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Calendar No. 561

113TH CONGRESS *2d Session*	SENATE	REPORT 113–253

RAECHEL AND JACQUELINE HOUCK SAFE RENTAL CAR ACT OF 2013

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 921

SEPTEMBER 15, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

39–010 WASHINGTON : 2014

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 921]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 921) 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, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE RESOLUTION

The purpose of S. 921, the Raechel and Jacqueline Houck Safe Rental Car Act of 2013, is to amend chapter 301 of title 49, United States Code, to prohibit the rental of a motor vehicle that contains a defect related to motor vehicle safety. Currently, rental companies are not federally mandated to repair safety defects or to comply with Federal safety standards following a safety recall.

BACKGROUND AND NEEDS

S. 921 is named for Raechel and Jacqueline Houck, two sisters who were killed in 2004 while unknowingly driving an unrepaired rental car that had been recalled for a power-steering hose defect. The car caught fire because of the defect while on the highway, causing a loss of steering and a head-on collision with a semi-trailer truck. Enterprise later conceded that its negligence was the sole proximate cause of the fatal injuries.

Current legal requirements for rental companies in the event of a safety recall differ from those for automobile manufacturers and dealers. In the case of a safety recall, the Motor Vehicle Safety Act (MVSA) places the initial burden on manufacturers and dealers.

Manufacturers must notify the National Highway Traffic Safety Administration (NHTSA) of vehicle defects and provide: a clear description of the defect; an evaluation of the safety risk; the measures to be taken to remedy the defect; a statement that the manufacturer will remedy all defects without charge; and the earliest date by which the remedy for the defect will be available to consumers. The manufacturer must then notify all owners of the affected vehicles and provide information about the process for remedying the defect in question. While NHTSA has the authority to mandate safety recalls if it finds a safety defect or noncompliance in violation of Federal safety standards, that authority is rarely used and virtually every recall has been issued on a voluntary basis.

Federal law also requires automobile dealers to remedy any safety recalls prior to selling new vehicles. Once a vehicle has been sold to an end user—whether to consumers or large purchasers such as rental companies—there is no legal obligation on vehicle owners to remedy defects. NHTSA may direct the manufacturer to issue additional notices to owners who do not remedy such defects, but the decision about whether to take advantage of the no-cost repair is left to the owner's discretion.

In 2011, the Government Accountability Office (GAO) issued a report examining NHTSA's recall process and described the actions of rental companies subsequent to the receipt of safety recall notices:

> [A]lthough they are not required to remedy a defect, [the rental companies interviewed for this report] have developed a system for dealing with recalls. One company described a two-tiered system to address safety defects in which vehicles are placed on a "soft-hold"—meaning that the cars can still be rented but will be put in the queue for service—if the defect is not a safety issue. If the defect is a safety issue, these vehicles will be placed on a "hard-hold"—meaning that the cars will be taken out of service immediately and will not be rented until the repair has been made. Each of the rental companies described a similar system that they used to address recall safety issues.[1]

NHTSA wrote to all of the major rental companies requesting information about their processes and received responses similar to GAO. As reported in the *New York Times*, a Hertz executive noted in the company's response that it could be difficult to determine which recall was "a true safety recall."[2] NHTSA responded at the time:

> All safety recalls resulting from defects present an unreasonable risk to safety and we believe it is inappropriate to suggest that some defects are not risky enough to require repair. For the safety of the motoring public, all recalled vehicles should be fixed promptly.[3]

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[1] Government Accountability Office, *Auto Safety: NHTSA Has Options to Improve the Safety Defect Recall Process*, GAO-11-603, June 15, 2011.

[2] "Faced With Recalls, Rental Companies Sometimes Decide to Wait," *New York Times*, April 19, 2011, at http://wheels.blogs.nytimes.com/2011/04/19/faced-with-recalls-rental-companies-sometimes-decide-to-wait.

[3] *Id.*

Since that time, the major rental companies have changed their policies, establishing internal procedures to prevent the rental of recalled vehicles until they are repaired.

