

**AMENDMENT TO THE SENATE AMENDMENTS TO  
H.R. 22  
OFFERED BY MR. MULLIN OF OKLAHOMA**

At the end of subtitle B of part IV of title XXXIV,  
insert the following new section:

1 **SEC. 34216. TREATMENT OF LOW-VOLUME MANUFACTUR-**  
2 **ERS.**

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

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

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

11 “(b) EXEMPTION FOR LOW-VOLUME MANUFACTUR-  
12 ERS.—

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

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

1           “(B) except as provided in paragraph (4)  
2           of this subsection, limit any such exemption to  
3           the Federal Motor Vehicle Safety Standards ap-  
4           plicable to motor vehicles and not motor vehicle  
5           equipment.

6           “(2) REGISTRATION REQUIREMENT.—To qual-  
7           ify for an exemption under paragraph (1), a low-vol-  
8           ume manufacturer shall register with the Secretary  
9           at such time, in such manner, and under such terms  
10          that the Secretary determines appropriate. The Sec-  
11          retary shall establish terms that ensure that no per-  
12          son may register as a low-volume manufacturer if  
13          the person is registered as an importer under section  
14          30141 of this title.

15          “(3) PERMANENT LABEL REQUIREMENT.—

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

24                 “(B) WRITTEN NOTICE.—The Secretary  
25                 may require a low-volume manufacturer of a

1 motor vehicle exempted under paragraph (1) to  
2 deliver written notice of the exemption to—

3 “(i) the dealer; and

4 “(ii) the first purchaser of the motor  
5 vehicle, if the first purchaser is not an in-  
6 dividual that purchases the motor vehicle  
7 for resale.

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

15 “(4) EFFECT ON OTHER PROVISIONS.—Any  
16 motor vehicle exempted under this subsection shall  
17 also be exempted from sections 32304, 32502, and  
18 32902 of this title and from section 3 of the Auto-  
19 mobile Information Disclosure Act (15 U.S.C.  
20 1232).

21 “(5) LIMITATION AND PUBLIC NOTICE.—The  
22 Secretary shall have 60 days to review and approve  
23 a registration submitted under paragraph (2). Any  
24 registration not approved or denied within 60 days  
25 after submission shall be deemed approved. The Sec-

1       retary shall have the authority to revoke an existing  
2       registration based on a failure to comply with re-  
3       quirements set forth in this subsection. The reg-  
4       istrant shall be provided a reasonable opportunity to  
5       correct all deficiencies, if such are correctable based  
6       on the sole discretion of the Secretary. An exemption  
7       granted by the Secretary to a low-volume manufac-  
8       turer under this subsection may not be transferred  
9       to any other person, and shall expire at the end of  
10      the calendar year for which it was granted with re-  
11      spect to any volume authorized by the exemption  
12      that was not applied by the low-volume manufac-  
13      turer to vehicles built during that calendar year. The  
14      Secretary shall maintain an up-to-date list of reg-  
15      istrants on an annual basis and publish such list in  
16      the Federal Register or on a website operated by the  
17      Secretary.

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

1 ordinance, or under any Federal or State common  
2 law for such license or assignment to a low-volume  
3 manufacturer.

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

5 “(A) LOW-VOLUME MANUFACTURER.—The  
6 term ‘low-volume manufacturer’ means a motor  
7 vehicle manufacturer, other than a person who  
8 is registered as an importer under section  
9 30141 of this title, whose annual worldwide  
10 production is not more than 5,000 motor vehi-  
11 cles.

12 “(B) REPLICATOR MOTOR VEHICLE.—The  
13 term ‘replica motor vehicle’ means a motor ve-  
14 hicle produced by a low-volume manufacturer  
15 and that—

16 “(i) is intended to resemble the body  
17 of another motor vehicle that was manu-  
18 factured not less than 25 years before the  
19 manufacture of the replica motor vehicle;  
20 and

21 “(ii) is manufactured under a license  
22 for the product configuration, trade dress,  
23 trademark, or patent, for the motor vehicle  
24 that is intended to be replicated from the  
25 original manufacturer, its successors or as-

1                   signees, or current owner of such product  
2                   configuration, trade dress, trademark, or  
3                   patent rights.”.

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

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

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

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

1           “(ii) the manufacturer of the exempted specially  
2           produced motor vehicle installs the engine in accord-  
3           ance with such instructions; and

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

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

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

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

1           “(ii) subject to civil penalties under the first  
2           and third sentences of section 205(a), civil actions  
3           under section 205(b), and administrative assessment  
4           of penalties under section 205(c).

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

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

19                 “(i) a description of the exempted specially pro-  
20                 duced motor vehicles and engines installed in such  
21                 vehicles; and

22                 “(ii) the certificate of conformity number issued  
23                 to the motor vehicle in which the engine was origi-  
24                 nally intended or the applicable Executive order  
25                 number for the engine.

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

3 “(i) motor vehicle certification testing under  
4 this section; and

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

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

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

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

21 (c) IMPLEMENTATION.—Not later than 12 months  
22 after the date of enactment of this Act, the Secretary of  
23 Transportation and the Administrator of the Environ-  
24 mental Protection Agency shall issue such regulations as

1 may be necessary to implement the amendments made by  
2 subsections (a) and (b), respectively.

