

1           “(B) has submitted to the Secretary ap-  
2           propriate manufacturer identification informa-  
3           tion under part 566 of title 49, Code of Federal  
4           Regulations; and

5           “(C) if applicable, has identified an agent  
6           for service of process in accordance with part  
7           551 of such title.”.

8   **SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTUR-**  
9           **ERS.**

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

13       (1) by striking “The” and inserting “(A) VEHI-  
14       CLES USED FOR PARTICULAR PURPOSES. The”; and

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

17       “(b) EXEMPTION FOR LOW-VOLUME MANUFACTUR-  
18       ERS.—

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

20           “(A) exempt from section 30112(a) of this  
21           title not more than 325 replica motor vehicles  
22           per year that are manufactured or imported by  
23           a low-volume manufacturer; and

24           “(B) except as provided in paragraph (4)  
25           of this subsection, limit any such exemption to

1           the Federal Motor Vehicle Safety Standards ap-  
2           plicable to motor vehicles and not motor vehicle  
3           equipment.

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

13          “(3) PERMANENT LABEL REQUIREMENT.—

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

22                 “(B) WRITTEN NOTICE.—The Secretary  
23                 may require a low-volume manufacturer of a  
24                 motor vehicle exempted under paragraph (1) to  
25                 deliver written notice of the exemption to—

1 “(i) the dealer; and

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

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

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

19 “(5) LIMITATION AND PUBLIC NOTICE.—The  
20 Secretary shall have 90 days to review and approve  
21 or deny a registration submitted under paragraph  
22 (2). If the Secretary determines that any such reg-  
23 istration submitted is incomplete, the Secretary shall  
24 have an additional 30 days for review. Any registra-  
25 tion not approved or denied within 90 days after ini-

1        tial submission, or 120 days if the registration sub-  
2        mitted is incomplete, shall be deemed approved. The  
3        Secretary shall have the authority to revoke an exist-  
4        ing registration based on a failure to comply with re-  
5        quirements set forth in this subsection or a finding  
6        by the Secretary of a safety-related defect or unlaw-  
7        ful conduct under this chapter that poses a signifi-  
8        cant safety risk. The registrant shall be provided a  
9        reasonable opportunity to correct all deficiencies, if  
10       such are correctable based on the sole discretion of  
11       the Secretary. An exemption granted by the Sec-  
12       retary to a low-volume manufacturer under this sub-  
13       section may not be transferred to any other person,  
14       and shall expire at the end of the calendar year for  
15       which it was granted with respect to any volume au-  
16       thorized by the exemption that was not applied by  
17       the low-volume manufacturer to vehicles built during  
18       that calendar year. The Secretary shall maintain an  
19       up-to-date list of registrants and a list of the make  
20       and model of motor vehicles exempted under para-  
21       graph (1) on at least an annual basis and publish  
22       such list in the Federal Register or on a website op-  
23       erated by the Secretary.

24                    “(6) LIMITATION OF LIABILITY FOR ORIGINAL  
25       MANUFACTURERS, LICENSORS OR OWNERS OF PROD-

1 UCT CONFIGURATION, TRADE DRESS, OR DESIGN  
2 PATENTS.—The original manufacturer, its successor  
3 or assignee, or current owner, who grants a license  
4 or otherwise transfers rights to a low-volume manu-  
5 facturer shall incur no liability to any person or enti-  
6 ty under Federal or State statute, regulation, local  
7 ordinance, or under any Federal or State common  
8 law for such license or assignment to a low-volume  
9 manufacturer.

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

11 “(A) LOW-VOLUME MANUFACTURER.—The  
12 term ‘low-volume manufacturer’ means a motor  
13 vehicle manufacturer, other than a person who  
14 is registered as an importer under section  
15 30141 of this title, whose annual worldwide  
16 production, including by a parent or subsidiary  
17 of the manufacturer, if applicable, is not more  
18 than 5,000 motor vehicles.

