“(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

“(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title.”.

SEC. 24405. TREATMENT OF LOW-VOLUME MANUFACTURERS.

(a) Exemption from Vehicle Safety Standards for Low-volume Manufacturers.—Section 30114 of title 49, United States Code, is amended—

(1) by striking “The” and inserting “(a) Vehicles Used for Particular Purposes. The”; and

(2) by adding at the end the following new subsection:

“(b) Exemption for Low-volume Manufacturers.—

“(1) In general.—The Secretary shall—

“(A) exempt from section 30112(a) of this title not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer; and

“(B) except as provided in paragraph (4) of this subsection, limit any such exemption to
the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment.

“(2) REGISTRATION REQUIREMENT.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that ensure that no person may register as a low-volume manufacturer if the person is registered as an importer under section 30141 of this title.

“(3) PERMANENT LABEL REQUIREMENT.—

“(A) IN GENERAL.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the specified standards and regulations for which such vehicle is exempt from section 30112(a), states that the vehicle is a replica, and designates the model year such vehicle replicates.

“(B) WRITTEN NOTICE.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—
“(i) the dealer; and
“(ii) the first purchaser of the motor
vehicle, if the first purchaser is not an in-
dividual that purchases the motor vehicle
for resale.

“(C) REPORTING REQUIREMENT.—A low-
volume manufacturer shall annually submit a
report to the Secretary including the number
and description of the motor vehicles exempted
under paragraph (1) and a list of the exemp-
tions described on the label affixed under sub-
paragraph (A).

“(4) EFFECT ON OTHER PROVISIONS.—Any
motor vehicle exempted under this subsection shall
also be exempted from sections 32304, 32502, and
32902 of this title and from section 3 of the Auto-
mobile Information Disclosure Act (15 U.S.C.
1232).

“(5) LIMITATION AND PUBLIC NOTICE.—The
Secretary shall have 90 days to review and approve
or deny a registration submitted under paragraph
(2). If the Secretary determines that any such reg-
istration submitted is incomplete, the Secretary shall
have an additional 30 days for review. Any registra-
tion not approved or denied within 90 days after ini-
tial submission, or 120 days if the registration submitted is incomplete, shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection or a finding by the Secretary of a safety-related defect or unlawful conduct under this chapter that poses a significant safety risk. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufacturer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the low-volume manufacturer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of registrants and a list of the make and model of motor vehicles exempted under paragraph (1) on at least an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

"(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PROD-
UCT CONFIGURATION, TRADE DRESS, OR DESIGN
PATENTS.—The original manufacturer, its successor
or assignee, or current owner, who grants a license
or otherwise transfers rights to a low-volume manu-
ufacturer shall incur no liability to any person or enti-
ty under Federal or State statute, regulation, local
ordinance, or under any Federal or State common
law for such license or assignment to a low-volume
manufacturer.

"(7) DEFINITIONS.—In this subsection:

"(A) LOW-VOLUME MANUFACTURER.—The
term ‘low-volume manufacturer’ means a motor
vehicle manufacturer, other than a person who
is registered as an importer under section
30141 of this title, whose annual worldwide
production, including by a parent or subsidiary
of the manufacturer, if applicable, is not more
than 5,000 motor vehicles.

"(B) REPLICa MOTOR VEHICLE.—The
term ‘replica motor vehicle’ means a motor ve-
hicle produced by a low-volume manufacturer
and that—

"(i) is intended to resemble the body
of another motor vehicle that was manu-
factured not less than 25 years before the
manufacture of the replica motor vehicle;
and
“(ii) is manufactured under a license
for the product configuration, trade dress,
trademark, or patent, for the motor vehicle
that is intended to be replicated from the
original manufacturer, its successors or as-
signees, or current owner of such product
configuration, trade dress, trademark, or
patent rights.
“(8) CONSTRUCTION.—Except as provided in
paragraphs (1) and (4), a registrant shall be consid-
ered a motor vehicle manufacturer for purposes of
parts A and C of subtitle VI of this title. Nothing
shall be construed to exempt a registrant from com-
plying with the requirements under sections 30116
through 30120A of this title if the motor vehicle ex-
cepted under paragraph (1) contains a defect related
to motor vehicle safety.
“(9) STATE REGISTRATION.—Nothing in this
subsection shall be construed to preempt, affect, or
supersede any State titling or registration law or
regulation for a replica motor vehicle, or exempt a
person from complying with such law or regula-

tion.”.
(b) Vehicle Emission Compliance Standards for Low-Volume Motor Vehicle Manufacturers.—
Section 206(a) of the Clean Air Act (42 U.S.C. 7525(a)) is amended by adding at the end the following new paragraph:

“(5)(A) A motor vehicle engine (including all engine emission controls) may be installed in an exempted specially produced motor vehicle if the motor vehicle engine is from a motor vehicle that is covered by a certificate of conformity issued by the Administrator for the model year in which the exempted specially produced motor vehicle is produced, or the motor vehicle engine is covered by an Executive order subject to regulations promulgated by the California Air Resources Board for the model year in which the exempted specially produced motor vehicle is produced, and—

