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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.

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**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 viola-  
14          tion 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.

1           (2)   FIRST   PURCHASER;   MANUFACTURER;  
2   MOTOR VEHICLE; MOTOR VEHICLE EQUIPMENT.—  
3   The terms “first purchaser”, “manufacturer”,  
4   “motor vehicle”, and “motor vehicle equipment”  
5   have the meanings given to such terms in section  
6   30102 of title 49, United States Code.

7           (3)   MOTOR VEHICLE MODEL.—The term  
8   “motor vehicle model” means a class of motor vehi-  
9   cles—

10           (A) of the same type and make; and

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

13           (4) MOTOR VEHICLE TRIM.—The term “motor  
14   vehicle trim” means a class of motor vehicles—

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.

20           (5) NON-SAFETY FEATURE.—The term “non-  
21   safety feature” means optional motor vehicle equip-  
22   ment that is not standard model equipment or an  
23   optional safety feature.

1           (6) OPTIONAL SAFETY FEATURE.—The term  
2       “optional safety feature” means motor vehicle equip-  
3       ment that—

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 ap-  
6 propriate by the Commission, in consulta-  
7 tion with the Secretary of Transportation.

8 (7) STANDARD MODEL EQUIPMENT.—The term  
9 “standard model equipment” means motor vehicle  
10 equipment installed in each motor vehicle within a  
11 motor vehicle model, regardless of the motor vehicle  
12 trim.

13 (8) STANDARD TRIM EQUIPMENT.—The term  
14 “standard trim equipment” means motor vehicle  
15 equipment installed in each motor vehicle of a motor  
16 vehicle trim.