

6 (b) CONFORMING AMENDMENT.—Section
7 32902(h)(3) of title 49, United States Code, is amended
8 by inserting before the period at the end the following:
9 “or credits under section 32920”.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 for chapter 329 of title 49, United States Code, is amend-
12 ed by adding at the end the following:

“32920. Fuel economy credits for advanced automotive technologies.”.