“(i) the manufacturer of the engine supplies written instructions to the Administrator and the manufacturer of the exempted specially produced motor vehicle explaining how to install the engine and maintain functionality of the engine’s emission control system and the on-board diagnostic system (commonly known as
‘OBD’), except with respect to evaporative emissions;

“(ii) the manufacturer of the exempted specially produced motor vehicle installs the engine in accordance with such instructions and certifies such installation in accordance with subparagraph (E);

“(iii) the installation instructions include emission control warranty information from the engine manufacturer in compliance with section 207, including where warranty repairs can be made, emission control labels to be affixed to the vehicle, and the certificate of conformity number for the applicable vehicle in which the engine was originally intended or the applicable Executive order number for the engine; and

“(iv) the manufacturer of the exempted specially produced motor vehicle does not produce more than 325 such vehicles in the calendar year in which the vehicle is produced.

“(B) A motor vehicle containing an engine compliant with the requirements of subpara-
graph (A) shall be treated as meeting the requirements of section 202 applicable to new vehicles produced or imported in the model year in which the exempted specially produced motor vehicle is produced or imported.

“(C) Engine installations that are not performed in accordance with installation instructions provided by the manufacturer and alterations to the engine not in accordance with the installation instructions shall—

“(i) be treated as prohibited acts by the installer under section 203 and any applicable regulations; and

“(ii) subject to civil penalties under section 205(a), civil actions under section 205(b), and administrative assessment of penalties under section 205(c).

“(D) The manufacturer of an exempted specially produced motor vehicle that has an engine compliant with the requirements of sub-paragraph (A) shall provide to the purchaser of such vehicle all information received by the manufacturer from the engine manufacturer, including information regarding emissions warranties from the engine manufacturer and all
emissions-related recalls by the engine manufac-
turer.

“(E) To qualify to install an engine under
this paragraph, and sell, offer for sale, intro-
duce into commerce, deliver for introduction
into commerce or import an exempted specially
produced motor vehicle, a manufacturer of ex-
empted specially produced motor vehicles shall
register with the Administrator at such time
and in such manner as the Administrator deter-
mines appropriate. The manufacturer shall sub-
mit an annual report to the Administrator that
includes—

“(i) a description of the exempted spe-
cially produced motor vehicles and engines
installed in such vehicles;

“(ii) the certificate of conformity
number issued to the motor vehicle in
which the engine was originally intended or
the applicable Executive order number for
the engine; and

“(iii) a certification that it produced
all exempted specially produced motor ve-
hicles according to the written instructions
from the engine manufacturer, and other-
wise that the engine conforms in all material respects to the description in the application for the applicable certificate of conformity or Executive order.

“(F) Exempted specially produced motor vehicles compliant with this paragraph shall be exempted from—

“(i) motor vehicle certification testing under this section; and

“(ii) vehicle emission control inspection and maintenance programs required under section 110.

“(G)(i) Except as provided in subparagraphs (A) through (F), a person engaged in the manufacturing or assembling of exempted specially produced motor vehicles shall be considered a manufacturer for purposes of this Act.

“(ii) Nothing in this paragraph shall be construed to exempt any person from the prohibitions in section 203(a)(3) or the requirements in sections 208, 206(e), or 202(m)(5).

“(H) In this paragraph:

“(i) The term ‘exempted specially produced motor vehicle’ means a light-duty ve-
hicle or light-duty truck produced by a low-volume manufacturer and that—

“(I) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the exempted specially produced motor vehicle; and

“(II) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

“(ii) The term ‘low-volume manufacturer’ means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of title 49, United States Code, whose annual worldwide production, including by a parent or subsidiary of the manufacturer,
if applicable, is not more than 5,000 motor
vehicles.”.

(c) IMPLEMENTATION.—Not later than 12 months
after the date of enactment of this Act, the Secretary of
Transportation and the Administrator of the Environ-
mental Protection Agency shall issue such regulations as
may be necessary to implement the amendments made by
subsections (a) and (b), respectively.

SEC. 24406. MOTOR VEHICLE SAFETY GUIDELINES.

Section 30111 of title 49, United States Code, is
amended by adding at the end the following new sub-
section:

“(f) MOTOR VEHICLE SAFETY GUIDELINES.—

“(1) IN GENERAL.—No guidelines issued by the
Secretary with respect to motor vehicle safety shall
confer any rights on any person, State, or locality,
nor shall operate to bind the Secretary or any per-
son to the approach recommended in such guide-
lines. In any enforcement action with respect to
motor vehicle safety, the Secretary shall allege a viola-
tion of a provision of this subtitle, a motor vehicle
safety standard issued under this subtitle, or an-
other relevant statute or regulation. The Secretary
may not base an enforcement action on, or execute
a consent order based on, practices that are alleged