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

IN THE SENATE OF THE UNITED STATES
JUNE 25, 2019

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, leasing, or loaning a used motor vehicle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Used Car Safety Recall Repair Act”.

SEC. 2. USED MOTOR VEHICLE CONSUMER PROTECTION.
Section 30120 of title 49, United States Code, is amended by adding at the end the following:
“(k) LIMITATION ON THE SALE, LEASE, OR LOAN OF USED MOTOR VEHICLES.—
“(1) DEFINITIONS.—In this subsection:

“(A) DEALER.—Notwithstanding section 30102(a)(2), the term ‘dealer’ means a person that has sold not less than 10 motor vehicles to 1 or more consumers during the most recent 12-month period.

“(B) USED MOTOR VEHICLE.—The term ‘used motor vehicle’ means a motor vehicle that has previously been purchased other than for resale.

“(2) LIMITATION.—Except as provided under paragraphs (3) and (4), a dealer may not sell, lease, or loan a used motor vehicle until after any defect or noncompliance determined under section 30118 with respect to the vehicle has been remedied.

“(3) EXCEPTION.—Paragraph (2) shall not apply if—

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

“(i) was not available at the time of sale or lease using the means established by the Secretary under section 31301 of the Moving Ahead for Progress in the 21st Century Act (49 U.S.C. 30166 note; Public Law 112–141); and

...
“(ii) was not available on the website of the manufacturer; or

“(B) notification of the defect or non-compliance is required by an order issued by the Secretary under section 30118(b)(2), but enforcement of the order is set aside in a civil action to which section 30121(d) applies.

“(4) RULEMAKING.—The Secretary, by rule, may exempt from paragraph (2) the auctioning of a used motor vehicle to dealers if the exemption does not harm public safety.”.

SEC. 3. EFFECTIVE DATE.

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

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