

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