

**AMENDMENT TO THE SENATE AMENDMENTS TO
H.R. 22
OFFERED BY MR. BURGESS OF TEXAS**

Page 550, strike line 24 and all that follows through page 551, line 4, and insert the following:

- 1 (A) \$31,270,000 for fiscal year 2016.
- 2 (B) \$36,537,670 for fiscal year 2017.
- 3 (C) \$42,296,336 for fiscal year 2018.
- 4 (D) \$47,999,728 for fiscal year 2019.
- 5 (E) \$54,837,974 for fiscal year 2020.
- 6 (F) \$61,656,407 for fiscal year 2021.

Insert after subtitle D of title XXXIV the following new subtitle:

7 **Subtitle E—Additional Motor**
8 **Vehicle Provisions**

9 **SEC. 34501. REQUIRED REPORTING OF NHTSA AGENDA.**

10 Not later than December 1 of the year beginning
11 after the date of enactment of this Act, and each year
12 thereafter, the Administrator of the National Highway
13 Traffic Safety Administration shall publish on the public
14 website of the Administration, and file with the Committee
15 on Energy and Commerce of the House of Representatives

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

5 (1) the Administrator’s policy priorities;

6 (2) any rulemakings projected to be com-
7 menced;

8 (3) any plans to develop guidelines;

9 (4) any plans to restructure the Administration
10 or to establish or alter working groups;

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

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

17 **SEC. 34502. APPLICATION OF REMEDIES FOR DEFECTS AND**
18 **NONCOMPLIANCE.**

19 Section 30120(g)(1) of title 49, United States Code,
20 is amended by striking “10 calendar years” and inserting
21 “15 calendar years”.

22 **SEC. 34503. RETENTION OF SAFETY RECORDS BY MANUFAC-**
23 **TURERS.**

24 (a) **RULE.**—Not later than 18 months after the date
25 of enactment of this Act, the Secretary of Transportation

1 shall issue a final rule pursuant to section 30117 of title
2 49, United States Code, requiring each manufacturer of
3 motor vehicles or motor vehicle equipment to retain all
4 motor vehicle safety records required to be maintained by
5 manufacturers under section 576.6 of title 49, Code of
6 Federal Regulations, for a period of not less than 10 cal-
7 endar years from the date on which they were generated
8 or acquired by the manufacturer.

9 (b) APPLICATION.—The rule required by subsection
10 (a) shall apply with respect to any record described in such
11 subsection that is in the possession of a manufacturer on
12 the effective date of such rule.

13 **SEC. 34504. NONAPPLICATION OF PROHIBITIONS RELATING**
14 **TO NONCOMPLYING MOTOR VEHICLES TO VE-**
15 **HICLES USED FOR TESTING OR EVALUATION.**

16 Section 30112(b) of title 49, United States Code, is
17 amended—

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

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

22 (3) by adding at the end the following new
23 paragraph:

24 “(10) the introduction of a motor vehicle in
25 interstate commerce solely for purposes of testing or

1 evaluation by a manufacturer that prior to the date
2 of enactment of this paragraph—

3 “(A) has manufactured and distributed
4 motor vehicles into the United States that are
5 certified to comply with all applicable Federal
6 motor vehicle safety standards;

7 “(B) has submitted to the Secretary ap-
8 propriate manufacturer identification informa-
9 tion under part 566 of title 49, Code of Federal
10 Regulations;

11 “(C) if applicable, has identified an agent
12 for service of process in accordance with part
13 551 of such title; and

14 “(D) agrees not to sell or offer for sale the
15 motor vehicle at the conclusion of the testing or
16 evaluation.”.

17 **SEC. 34505. TREATMENT OF LOW-VOLUME MANUFACTUR-**
18 **ERS.**

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

22 (1) by striking “The” and inserting “(a) VEHI-
23 CLES USED FOR PARTICULAR PURPOSES.—The”;
24 and

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

3 “(b) EXEMPTION FOR LOW-VOLUME MANUFACTUR-
4 ERS.—

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

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

10 “(B) except as provided in paragraph (4)
11 of this subsection, limit any such exemption to
12 the Federal Motor Vehicle Safety Standards ap-
13 plicable to motor vehicles and not motor vehicle
14 equipment.

15 “(2) REGISTRATION REQUIREMENT.—To qual-
16 ify for an exemption under paragraph (1), a low-vol-
17 ume manufacturer shall register with the Secretary
18 at such time, in such manner, and under such terms
19 that the Secretary determines appropriate. The Sec-
20 retary shall establish terms that ensure that no per-
21 son may register as a low-volume manufacturer if
22 the person is registered as an importer under section
23 30141 of this title.

