

115TH CONGRESS
1ST SESSION

S. 1634

To require auto dealers to fix outstanding safety recalls before selling or leasing a used passenger motor vehicle.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2017

Mr. BLUMENTHAL (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require auto dealers to fix outstanding safety recalls before selling or leasing a used passenger motor vehicle.

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 “Used Car Safety Recall
5 Repair Act”.

6 **SEC. 2. USED PASSENGER MOTOR VEHICLE CONSUMER**
7 **PROTECTION.**

8 Section 30120 of title 49, United States Code, is
9 amended by adding at the end the following:

1 “(k) LIMITATION ON SALE OR LEASE OF USED PAS-
 2 SENGER MOTOR VEHICLES.—(1) Except as provided
 3 under paragraphs (2) and (4), a dealer may not sell or
 4 lease a used passenger motor vehicle until after any defect
 5 or noncompliance determined under section 30118 with re-
 6 spect to the vehicle has been remedied.

7 “(2) Paragraph (1) shall not apply if—

8 “(A) the recall information regarding the used
 9 passenger motor vehicle—

10 “(i) was not available at the time of sale
 11 or lease using the means established by the Sec-
 12 retary under section 31301 of the Moving
 13 Ahead for Progress in the 21st Century Act (49
 14 U.S.C. 30166 note); and

15 “(ii) was not available on the manufactur-
 16 er’s website; or

17 “(B) notification of the defect or noncompliance
 18 is required under section 30118(b), but enforcement
 19 of the order is set aside in a civil action to which
 20 section 30121(d) applies.

21 “(3) Notwithstanding section 30102(a)(1), in this
 22 subsection—

23 “(A) the term ‘dealer’ means a person that has
 24 sold at least 10 motor vehicles to one or more con-
 25 sumers during the most recent 12-month period; and

1 “(B) the term ‘used passenger motor vehicle’
2 means a motor vehicle that has previously been pur-
3 chased other than for resale.

4 “(4) By rule, the Secretary may exempt the auc-
5 tioning of a used passenger motor vehicle to dealers from
6 the requirements under paragraph (1) if such exemption
7 does not harm public safety.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 This Act shall take effect on that date that is 18
10 months after the date of the enactment of this Act.

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