



**Section-by-Section Summary of the
VEHICLE SAFETY IMPROVEMENT ACT OF 2015**
Rep. Jan Schakowsky (IL-9), Committee on Energy and Commerce

TITLE I – INCREASED AND IMPROVED PUBLIC ACCESS TO INFORMATION

Section 101. Increased Public Availability of Vehicle Safety Information

Requires NHTSA to make more vehicle safety information public, by: (a) posting on its website certain manufacturer communications (including technical service bulletins) regarding a safety-related defect or noncompliance; (b) publicly disclosing all Early Warning information submitted by manufacturers, unless exempt from disclosure under the Freedom of Information Act; and (c) providing, every six months, summaries of the agency's inquiries to manufacturers seeking additional information about fatal incidents.

Section 102. Improved Vehicle Safety Databases

Requires NHTSA to improve vehicle safety data posted to its website by ensuring that all such data, including Early Warning information, is timely, readily searchable, and can be aggregated and downloaded.

Section 103. Improved Used Car Buyers Guide

Requires the buyers guide window form, which is currently required to be placed on used cars by FTC regulation, to include additional information regarding the vehicle's damage history and recall repair history.

TITLE II – ENHANCED AGENCY TOOLS AND ACCOUNTABILITY

Section 201. Civil Penalties

Increases the penalties NHTSA can seek per violation and eliminates, in most cases, the statutory maximum penalty for a related series of violations of federal motor vehicle safety laws.

Section 202. Early Warning Reporting Requirements

Strengthens the Early Warning Reporting program in the following ways:

- (a) Ensures that NHTSA requires manufacturers to submit consumer complaints, warranty claims, and field reports to the extent they assist in the identification of defects, and eliminates a statutory provision that could discourage manufacturers from collecting essential safety data;
- (b) Requires manufacturers to include, in their quarterly submissions to NHTSA, additional information on fatal incidents possibly caused by a defect and assess why the incident may have occurred, and removes the limitation on the number of model years that should be reported;
- (c) Instructs NHTSA to improve reporting categories for vehicle components contributing to an incident, by maximizing interoperability with consumer complaint data, precision, and organization;
- (d) Directs NHTSA to review manufacturers' differing Early Warning reporting practices, including the extent to which the differences may be detrimental to the identification of defects related to motor vehicle safety, and grants NHTSA the authority to issue guidelines to standardize these practices; and
- (e) Requires the DOT Inspector General to review NHTSA policies to ensure that manufacturers submit all required Early Warning information in full and without delay, assess the extent to which manufacturers comply, and report to Congress findings, conclusions, and recommendations.

Section 203. Imminent Hazard Authority

Provides NHTSA with the authority to expedite a recall order in the case of any condition that substantially increases the likelihood of serious injury or death if not remedied immediately.

Section 204. Retention of Safety Records by Manufacturers

Directs NHTSA to extend from five years to 20 years the time manufacturers must retain all motor vehicle safety records concerning possible safety-related malfunctions or communications about potential defects.

Section 205. Corporate Responsibility for NHTSA Reports

Requires that a manufacturer have a senior executive in the United States certify the accuracy and completeness of all responses to NHTSA's requests for information relating to safety investigations.

Section 206. Cooperation with Foreign Governments

Permits the Secretary of Transportation, in coordination with the Department of State, to enter into cooperative agreements and collaborative research and development agreements with foreign governments for the purposes of motor vehicle safety research, development, and testing and related data analysis.

Section 207. Administrative Accountability

Improves administrative accountability related to: (a) petitions for standards and enforcement, by requiring NHTSA to explain any missed deadlines for responding to a petition and by allowing individuals to appeal a petition denial in a court of appeals; (b) information provided by whistleblowers, by requiring the agency to promptly review and evaluate the information and by prohibiting the agency from disclosing it to manufacturers, among others, without the submitter's consent; and (c) the revolving door between NHTSA and the auto industry, by restricting NHTSA employees responsible for vehicle safety from certain post-employment activities.

Section 208. Reports to Congress

Directs the Secretary to prepare reports to Congress regarding the use of Early Warning data. Directs the Inspector General to report to Congress on the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies. Directs the Secretary to prepare reports to Congress regarding potential actions by NHTSA to improve auto safety recall completion rates.

TITLE III – CONSUMER PROTECTION**Section 301. Limitation on Sale or Lease of Used Motor Vehicles Subject to a Recall**

Prohibits a dealer from selling or leasing a used motor vehicle until the dealer remedies any defect or noncompliance.

Section 302. Elimination of Regional Recalls

Clarifies that all recalls of motor vehicles and replacement equipment must be carried out on a national basis and shall not be limited to vehicles or equipment in certain U.S. states, territories, or regions, but permits NHTSA to allow the prioritization of shipment of replacement parts by geographic location when necessary.

Section 303. Application of Remedies for Defects and Noncompliance

Requires that a remedy for a defect or noncompliance for all motor vehicles and replacement equipment be provided without charge regardless of when the motor vehicle or replacement equipment was first purchased. Under the current statute, remedies are not required without charge for vehicles or equipment purchased more than 10 calendar years before the recall.

Section 304. Pedestrian Safety Improvement

Requires NHTSA to establish standards for passenger motor vehicles to reduce the number of injuries and fatalities suffered by pedestrians and other non-occupants struck by such vehicles.

Section 305. Recall Obligations Under Bankruptcy

Ensures that manufacturers in bankruptcy must uphold their safety obligations even in the case of liquidation. Current law applies only to manufacturers engaged in a bankruptcy reorganization.

Section 306. Rulemaking on Rear Seat Crashworthiness

Directs the Secretary to research the development of safety standards or performance requirements, and initiate a rulemaking if appropriate, that would improve the crashworthiness and survivability for back seat passengers.

TITLE IV – FUNDING**Section 401. Vehicle Safety User Fee**

Establishes a vehicle safety user fee paid by the vehicle manufacturer for each U.S. vehicle certified to meet federal motor vehicle safety standards. This fee begins at \$3 per vehicle and increases to \$9 per vehicle after three years. The fee would supplement existing appropriations and support NHTSA's vehicle safety programs.

Section 402. Authorization of Appropriations

Authorizes appropriations for NHTSA's vehicle safety programs. The authorization would be for \$200 million in FY 2016, \$240 million in FY 2017, and \$280 million in FY 2018.

TITLE V – ADDITIONAL PROVISIONS**Section 501. Deadlines**

Establishes procedures for NHTSA if it cannot meet the deadlines provided in the bill.

Section 502. Limitation on the Preemption of State Law

Overtakes preemption provisions in Bush-era NHTSA regulations and prevents NHTSA from explicitly preempting state tort law without congressional direction.