24 “(3) PERMANENT LABEL REQUIREMENT.—

1 “(A) IN GENERAL.—The Secretary shall
2 require a low-volume manufacturer to affix a
3 permanent label to a motor vehicle exempted
4 under paragraph (1) that identifies the speci-
5 fied standards and regulations for which such
6 vehicle is exempt from section 30112(a) and
7 designates the model year such vehicle rep-
8 licates.

9 “(B) WRITTEN NOTICE.—The Secretary
10 may require a low-volume manufacturer of a
11 motor vehicle exempted under paragraph (1) to
12 deliver written notice of the exemption to—

13 “(i) the dealer; and

14 “(ii) the first purchaser of the motor
15 vehicle, if the first purchaser is not an in-
16 dividual that purchases the motor vehicle
17 for resale.

18 “(C) REPORTING REQUIREMENT.—A low-
19 volume manufacturer shall annually submit a
20 report to the Secretary including the number
21 and description of the motor vehicles exempted
22 under paragraph (1) and a list of the exemp-
23 tions described on the label affixed under sub-
24 paragraph (A).

1 “(4) EFFECT ON OTHER PROVISIONS.—Any
2 motor vehicle exempted under this subsection shall
3 also be exempted from sections 32304, 32502, and
4 32902 of this title and from section 3 of the Auto-
5 mobile Information Disclosure Act (15 U.S.C.
6 1232).

7 “(5) LIMITATION AND PUBLIC NOTICE.—The
8 Secretary shall have 60 days to review and approve
9 a registration submitted under paragraph (2). Any
10 registration not approved or denied within 60 days
11 after submission shall be deemed approved. The Sec-
12 retary shall have the authority to revoke an existing
13 registration based on a failure to comply with re-
14 quirements set forth in this subsection. The reg-
15 istrant shall be provided a reasonable opportunity to
16 correct all deficiencies, if such are correctable based
17 on the sole discretion of the Secretary. An exemption
18 granted by the Secretary to a low-volume manufac-
19 turer under this subsection may not be transferred
20 to any other person, and shall expire at the end of
21 the calendar year for which it was granted with re-
22 spect to any volume authorized by the exemption
23 that was not applied by the low-volume manufac-
24 turer to vehicles built during that calendar year. The
25 Secretary shall maintain an up-to-date list of reg-

1 istrants on an annual basis and publish such list in
2 the Federal Register or on a website operated by the
3 Secretary.

4 “(6) LIMITATION OF LIABILITY FOR ORIGINAL
5 MANUFACTURERS, LICENSORS OR OWNERS OF PROD-
6 UCT CONFIGURATION, TRADE DRESS, OR DESIGN
7 PATENTS.—The original manufacturer, its successor
8 or assignee, or current owner, who grants a license
9 or otherwise transfers rights to a low-volume manu-
10 facturer shall incur no liability to any person or enti-
11 ty under Federal or State statute, regulation, local
12 ordinance, or under any Federal or State common
13 law for such license or assignment to a low-volume
14 manufacturer.

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

16 “(A) LOW-VOLUME MANUFACTURER.—The
17 term ‘low-volume manufacturer’ means a motor
18 vehicle manufacturer, other than a person who
19 is registered as an importer under section
20 30141 of this title, whose annual worldwide
21 production is not more than 5,000 motor vehi-
22 cles.

23 “(B) REPLICA MOTOR VEHICLE.—The
24 term ‘replica motor vehicle’ means a motor ve-

1 hicle produced by a low-volume manufacturer
2 and that—

3 “(i) is intended to resemble the body
4 of another motor vehicle that was manu-
5 factured not less than 25 years before the
6 manufacture of the replica motor vehicle;
7 and

8 “(ii) is manufactured under a license
9 for the product configuration, trade dress,
10 trademark, or patent, for the motor vehicle
11 that is intended to be replicated from the
12 original manufacturer, its successors or as-
13 signees, or current owner of such product
14 configuration, trade dress, trademark, or
15 patent rights.”.

