

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1732

To authorize elements of the Department of Transportation,
and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. McCASKILL

Viz:

- 1 Beginning on page 243, strike line 1 and all that fol-
- 2 lows through page 245, line 10, and insert the following:
- 3 **SEC. 4209. RENTAL CAR SAFETY.**
- 4 (a) SHORT TITLE.—This section may be cited as the
- 5 “Raechel and Jacqueline Houck Safe Rental Car Act of
- 6 2015”.
- 7 (b) DEFINITIONS.—Section 30102(a) is amended—
- 8 (1) by redesignating paragraphs (10) and (11)
- 9 as paragraphs (12) and (13), respectively;
- 10 (2) by redesignating paragraphs (1) through
- 11 (9) as paragraphs (2) through (10), respectively;

1 (3) by inserting before paragraph (2), as reded-
2 igned, the following:

3 “(1) ‘covered rental vehicle’ means a motor ve-
4 hicle that—

5 “(A) has a gross vehicle weight rating of
6 10,000 pounds or less;

7 “(B) is rented without a driver for an ini-
8 tial term of less than 4 months; and

9 “(C) is part of a motor vehicle fleet of 5
10 or more motor vehicles that are used for rental
11 purposes by a rental company.”; and

12 (4) by inserting after paragraph (10), as reded-
13 igned, the following:

14 “(11) ‘rental company’ means a person who—

15 “(A) is engaged in the business of renting
16 covered rental vehicles; and

17 “(B) uses for rental purposes a motor ve-
18 hicle fleet of 5 or more covered rental vehi-
19 cles.”.

20 (c) REMEDIES FOR DEFECTS AND NONCOMPLI-
21 ANCE.—Section 30120(i) is amended—

22 (1) in the subsection heading, by adding “, OR
23 RENTAL” at the end;

24 (2) in paragraph (1)—

1 (A) by striking “(1) If notification” and
2 inserting the following:

3 “(1) IN GENERAL.—If notification”;

4 (B) by indenting subparagraphs (A) and
5 (B) four ems from the left margin;

6 (C) by inserting “or the manufacturer has
7 provided to a rental company notification about
8 a covered rental vehicle in the company’s pos-
9 session at the time of notification” after “time
10 of notification”;

11 (D) by striking “the dealer may sell or
12 lease,” and inserting “the dealer or rental com-
13 pany may sell, lease, or rent”; and

14 (E) in subparagraph (A), by striking “sale
15 or lease” and inserting “sale, lease, or rental
16 agreement”;

17 (3) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 this subsection may be construed to prohibit a dealer
21 or rental company from offering the vehicle or equip-
22 ment for sale, lease, or rent.”; and

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

24 “(3) SPECIFIC RULES FOR RENTAL COMPA-
25 NIES.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided under this paragraph, a rental com-
3 pany shall comply with the limitations on sale,
4 lease, or rental set forth in subparagraph (C)
5 and paragraph (1) as soon as practicable, but
6 not later than 24 hours after the earliest re-
7 ceipt of the notice to owner under subsection
8 (b) or (c) of section 30118 (including the vehi-
9 cle identification number for the covered vehi-
10 cle) by the rental company, whether by elec-
11 tronic means or first class mail.

12 “(B) SPECIAL RULE FOR LARGE VEHICLE
13 FLEETS.—Notwithstanding subparagraph (A),
14 if a rental company receives a notice to owner
15 covering more than 5,000 motor vehicles in its
16 fleet, the rental company shall comply with the
17 limitations on sale, lease, or rental set forth in
18 subparagraph (C) and paragraph (1) as soon as
19 practicable, but not later than 48 hours after
20 the earliest receipt of the notice to owner under
21 subsection (b) or (c) of section 30118 (includ-
22 ing the vehicle identification number for the
23 covered vehicle) by the rental company, whether
24 by electronic means or first class mail.

1 “(C) SPECIAL RULE FOR WHEN REMEDIES
2 NOT IMMEDIATELY AVAILABLE.—If a notifica-
3 tion required under subsection (b) or (c) of sec-
4 tion 30118 indicates that the remedy for the
5 defect or noncompliance is not immediately
6 available and specifies actions to temporarily
7 alter the vehicle that eliminate the safety risk
8 posed by the defect or noncompliance, the rent-
9 al company, after causing the specified actions
10 to be performed, may rent (but may not sell or
11 lease) the motor vehicle. Once the remedy for
12 the rental vehicle becomes available to the rent-
13 al company, the rental company may not rent
14 the vehicle until the vehicle has been remedied,
15 as provided in subsection (a).