SUMMARY OF PROVISIONS

S. 921, in effect, would require rental companies to abide by prohibitions similar to those already in place for automobile dealers and manufacturers by expanding MVSA's current prohibition on the sale or lease of new vehicles under recall to include the rental or sale of such vehicles by rental companies.

Under the legislation, rental companies would be required to ground any affected vehicles in their fleet within 24 hours of receipt of a manufacturer's recall notice. Rental companies would be allowed up to 48 hours to comply with this requirement if the recall notice affects more than 5,000 vehicles in their fleets. The requirements of S. 921 would apply to companies that rent vehicles weighing 10,000 pounds or less (i.e., cars, pickup trucks, vans, and sport-utility vehicles) from fleets consisting of 5 or more vehicles, and for terms of less than 4 months.

If a remedy for a defect or noncompliance is not immediately available, S. 921 would permit rental companies to rent out recalled vehicles if they perform temporary repairs that are specified in the manufacturer's recall notice and eliminate the safety risk. The bill would also prohibit rental companies from selling vehicles under a safety recall except when those vehicles are to be titled as "junk."

Additionally, the legislation would expand MVSA's prohibition on disabling safety features on vehicles to cover rental vehicles, and would further expand inspection, investigative, and record-keeping requirements to cover rental companies. Finally, S. 921 would direct the Department of Transportation to study the effectiveness of the bill and whether its provisions should be similarly applied to rental trucks.

LEGISLATIVE HISTORY

Senator Schumer introduced S. 921 on May 9, 2013, with seven original cosponsors: Senators Blumenthal, Boxer, Casey, Feinstein, Gillibrand, McCaskill, and Murkowski. It is identical to legislation introduced by Senator Schumer in December 2012. The bill has received support from consumer groups and both major and smaller rental companies.

On May 21, 2013, the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Senate Committee on Commerce, Science, and Transportation held a legislative hearing on S. 921. On July 30, 2013, in an open Executive Session, the Committee considered the bill and reported S. 921 favorably by voice vote. No amendments were filed.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 921—Raechel and Jacqueline Houck Safe Rental Car Act of 2013

S. 921 would prohibit rental car companies from leasing vehicles that are subject to a safety recall until the reason for the recall has been fixed. Under current law, the National Highway Transportation Safety Administration (NHTSA) within the Department of Transportation (DOT) has jurisdiction over vehicle safety recalls. The bill would require NHTSA to complete a study about the effect of the legislation on rental car companies and to issue new rules to implement the legislation.

Based on information from NHTSA, CBO estimates that implementing S. 921 would cost $2 million over the 2014–2018 period, subject to the availability of appropriated funds. Because the bill would impose civil penalties on rental car companies that violate the law, S. 921 could affect revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any penalties collected under the bill would not be significant.

S. 921 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

The bill would impose private-sector mandates, as defined in UMRA, on rental car companies because it would prohibit those companies from selling or renting vehicles that are subject to a safety recall until the defect is fixed. Under the bill, rental car companies would be required to stop renting such vehicles within 24 or 48 hours of receiving a recall notice, depending on the size of the fleet that would be affected. Additionally, those companies would be subject to inspections and reporting requirements. According to industry sources, the current practices and policies of the rental car companies comprising most of the industry are consistent with the provisions in the bill. In addition, much of the industry already tracks the information that would likely be requested under the reporting requirements. Because such a large share of businesses in the industry already abide by most of the requirements in the bill, CBO estimates that the incremental cost to comply with the bill's private-sector mandates would fall below the annual threshold established in UMRA ($150 million in 2013, adjusted annually for inflation).

The CBO staff contacts for this estimate are Sarah Puro (for federal costs) and Amy Petz (for the private-sector impact). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

The bill, as reported, would require car rental companies to ground those vehicles that are under safety recall until the recall is repaired. It would subject rental companies to auto safety requirements. And it would authorize the Department of Transportation to issue regulations, as appropriate, to implement the requirements of the bill.