19 “(B) REPLICA MOTOR VEHICLE.—The  
20 term ‘replica motor vehicle’ means a motor ve-  
21 hicle produced by a low-volume manufacturer  
22 and that—

23 “(i) is intended to resemble the body  
24 of another motor vehicle that was manu-  
25 factured not less than 25 years before the

1 manufacture of the replica motor vehicle;  
2 and

3 “(ii) is manufactured under a license  
4 for the product configuration, trade dress,  
5 trademark, or patent, for the motor vehicle  
6 that is intended to be replicated from the  
7 original manufacturer, its successors or as-  
8 signees, or current owner of such product  
9 configuration, trade dress, trademark, or  
10 patent rights.

11 “(8) CONSTRUCTION.—Except as provided in  
12 paragraphs (1) and (4), a registrant shall be consid-  
13 ered a motor vehicle manufacturer for purposes of  
14 parts A and C of subtitle VI of this title. Nothing  
15 shall be construed to exempt a registrant from com-  
16 plying with the requirements under sections 30116  
17 through 30120A of this title if the motor vehicle ex-  
18 cepted under paragraph (1) contains a defect related  
19 to motor vehicle safety.

20 “(9) STATE REGISTRATION.—Nothing in this  
21 subsection shall be construed to preempt, affect, or  
22 supersede any State titling or registration law or  
23 regulation for a replica motor vehicle, or exempt a  
24 person from complying with such law or regula-  
25 tion.”.

1 (b) VEHICLE EMISSION COMPLIANCE STANDARDS  
2 FOR LOW-VOLUME MOTOR VEHICLE MANUFACTURERS.—  
3 Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a))  
4 is amended by adding at the end the following new para-  
5 graph:

6 “(5)(A) A motor vehicle engine (including all  
7 engine emission controls) may be installed in an ex-  
8 empted specially produced motor vehicle if the motor  
9 vehicle engine is from a motor vehicle that is covered  
10 by a certificate of conformity issued by the Adminis-  
11 trator for the model year in which the exempted spe-  
12 cially produced motor vehicle is produced, or the  
13 motor vehicle engine is covered by an Executive  
14 order subject to regulations promulgated by the  
15 California Air Resources Board for the model year  
16 in which the exempted specially produced motor ve-  
17 hicle is produced, and—

18 “(i) the manufacturer of the engine  
19 supplies written instructions to the Admin-  
20 istrator and the manufacturer of the ex-  
21 empted specially produced motor vehicle  
22 explaining how to install the engine and  
23 maintain functionality of the engine’s emis-  
24 sion control system and the on-board diag-  
25 nostic system (commonly known as

1 ‘OBD’), except with respect to evaporative  
2 emissions;

3 “(ii) the manufacturer of the exempt-  
4 ed specially produced motor vehicle installs  
5 the engine in accordance with such instruc-  
6 tions and certifies such installation in ac-  
7 cordance with subparagraph (E);

8 “(iii) the installation instructions in-  
9 clude emission control warranty informa-  
10 tion from the engine manufacturer in com-  
11 pliance with section 207, including where  
12 warranty repairs can be made, emission  
13 control labels to be affixed to the vehicle,  
14 and the certificate of conformity number  
15 for the applicable vehicle in which the en-  
16 gine was originally intended or the applica-  
17 ble Executive order number for the engine;  
18 and

19 “(iv) the manufacturer of the exempt-  
20 ed specially produced motor vehicle does  
21 not produce more than 325 such vehicles  
22 in the calendar year in which the vehicle is  
23 produced.

24 “(B) A motor vehicle containing an engine  
25 compliant with the requirements of subpara-

1 graph (A) shall be treated as meeting the re-  
2 quirements of section 202 applicable to new ve-  
3 hicles produced or imported in the model year  
4 in which the exempted specially produced motor  
5 vehicle is produced or imported.

6 “(C) Engine installations that are not per-  
7 formed in accordance with installation instruc-  
8 tions provided by the manufacturer and alter-  
9 ations to the engine not in accordance with the  
10 installation instructions shall—

11 “(i) be treated as prohibited acts by  
12 the installer under section 203 and any ap-  
13 plicable regulations; and

14 “(ii) subject to civil penalties under  
15 section 205(a), civil actions under section  
16 205(b), and administrative assessment of  
17 penalties under section 205(c).