16 (b) VEHICLE EMISSION COMPLIANCE STANDARDS
17 FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—

18 Part A of title II of the Clean Air Act (42 U.S.C. 7521
19 et seq.) is amended—

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

22 “(5)(A) A motor vehicle engine (including all engine
23 emission controls) from a motor vehicle that has been
24 granted a certificate of conformity by the Administrator
25 for the model year in which the motor vehicle is assembled,

1 or a motor vehicle engine that has been granted an Execu-
2 tive order subject to regulations promulgated by the Cali-
3 fornia Air Resources Board for the model year in which
4 the motor vehicle is assembled, may be installed in an ex-
5 empted specially produced motor vehicle, if—

6 “(i) the manufacturer of the engine supplies
7 written instructions explaining how to install the en-
8 gine and maintain functionality of the engine’s emis-
9 sion control system and the on-board diagnostic sys-
10 tem (commonly known as ‘OBD II’), except with re-
11 spect to evaporative emissions diagnostics;

12 “(ii) the manufacturer of the exempted specially
13 produced motor vehicle installs the engine in accord-
14 ance with such instructions; and

15 “(iii) the installation instructions include emis-
16 sion control warranty information from the engine
17 manufacturer in compliance with section 207, in-
18 cluding where warranty repairs can be made, emis-
19 sion control labels to be affixed to the vehicle, and
20 the certificate of conformity number for the applica-
21 ble vehicle in which the engine was originally in-
22 tended or the applicable Executive order number for
23 the engine.

24 “(B) A motor vehicle containing an engine compliant
25 with the requirements of subparagraph (A) shall be treat-

1 ed as meeting the requirements of section 202 applicable
2 to new vehicles manufactured or imported in the model
3 year in which the exempted specially produced motor vehi-
4 cle is assembled.

5 “(C) Engine installations that are not performed in
6 accordance with installation instructions provided by the
7 manufacturer and alterations to the engine not in accord-
8 ance with the installation instructions shall—

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

11 “(ii) subject to civil penalties under the first
12 and third sentences of section 205(a), civil actions
13 under section 205(b), and administrative assessment
14 of penalties under section 205(c).

15 “(D) The manufacturer of an exempted specially pro-
16 duced motor vehicle that has an engine compliant with the
17 requirements of subparagraph (A) shall provide to the
18 purchaser of such vehicle all information received by the
19 manufacturer from the engine manufacturer, including in-
20 formation regarding emissions warranties from the engine
21 manufacturer and all emissions-related recalls by the en-
22 gine manufacturer.

23 “(E) To qualify to install an engine under this para-
24 graph, a manufacturer of exempted specially produced
25 motor vehicles shall register with the Administrator at

1 such time and in such manner as the Administrator deter-
2 mines appropriate. The manufacturer shall submit an an-
3 nual report to the Administrator that includes—

4 “(i) a description of the exempted specially pro-
5 duced motor vehicles and engines installed in such
6 vehicles; and

7 “(ii) the certificate of conformity number issued
8 to the motor vehicle in which the engine was origi-
9 nally intended or the applicable Executive order
10 number for the engine.

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

13 “(i) motor vehicle certification testing under
14 this section; and

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

17 “(G) A person engaged in the manufacturing or as-
18 sembling of exempted specially produced motor vehicles
19 shall not be treated as a manufacturer for purposes of this
20 Act by virtue of such manufacturing or assembling, so
21 long as such person complies with subparagraphs (A)
22 through (E).”; and

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

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

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

13 **SEC. 34506. NO LIABILITY ON THE BASIS OF NHTSA MOTOR**
14 **VEHICLE SAFETY GUIDELINES.**

15 Section 30111 of title 49, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(f) NO LIABILITY ON THE BASIS OF MOTOR VEHI-
19 CLE SAFETY GUIDELINES ISSUED BY THE SECRETARY.—
20 (1) No guidelines issued by the Secretary with respect to
21 motor vehicle safety shall provide a basis for or evidence
22 of liability in any action against a defendant whose prac-
23 tices are alleged to be inconsistent with such guidelines.
24 A person who is subject to any such guidelines may use
25 an alternative approach to that set forth in such guidelines

1 that complies with any requirement in a provision of this
2 subtitle, a motor vehicle safety standard issued under this
3 subtitle, or another relevant statute or regulation.

4 “(2) No such guidelines shall confer any rights on
5 any person nor shall operate to bind the Secretary or any
6 person who is subject to such guidelines to the approach
7 recommended in such guidelines. In any enforcement ac-
8 tion with respect to motor vehicle safety, the Secretary
9 must prove a violation of a provision of this subtitle, a
10 motor vehicle safety standard issued under this subtitle,
11 or another relevant statute or regulation. The Secretary
12 may not build a case against or negotiate a consent order
13 with any person based in whole or in part on practices
14 of the person that are alleged to be inconsistent with any
15 such guidelines.

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