NUMBER OF PERSONS COVERED

The legislation would apply to rental companies that rent out or sell vehicles in the United States weighing 10,000 pounds or less and that have fleets consisting of 5 or more rental vehicles for terms of less than 4 months.

ECONOMIC IMPACT

This legislation is not expected to have an adverse economic impact on the Nation. It would impact rental companies to the extent that they change their business practices in order to ground vehicles subject to a safety recall until the vehicles are repaired.

PRIVACY

S. 921 would not have a negative impact on the personal privacy of individuals.

PAPERWORK

The Committee does not anticipate a major increase in paperwork requirements for private individuals or businesses due to S. 921. The bill itself does not call for any such increases, but the Department of Transportation would be authorized to issue regulations implementing the Act and may establish paperwork requirements through those regulations. The bill would create new reporting requirements for the Department of Transportation. It would authorize the Secretary of Transportation to conduct a study of the effectiveness of the Act as well as any other activities of rental companies related to their use and disposition of motor vehicles. It would further call on the Secretary to evaluate the completion of safety recall remedies on rental trucks.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

The bill, the Raechel and Jacqueline Houck Safe Rental Car Act of 2013, is named after Raechel and Jacqueline Houck, sisters from Santa Cruz, California, who were killed when an unrepaired recalled car they had rented caught fire because of the unrepaired defect and crashed into a semi-trailer truck.

Section 2. Definitions.

The bill would define a "covered rental vehicle" as one that has a gross vehicle rating of 10,000 pounds or less, is rented without a driver for an initial term of less than 4 months, and is part of a fleet of 5 or more rental vehicles.

A "rental company" would be defined as an entity engaged in renting covered rental vehicles from a fleet of 5 or more rental vehicles.

Section 3. Remedies for defects and noncompliance.

The bill would apply the MVSA restriction on selling or leasing new vehicles subject to a safety recall to sales by rental companies.

It further would expand the prohibition to prevent the rental of a vehicle subject to a recall.

To accommodate practical considerations that would affect implementation by the rental vehicle industry, the bill would set forth some unique provisions specific to rental vehicles:

- When a rental company receives a notice from a manufacturer about a recall, the company will be required to ground the affected vehicles as soon as possible but no later than 24 hours after receiving the notice. For those recalls that affect more than 5,000 vehicles in a company's fleet, the company will have up to 48 hours to ground the vehicles.
- Occasionally, a manufacturer's recall notice will specify action that can be taken to make the vehicle safe to operate until parts are available. In these instances, rental companies will be permitted to take such action and continue renting the affected vehicles until parts are available.
- Rental companies will be prohibited from selling an automobile subject to a recall unless the defect or noncompliance has been remedied. The one exception is for automobiles that are so badly damaged that they are sold with a junk title. A junk automobile is defined as incapable of operating on public roads and has no value except for parts or scrap.

Section 4. Making safety devices and elements inoperative.

The bill would expand the existing prohibition on disabling safety features in an automobile to cover rental companies.

Section 5. Inspections, investigations, and records.

The bill would expand NHTSA's existing inspection, investigative, and record-keeping requirement authorities to cover rental companies.

Section 6. Research authority.

The bill would give the Secretary of Transportation the authority to conduct a study of the effectiveness of the provisions of this law and other rental company activities.

Section 7. Study.

The bill would require the Secretary of Transportation to evaluate the completion of safety recall remedies on rental trucks.

Section 8. Public comments.

The bill would require the Secretary of Transportation to solicit comments on implementation from various stakeholders, including rental companies, consumer groups, auto manufacturers, and auto dealers.

Section 9. Rulemaking.

The bill would give the Secretary of Transportation the authority to promulgate rules necessary to implement the Act.

Section 10. Effective date.

The bill would become effective 180 days after the date of enactment.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49. TRANSPORTATION

SUBTITLE VI. MOTOR VEHICLE AND DRIVE PROGRAMS

CHAPTER 301. MOTOR VEHICLE SAFETY

§ 30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

(1) "covered rental vehicle" means a motor vehicle that—

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

(B) is rented without a driver for an initial term of less than 4 months; and

(C) is part of a motor vehicle fleet of 5 or more motor vehicles that are used for rental purposes by a rental company.