16 “(D) INAPPLICABILITY TO JUNK AUTO-
17 MOBILES.—Notwithstanding paragraph (1), this
18 subsection does not prohibit a rental company
19 from selling a covered rental vehicle if such ve-
20 hicle—

21 “(i) meets the definition of a junk
22 automobile under section 201 of the Anti-
23 Car Theft Act of 1992 (49 U.S.C. 30501);

24 “(ii) is retitled as a junk automobile
25 pursuant to applicable State law; and

1 “(iii) is reported to the National
2 Motor Vehicle Information System, if re-
3 quired under section 204 of such Act (49
4 U.S.C. 30504).”.

5 (d) MAKING SAFETY DEVICES AND ELEMENTS INOP-
6 ERATIVE.—Section 30122(b) is amended by inserting
7 “rental company,” after “dealer,” each place such term
8 appears.

9 (e) INSPECTIONS, INVESTIGATIONS, AND
10 RECORDS.—Section 30166 is amended—

11 (1) in subsection (c)(2), by striking “or dealer”
12 each place such term appears and inserting “dealer,
13 or rental company”;

14 (2) in subsection (e), by striking “or dealer”
15 each place such term appears and inserting “dealer,
16 or rental company”; and

17 (3) in subsection (f), by striking “or to owners”
18 and inserting “, rental companies, or other owners”.

19 (f) RESEARCH AUTHORITY.—The Secretary of
20 Transportation may conduct a study of—

21 (1) the effectiveness of the amendments made
22 by this section; and

23 (2) other activities of rental companies (as de-
24 fined in section 30102(a)(11) of title 49, United
25 States Code) related to their use and disposition of

1 motor vehicles that are the subject of a notification
2 required under section 30118 of title 49, United
3 States Code.

4 (g) STUDY.—

5 (1) ADDITIONAL REQUIREMENT.—Section
6 32206(b)(2) of the Moving Ahead for Progress in
7 the 21st Century Act (Public Law 112–141; 126
8 Stat. 785) is amended—

9 (A) in subparagraph (E), by striking
10 “and” at the end;

11 (B) by redesignating subparagraph (F) as
12 subparagraph (G); and

13 (C) by inserting after subparagraph (E)
14 the following:

15 “(F) evaluate the completion of safety re-
16 call remedies on rental trucks; and”.

17 (2) REPORT.—Section 32206(c) of such Act is
18 amended—

19 (A) by redesignating paragraphs (1) and
20 (2) as subparagraphs (A) and (B), respectively;

21 (B) by striking “REPORT.—Not later” and
22 inserting the following:

23 “(c) REPORTS.—

24 “(1) INITIAL REPORT.—Not later”;

1 (C) in paragraph (1), by striking “sub-
2 section (b)” and inserting “subparagraphs (A)
3 through (E) and (G) of subsection (b)(2)”; and

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

5 “(2) SAFETY RECALL REMEDY REPORT.—Not
6 later than 1 year after the date of the enactment of
7 the ‘Raechel and Jacqueline Houck Safe Rental Car
8 Act of 2015’, the Secretary shall submit a report to
9 the congressional committees set forth in paragraph
10 (1) that contains—

11 “(A) the findings of the study conducted
12 pursuant to subsection (b)(2)(F); and

13 “(B) any recommendations for legislation
14 that the Secretary determines to be appro-
15 priate.”.

16 (h) PUBLIC COMMENTS.—The Secretary shall solicit
17 comments regarding the implementation of this section
18 from members of the public, including rental companies,
19 consumer organizations, automobile manufacturers, and
20 automobile dealers.

21 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion or the amendments made by this section—

23 (1) may be construed to create or increase any
24 liability, including for loss of use, for a manufac-
25 turer as a result of having manufactured or im-

1 ported a motor vehicle subject to a notification of
2 defect or noncompliance under subsection (b) or (c)
3 of section 30118 of title 49, United States Code; or

4 (2) shall supersede or otherwise affect the con-
5 tractual obligations, if any, between such a manufac-
6 turer and a rental company (as defined in section
7 30102(a) of title 49, United States Code).

8 (j) RULEMAKING.—The Secretary may promulgate
9 rules, as appropriate, to implement this section and the
10 amendments made by this section.

11 (k) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date that is 180 days
13 after the date of the enactment of this Act.