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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To require the seller of a used motor vehicle sold through an auction, dealership, individual sale, or other resale channel to maintain a functional airbag system for the vehicle or clearly disclose when any airbag system is missing or disabled, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the seller of a used motor vehicle sold through an auction, dealership, individual sale, or other resale channel to maintain a functional airbag system for the vehicle or clearly disclose when any airbag system is missing or disabled, 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 “Anthony Amoros Law
5 Right to Know Act”.

1 **SEC. 2. AIRBAG RESALE REQUIREMENTS FOR RESALE OF**
2 **MOTOR VEHICLES.**

3 (a) REQUIREMENTS.—A covered motor vehicle may
4 not be sold through an auction, dealership, individual, or
5 other resale channel unless the following requirements are
6 met:

7 (1) There is a functional airbag system for the
8 vehicle or the seller clearly discloses that the airbag
9 system is missing or disabled.

10 (2) The disclosure described in paragraph (1) is
11 a written statement in at least ten-point bold face
12 type that appears on the front of a sales contract,
13 receipt, invoice, or other sale document and any
14 physical disclosure is a conspicuous sign affixed to
15 the windshield of the vehicle.

16 (3) The seller discloses if the vehicle does not
17 have an inflatable restraint system or contains a
18 non-functioning inflatable restraint system.

19 (b) ENFORCEMENT BY FEDERAL TRADE COMMIS-
20 SION.—

21 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
22 TICES.—A violation of subsection (a) or a regulation
23 promulgated under such subsection shall be treated
24 as a violation of a regulation under section
25 18(a)(1)(B) of the Federal Trade Commission Act

1 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
2 tive acts or practices.

3 (2) POWERS OF COMMISSION.—The Commis-
4 sion shall enforce subsection (a) and any regulation
5 promulgated under such subsection in the same
6 manner, by the same means, and with the same ju-
7 risdiction, powers, and duties as though all applica-
8 ble terms and provisions of the Federal Trade Com-
9 mission Act (15 U.S.C. 41 et seq.) were incor-
10 porated into and made a part of this section. Any
11 person who violates such subsection or a regulation
12 promulgated under such subsection shall be subject
13 to the penalties and entitled to the privileges and
14 immunities provided in the Federal Trade Commis-
15 sion Act.

16 (c) ACTIONS BY STATES.—

17 (1) IN GENERAL.—In any case in which the at-
18 torney general of a State, or an official or agency of
19 a State, has reason to believe that an interest of the
20 residents of such State has been or is threatened or
21 adversely affected by an act or practice in violation
22 of subsection (a) or a regulation promulgated under
23 such subsection, the State, as *parens patriae*, may
24 bring a civil action on behalf of the residents of the

1 State in an appropriate State court or an appro-
2 priate district court of the United States to—

3 (A) enjoin such act or practice;

4 (B) enforce compliance with such sub-
5 section or such regulation;

6 (C) obtain damages, restitution, or other
7 compensation on behalf of residents of the
8 State; or

9 (D) obtain such other legal and equitable
10 relief as the court may consider to be appro-
11 priate.

12 (2) NOTICE.—Before filing an action under this
13 subsection, the attorney general, official, or agency
14 of the State involved shall provide to the Commis-
15 sion a written notice of such action and a copy of
16 the complaint for such action. If the attorney gen-
17 eral, official, or agency determines that it is not fea-
18 sible to provide the notice described in this para-
19 graph before the filing of the action, the attorney
20 general, official, or agency shall provide written no-
21 tice of the action and a copy of the complaint to the
22 Commission immediately upon the filing of the ac-
23 tion.

24 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
25 SION.—

1 (A) IN GENERAL.—On receiving notice
2 under paragraph (2) of an action under this
3 subsection, the Commission shall have the
4 right—

5 (i) to intervene in the action;

6 (ii) upon so intervening, to be heard
7 on all matters arising therein; and

8 (iii) to file petitions for appeal.