[(1)**]** *(2)* "dealer" means a person selling and distributing new motor vehicles or motor vehicle equipment primarily to purchasers that in good faith purchase the vehicles or equipment other than for resale.

[(2)**]** *(3)* "defect" includes any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

[(3)**]** *(4)* "distributor" means a person primarily selling and distributing motor vehicles or motor vehicle equipment for resale.

[(4)**]** *(5)* "interstate commerce" means commerce between a place in a State and a place in another State or between places in the same State through another State.

[(5)**]** *(6)* "manufacturer" means a person—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

[(6)**]** *(7)* "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

[(7)**]** *(8)* "motor vehicle equipment" means—

(A) any system, part, or component of a motor vehicle as originally manufactured;

(B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle; or

(C) any device or an article or apparel, including a motorcycle helmet and excluding medicine or eyeglasses prescribed by a licensed practitioner, that—

(i) is not a system, part, or component of a motor vehicle; and

(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding users of motor vehicles against risk of accident, injury, or death.

[(8)**]** *(9)* "motor vehicle safety" means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

[(9)**]** *(10)* "motor vehicle safety standard" means a minimum standard for motor vehicle or motor vehicle equipment performance.

(11) "rental company" means a person who—

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

(B) uses for rental purposes a motor vehicle fleet of 5 or more covered rental vehicles.

[(10)**]** *(12)* "State" means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

[(11)**]** *(13)* "United States district court" means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(b) LIMITED DEFINITIONS.—

(1) In sections 30117(b), 30118-30121, and 30166(f) of this title—

(A) "adequate repair" does not include repair resulting in substantially impaired operation of a motor vehicle or motor vehicle equipment;

(B) "first purchaser" means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;

(C) "original equipment" means motor vehicle equipment (including a tire) installed in or on a motor vehicle at the time of delivery to the first purchaser;

(D) "replacement equipment" means motor vehicle equipment (including a tire) that is not original equipment;

(E) a brand name owner of a tire marketed under a brand name not owned by the manufacturer of the tire is deemed to be the manufacturer of the tire;

(F) a defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser;

(G) a manufacturer of a motor vehicle in or on which original equipment was installed when delivered to the first purchaser is deemed to be the manufacturer of the equipment; and

(H) a retreader of a tire is deemed to be the manufacturer of the tire.

(2) The Secretary of Transportation may prescribe regulations changing paragraph (1)(C), (D), (F), or (G) of this subsection.

§ 30120. Remedies for defects and noncompliance

* * * * * * *

(i) LIMITATION ON SALE OR LEASE OF NEW VEHICLES OR EQUIPMENT *OR RENTAL*.—

[(1) If notification**]** *(1) IN GENERAL.—If notification* is required by an order under section 30118(b) of this title or is required under section 30118(c) of this title and the manufacturer has provided to a dealer (including retailers of motor vehicle equipment) notification about a new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification *or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification* that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter, **[**the dealer may sell or lease**]** *the dealer or rental company may sell, lease, or rent* the motor vehicle or item of replacement equipment only if—

(A) the defect or noncompliance is remedied as required by this section before delivery under the **[**sale or lease**]** *sale, lease, or rental agreement*; or

(B) when the notification is required by an order under section 30118(b) of this title, enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

[(2) This subsection does not prohibit a dealer from offering for sale or lease the vehicle or equipment.**]**

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.

(3) SPECIFIC RULES FOR RENTAL COMPANIES.—

(A) IN GENERAL.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(B) SPECIAL RULE FOR LARGE VEHICLE FLEETS.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C)

and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30018 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

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

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

(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).

(j) PROHIBITION ON SALES OF REPLACEMENT EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.

§ 30122. Making safety devices and elements inoperative

(a) DEFINITION.—In this section, "motor vehicle repair business" means a person holding itself out to the public to repair for compensation a motor vehicle or motor vehicle equipment.