18 “(D) The manufacturer of an exempted  
19 specially produced motor vehicle that has an en-  
20 gine compliant with the requirements of sub-  
21 paragraph (A) shall provide to the purchaser of  
22 such vehicle all information received by the  
23 manufacturer from the engine manufacturer,  
24 including information regarding emissions war-  
25 ranties from the engine manufacturer and all

1 emissions-related recalls by the engine manufac-  
2 turer.

3 “(E) To qualify to install an engine under  
4 this paragraph, and sell, offer for sale, intro-  
5 duce into commerce, deliver for introduction  
6 into commerce or import an exempted specially  
7 produced motor vehicle, a manufacturer of ex-  
8 empted specially produced motor vehicles shall  
9 register with the Administrator at such time  
10 and in such manner as the Administrator deter-  
11 mines appropriate. The manufacturer shall sub-  
12 mit an annual report to the Administrator that  
13 includes—

14 “(i) a description of the exempted spe-  
15 cially produced motor vehicles and engines  
16 installed in such vehicles;

17 “(ii) the certificate of conformity  
18 number issued to the motor vehicle in  
19 which the engine was originally intended or  
20 the applicable Executive order number for  
21 the engine; and

22 “(iii) a certification that it produced  
23 all exempted specially produced motor ve-  
24 hicles according to the written instructions  
25 from the engine manufacturer, and other-

1 wise that the engine conforms in all mate-  
2 rial respects to the description in the appli-  
3 cation for the applicable certificate of con-  
4 formity or Executive order.

5 “(F) Exempted specially produced motor  
6 vehicles compliant with this paragraph shall be  
7 exempted from—

8 “(i) motor vehicle certification testing  
9 under this section; and

10 “(ii) vehicle emission control inspec-  
11 tion and maintenance programs required  
12 under section 110.

13 “(G)(i) Except as provided in subpara-  
14 graphs (A) through (F), a person engaged in  
15 the manufacturing or assembling of exempted  
16 specially produced motor vehicles shall be con-  
17 sidered a manufacturer for purposes of this  
18 Act.

19 “(ii) Nothing in this paragraph shall be  
20 construed to exempt any person from the prohi-  
21 bitions in section 203(a)(3) or the requirements  
22 in sections 208, 206(c), or 202(m)(5).

23 “(H) In this paragraph:

24 “(i) The term ‘exempted specially pro-  
25 duced motor vehicle’ means a light-duty ve-

1            hicle or light-duty truck produced by a  
2            low-volume manufacturer and that—

3                    “(I) is intended to resemble the  
4                    body of another motor vehicle that  
5                    was manufactured not less than 25  
6                    years before the manufacture of the  
7                    exempted specially produced motor ve-  
8                    hicle; and

9                    “(II) is manufactured under a li-  
10                    cense for the product configuration,  
11                    trade dress, trademark, or patent, for  
12                    the motor vehicle that is intended to  
13                    be replicated from the original manu-  
14                    facturer, its successors or assignees,  
15                    or current owner of such product con-  
16                    figuration, trade dress, trademark, or  
17                    patent rights.

18                    “(ii) The term ‘low-volume manufac-  
19                    turer’ means a motor vehicle manufac-  
20                    turer, other than a person who is reg-  
21                    istered as an importer under section 30141  
22                    of title 49, United States Code, whose an-  
23                    nual worldwide production, including by a  
24                    parent or subsidiary of the manufacturer,

1 if applicable, is not more than 5,000 motor  
2 vehicles.”.

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

9 **SEC. 24406. MOTOR VEHICLE SAFETY GUIDELINES.**

10 Section 30111 of title 49, United States Code, is  
11 amended by adding at the end the following new sub-  
12 section:

13 “(f) MOTOR VEHICLE SAFETY GUIDELINES.—

14 “(1) IN GENERAL.—No guidelines issued by the  
15 Secretary with respect to motor vehicle safety shall  
16 confer any rights on any person, State, or locality,  
17 nor shall operate to bind the Secretary or any per-  
18 son to the approach recommended in such guide-  
19 lines. In any enforcement action with respect to  
20 motor vehicle safety, the Secretary shall allege a vio-  
21 lation of a provision of this subtitle, a motor vehicle  
22 safety standard issued under this subtitle, or an-  
23 other relevant statute or regulation. The Secretary  
24 may not base an enforcement action on, or execute  
25 a consent order based on, practices that are alleged