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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To ensure that lifesaving motor vehicle safety features are offered independently of convenience and luxury features, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE introduced the following bill; which was referred to the Committee on _____

A BILL

To ensure that lifesaving motor vehicle safety features are offered independently of convenience and luxury features, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safety is Not For Sale
5 Act”.

6 **SEC. 2. SAFETY IS NOT FOR SALE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, a person offering for sale

1 or lease an optional safety feature to a first purchaser
2 must offer such optional safety feature for sale or lease—
3 (1) separately from any non-safety features; or
4 (2) as standard trim equipment.

5 (b) DISCLOSURE.—Any person offering for sale or
6 lease an optional safety feature as described in subsection
7 (a)(1) shall clearly and conspicuously disclose the cost of
8 such feature separately from any non-safety feature.

9 (c) FEDERAL TRADE COMMISSION.—A violation of
10 this Act, or any rule prescribed pursuant to this Act, is
11 enforceable as a violation of a rule defining an unfair or
12 deceptive act or practice prescribed under section
13 18(a)(1)(B) of the Federal Trade Commission Act (15
14 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission
15 shall enforce this Act in the same manner, by the same
16 means, and with the same jurisdiction as though all appli-
17 cable terms and provisions of the Federal Trade Commis-
18 sion Act were incorporated into and made a part of this
19 Act. Nothing in this Act shall be construed to limit the
20 authority of the Federal Trade Commission under any
21 other law.

22 (d) STATE ATTORNEYS GENERAL.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (6), in any case in which the attorney general
25 of a State has reason to believe that an interest of

1 the residents of that State has been or is threatened
2 or adversely affected by the engagement of any per-
3 son in a practice that violates a rule prescribed pur-
4 suant to this Act, the State, as parens patriae, may
5 bring a civil action on behalf of the residents of the
6 State in an appropriate district court of the United
7 States or other court of competent jurisdiction to—
8 (A) enjoin that practice;
9 (B) enforce compliance with the rule;
10 (C) obtain civil penalties;
11 (D) obtain damages, restitution, or other
12 compensation on behalf of residents of the
13 State; and
14 (E) obtain such other relief as the court
15 may consider to be appropriate.

16 (2) NOTICE.—The State shall serve written no-
17 tice to the Commission of any civil action under
18 paragraph (1) at least 60 days prior to initiating
19 such civil action. The notice shall include a copy of
20 the complaint to be filed to initiate such civil action,
21 except that if it is not feasible for the State to pro-
22 vide such prior notice, the State shall provide notice
23 immediately upon instituting such civil action.

24 (3) INTERVENTION BY FTC.—Upon receiving
25 the notice required by paragraph (2), the Commis-

1 sion may intervene in such civil action and upon in-
2 tervening—

3 (A) be heard on all matters arising in such
4 civil action;

5 (B) remove the action to the appropriate
6 United States district court; and

7 (C) file petitions for appeal of a decision in
8 such civil action.

9 (4) SAVINGS CLAUSE.—Nothing in this sub-
10 section shall prevent the attorney general of a State
11 from exercising the powers conferred on the attorney
12 general by the laws of such State to conduct inves-
13 tigations or to administer oaths or affirmations or to
14 compel the attendance of witnesses or the production
15 of documentary and other evidence. Nothing in this
16 section shall prohibit the attorney general of a State,
17 or other authorized State officer, from proceeding in
18 State or Federal court on the basis of an alleged vio-
19 lation of any civil or criminal statute of that State.

20 (5) VENUE; SERVICE OF PROCESS; JOINDER.—
21 In a civil action brought under paragraph (1)—

22 (A) the venue shall be a judicial district in
23 which the defendant or a related party is found,
24 is an inhabitant, or transacts business, or wher-

1 ever venue is proper under section 1391 of title
2 28, United States Code;

3 (B) process may be served without regard
4 to the territorial limits of the district or of the
5 State in which the civil action is instituted; and

6 (C) a person who participated with a de-
7 fendant or related party in an alleged violation
8 that is being litigated in the civil action may be
9 joined in the civil action without regard to the
10 residence of the person.

11 (6) PREEMPTIVE ACTION BY FTC.—Whenever a
12 civil action or an administrative action has been in-
13 stituted by or on behalf of the Commission for vi-
14 olation of any rule described under paragraph (1), no
15 State may, during the pendency of such action insti-
16 tuted by or on behalf of the Commission, institute
17 a civil action under paragraph (1) against any de-
18 fendant named in the complaint in such action for
19 violation of any rule as alleged in such complaint.

20 (7) AWARD OF COSTS AND FEES.—If a State
21 prevails in any civil action under paragraph (1), the
22 State can recover reasonable costs and attorney fees.

23 (e) DEFINITIONS.—In this section:

24 (1) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

10 (A) of the same type and make; and
11 (B) that share a high degree of com-
12 monality in design and construction.

15 (A) of the same type, make, and motor ve-
16 hicle model, but not identical to the motor vehi-
17 cle model; and

18 (B) that share a high degree of com-
19 monality in design and construction.

4 (A) is not standard model equipment; and

5 (B) either—

6 (i) performs the lateral or longitudinal
7 (but not both simultaneously) vehicle mo-
8 tion control subtasks of the dynamic driv-
9 ing task with the expectation that the driv-
10 er monitors the system to execute a re-
11 sponse to an object or event when nec-
12 essary;

13 (ii) alerts the driver—

14 (I) if there is an unreasonable
15 risk of a collision;

16 (II) to maintain the lane of trav-
17 el; or

18 (III) if the driver is operating the
19 motor vehicle in a way that indicates
20 the driver may be distracted, dis-
21 engaged, fatigued, intoxicated, or oth-
22 erwise impaired;

23 (iii) improves illumination of the road-
24 way;

1 (iv) enhances the view of the driver of
2 the roadway;

3 (v) alerts emergency services after a
4 crash of the motor vehicle is detected; or

5 (vi) any other feature determined appropriate by the Commission, in consulta-
6 tion with the Secretary of Transportation.
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