(b) PROHIBITION.—A manufacturer, distributor, dealer, *rental company,* or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard prescribed under this chapter unless the manufacturer, distributor, dealer, *rental company,* or repair business reasonably believes the vehicle or equipment will not be used (except for testing or a similar pur-

pose during maintenance or repair) when the device or element is inoperative.

(c) REGULATIONS.—The Secretary of Transportation may prescribe regulations— (1) to exempt a person from this section if the Secretary decides the exemption is consistent with motor vehicle safety and section 30101 of this title; and (2) to define "make inoperative".

(d) [Deleted]

§ 30166. Inspections, investigations, and records

(a) DEFINITION.—In this section, "motor vehicle accident" means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) AUTHORITY TO INSPECT AND INVESTIGATE.—

(1) The Secretary of Transportation may conduct an inspection or investigation—

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.—In carrying out this chapter, an officer or employee designated by the Secretary of Transportation—

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, **[**or dealer**]** *dealer, or rental company* to decide whether the manufacturer, distributor, **[**or dealer**]** *dealer, or rental company* has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter;

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may—

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce (including at United States ports of entry);

(B) enter and inspect with reasonable promptness premises at which a vehicle or equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident;

(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security for inspections and sampling of motor vehicle equipment being offered for import to de-

termine compliance with this chapter or a regulation or order issued under this chapter.

(d) REASONABLE COMPENSATION.—When a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) RECORDS AND MAKING REPORTS.—The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, **[**or dealer**]** *dealer, or rental company* to make reports, to enable the Secretary to decide whether the manufacturer, distributor, **[**or dealer**]** *dealer, or rental company* has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor **[**or dealer**]** *dealer, or rental company* in addition to those imposed under subsection (f) of this section and section 30117(b) of this title or a regulation prescribed or order issued under subsection (f) or section 30117(b).

(f) PROVIDING COPIES OF COMMUNICATIONS ABOUT DEFECTS AND NONCOMPLIANCE.—

(1) IN GENERAL.—A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website, a true or representative copy of each communication to the manufacturer's dealers **[**or to owners**]***, rental companies, or other owners* or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(2) INDEX.—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, that—

(A) identifies the make, model, and model year of the affected vehicles;

(B) includes a concise summary of the subject matter of the communication; and

(C) shall be made available by the Secretary to the public on the Internet in a searchable format.

* * * * * * *

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

SEC. 32206. RENTAL TRUCK ACCIDENT STUDY.

[126 Stat. 785]

(a) DEFINITIONS.—In this section:

(1) RENTAL TRUCK.—The term "rental truck" means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.

(2) RENTAL TRUCK COMPANY.—The term "rental truck company" means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2011.

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) evaluate available data on the number of crashes, fatalities, and injuries involving rental trucks and the cause of such crashes, utilizing police accident reports and other sources;

(B) estimate the property damage and costs resulting from a subset of crashes involving rental truck operations, which the Secretary believes adequately reflect all crashes involving rental trucks;

(C) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;

(D) assess the rental truck maintenance programs of a selection of small, medium, and large rental truck companies, as selected by the Secretary, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;

(E) include any other information available regarding the safety of rental trucks; [and]

(F) evaluate the completion of safety recall remedies on rental trucks; and

[(F)] *(G)* review any other information that the Secretary determines to be appropriate.

(c) [REPORT.—Not later] *REPORTS.—*

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

[(1)] *(A)* the findings of the study conducted pursuant to [subsection (b)] *subparagraphs (A) through (E) and (G) of subsection (b)(2)*; and

[(2)] *(B)* any recommendations for legislation that the Secretary determines to be appropriate.

(2) SAFETY RECALL REMEDY REPORT.—Not later than 1 year after the date of the enactment of the "Raechel and Jacqueline Houck Safe Rental Car Act of 2013", the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—

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

(B) any recommendations for legislation that the Secretary determines to be appropriate.

○