

(2) prohibit under the antitrust laws conduct that is lawful under those laws.

(d) WARRANTY OBLIGATIONS AND ADDITIONAL LEGAL RIGHTS AND REMEDIES.—Sections 30117(b), 30118–30121, 30166(f), and 30167(a) and (b) of this title do not establish or affect a warranty obligation under a law of the United States or a State. A remedy under those sections and sections 30161 and 30162 of this title is in addition to other rights and remedies under other laws of the United States or a State.

(e) COMMON LAW LIABILITY.—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 943; Pub. L. 104–88, title III, §308(j), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 30103(a), 30103(b), 30103(c), 30103(d), and 30103(e).

In subsection (a), the words ‘‘or the Transportation of Explosives Act, as amended (18 U.S.C. 831–835)’’ are omitted as obsolete because 18:831–835 have been repealed. The word ‘‘prescribe’’ is substituted for ‘‘adopt’’ for consistency. The words ‘‘or continue in effect’’ and ‘‘In prescribing safety regulations’’ are omitted as surplus. The word ‘‘prescribed’’ is substituted for ‘‘issued’’ for consistency. The words ‘‘to comply’’ and ‘‘Federal’’ are omitted as surplus. The words ‘‘in effect’’ are added for clarity.

In subsection (b)(1), the word ‘‘Federal’’ is omitted as surplus. The word ‘‘prescribe’’ is substituted for ‘‘either to establish, or to continue in effect’’ for consistency and to eliminate unnecessary words. The words ‘‘standard prescribed under this chapter’’ are substituted for ‘‘Federal standard’’ for clarity. The words ‘‘However, the United States . . . may prescribe’’ are substituted for ‘‘Nothing in this section shall be construed to prevent the Federal . . . from establishing’’ for consistency. The words ‘‘of a State’’ are substituted for ‘‘thereof’’ for clarity. The word ‘‘standard’’ is substituted for ‘‘safety requirement’’ for consistency. The words ‘‘performance requirement’’ are substituted for ‘‘standard of performance’’ to avoid using ‘‘standard’’ in 2 different ways.

Subsection (b)(2) is substituted for 15:1392(d) (2d sentence) for consistency and to eliminate unnecessary words.

In subsection (c), the words ‘‘be deemed to’’ and ‘‘of the United States’’ are omitted as surplus.

In subsection (d), the words ‘‘United States’’ are substituted for ‘‘Federal’’ in 15:1420 for consistency. The words ‘‘Consumer’’ in 15:1420, ‘‘not in lieu of’’ in 15:1410a(e) and 1420, and ‘‘not in substitution for’’ in 15:1394(a)(6) are omitted as surplus. The word ‘‘other’’ is added for clarity.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–88 substituted ‘‘subchapter I of chapter 135’’ for ‘‘subchapter II of chapter 105’’ in two places.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of this title.

§ 30104. Authorization of appropriations

There is authorized to be appropriated to the Secretary \$98,313,500 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 944; Pub. L. 105–178, title VII, §7102(a), June 9, 1998, 112 Stat. 465; Pub. L. 106–39, §1(a), July 28, 1999, 113 Stat. 206.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 30104.

In this section, before clause (1), the words ‘‘to the Secretary of Transportation for the National Highway Traffic Safety Administration’’ are substituted for ‘‘For the National Highway Traffic Safety Administration’’ for clarity and consistency in the revised title and with other titles of the United States Code. The reference to fiscal year 1992 is omitted as obsolete.

AMENDMENTS

1999—Pub. L. 106–39 substituted ‘‘\$98,313,500’’ for ‘‘\$81,200,000’’.

1998—Pub. L. 105–178 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ‘‘The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this chapter:

- (1) \$71,333,436 for the fiscal year ending September 30, 1993.
(2) \$74,044,106 for the fiscal year ending September 30, 1994.
(3) \$76,857,782 for the fiscal year ending September 30, 1995.’’

§ 30105. Restriction on lobbying activities

(a) IN GENERAL.—No funds appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.

(Added and amended Pub. L. 105–178, title VII, §7104(a), (c), June 9, 1998, 112 Stat. 466; Pub. L. 105–206, title IX, §9012(a), July 22, 1998, 112 Stat. 864.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, §7104(c), as added by Pub. L. 105–206, inserted ‘‘for the National Highway Traffic Safety Administration’’ after ‘‘Secretary’’.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

§ 30106. Rented or leased motor vehicle safety and responsibility

(a) IN GENERAL.—An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if—

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

(c) APPLICABILITY AND EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AFFILIATE.—The term “affiliate” means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term “control” means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(2) OWNER.—The term “owner” means a person who is—

(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

(3) PERSON.—The term “person” means any individual, corporation, company, limited li-

ability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

(Added Pub. L. 109-59, title X, §10208(a), Aug. 10, 2005, 119 Stat. 1935.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

SUBCHAPTER II—STANDARDS AND COMPLIANCE

§ 30111. Standards

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall prescribe motor vehicle safety standards. Each standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a motor vehicle safety standard under this chapter, the Secretary shall—

(1) consider relevant available motor vehicle safety information;

(2) consult with the agency established under the Act of August 20, 1958 (Public Law 85-684, 72 Stat. 635), and other appropriate State or interstate authorities (including legislative committees);

(3) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which the standard will carry out section 30101 of this title.

(c) COOPERATION.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing motor vehicle safety standards.

(d) EFFECTIVE DATES OF STANDARDS.—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

(e) 5-YEAR PLAN FOR TESTING STANDARDS.—The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing motor vehicle safety standards prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 30101 of this title and the Secretary’s other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.