9 (B) LIMITATION ON STATE ACTION WHILE
10 FEDERAL ACTION IS PENDING.—If the Commis-
11 sion or the Attorney General of the United
12 States has instituted a civil action for violation
13 of subsection (a) or a regulation promulgated
14 under such subsection (referred to in this sub-
15 paragraph as the “Federal action”), no State
16 attorney general, official, or agency may bring
17 an action under this subsection during the
18 pendency of the Federal action against any de-
19 fendant named in the complaint in the Federal
20 action for any violation of such subsection or
21 regulation alleged in such complaint.

22 (4) RULE OF CONSTRUCTION.—For purposes of
23 bringing a civil action under this subsection, nothing
24 in this Act shall be construed to prevent an attorney
25 general, official, or agency of a State from exercising

1 the powers conferred on the attorney general, offi-
2 cial, or agency by the laws of such State to conduct
3 investigations, administer oaths and affirmations, or
4 compel the attendance of witnesses or the production
5 of documentary and other evidence.

6 (d) ADDITIONAL PENALTY FOR DEATH OR PARAL-
7 YSIS.—In addition to any penalty awarded by the court
8 under subsection (a) or (b), the court may award an addi-
9 tional amount of up to \$25,000 for an action that involves
10 death or paralysis.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as prohibiting, limiting, reducing,
13 or otherwise affecting an action for personal injury or
14 wrongful death.

15 (f) DEFINITION.—In this section:

16 (1) COMMISSION.—The term “Commission”
17 means the Federal Trade Commission.

18 (2) COVERED MOTOR VEHICLE.—The term
19 “covered motor vehicle” means a motor vehicle man-
20 ufactured on or after September 1, 1997.

21 (3) MOTOR VEHICLE.—The term “motor vehi-
22 cle” has the meaning given that term in section
23 30102(a) of title 49, United States Code.

1 **SEC. 3. CRIMINAL PENALTY.**

2 (a) IN GENERAL.—Chapter 65 of title 18, United
3 States Code, is amended by inserting after section 1365
4 the following:

5 **“§ 1365A. Resale of unsafe motor vehicles**

6 “(a) OFFENSE.—Whoever knowingly sells, through
7 an auction, dealership, individual, or other resale channel,
8 a covered motor vehicle having a covered deficiency with-
9 out disclosing such deficiency in a written statement or
10 physical disclosure, shall—

11 “(1) in the case of an attempt, be fined under
12 this title, imprisoned not more than 10 years, or
13 both;

14 “(2) if death of an individual results, be fined
15 under this title, imprisoned for any term of years or
16 for life, or both;

17 “(3) if serious bodily injury, including paralysis,
18 to any individual results, be fined under this title or
19 imprisoned not more than 20 years, or both; and

20 “(4) in any other case, be fined under this title
21 or imprisoned not more than ten years, or both.

22 “(b) DEFINITION.—In this section:

23 “(1) COVERED DEFICIENCY.—The term ‘cov-
24 ered deficiency’ means, with respect to a covered ve-
25 hicle, that the vehicle—

1 “(A) does not have a functional airbag sys-
2 tem; and

3 “(B) does not have an inflatable restraint
4 system or contains a non-functioning inflatable
5 restraint system.

6 “(2) COVERED MOTOR VEHICLE.—The term
7 ‘covered motor vehicle’ means a motor vehicle manu-
8 factured on or after September 1, 1997.

9 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
10 cle’ has the meaning given that term in section
11 30102(a) of title 49.

12 “(4) PHYSICAL DISCLOSURE.—The term ‘phys-
13 ical disclosure’ means a conspicuous sign affixed to
14 the windshield of a vehicle.

15 “(5) WRITTEN STATEMENT.—The term ‘written
16 statement’ means a statement in at least ten-point
17 bold face type that appears on the front of a sales
18 contract, receipt, invoice, or other sale document.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 for chapter 65 of title 18, United States Code, is amended
21 by inserting after the item related to section 1365 the fol-
22 lowing:

 “1365A. Resale of unsafe motor vehicles.”.