

102^D CONGRESS
2^D SESSION

S. 2613

To prevent and deter auto theft.

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, MARCH 26), 1992

Mr. PRESSLER introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To prevent and deter auto theft.

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 “Anti-Car Theft Act
5 of 1992”.

1 **TITLE I—TOUGHER LAW EN-**
2 **FORCEMENT AGAINST AUTO**
3 **THEFT**

4 **Subtitle A—Enhanced Penalties for**
5 **Auto Theft**

6 **SEC. 101. FEDERAL PENALTIES FOR ROBBERIES OF AUTOS.**

7 (a) **IN GENERAL.**—Chapter 103 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 2119. Motor Vehicles**

11 “Whoever, by force and violence, or by intimidation,
12 takes a motor vehicle from the person or presence of an-
13 other, or attempts to do so, shall be fined under this title
14 or imprisoned not more than 20 years, or both.”.

15 (b) **CLERICAL AMENDMENT.**—The table of sections
16 at the beginning of chapter 103 of title 18, United States
17 Code, is amended by adding at the end the following new
18 item:

“2119. Motor Vehicles.”.

19 **SEC. 102. IMPORTATION AND EXPORTATION.**

20 Section 553(a) of title 18, United States Code, is
21 amended by striking “fined not more than \$15,000 or im-
22 prisoned not more than five years” and inserting “fined
23 under this title or imprisoned not more than 20 years”.

1 **SEC. 103. TRAFFICKING IN STOLEN VEHICLES.**

2 Each of sections 2312 and 2313(a) of title 18, United
3 States Code, are amended by striking “fined not more
4 than \$5,000 or imprisoned not more than five years” and
5 inserting “fined under this title or imprisoned not more
6 than 10 years”.

7 **SEC. 104. RICO PREDICATES.**

8 Section 1961(1)(B) of title 18, United States Code,
9 is amended by inserting “section 511 (relating to altering
10 or removing motor vehicle identification numbers), section
11 553 (relating to the export or import of stolen motor vehi-
12 cles)” after “473 (relating to counterfeiting)”.

13 **Subtitle B—Targeted Law**
14 **Enforcement**

15 **SEC. 111. GRANT AUTHORIZATION.**

16 The Director of the Bureau of Justice Assistance
17 shall make grants to Anti-Car Theft Committees submit-
18 ting applications in compliance with the requirements of
19 this subtitle.

20 **SEC. 112. APPLICATION.**

21 (a) **SUBMISSION.**—To be eligible to receive a grant
22 under this subtitle, a chief executive of an Anti-Car Theft
23 Committee shall submit an application to the Director.

24 (b) **CONTENT.**—Such application shall include the
25 following:

1 (1) A statement that the applicant Anti-Car
2 Theft Committee is either a State agency, an agency
3 of a unit of local government, or a nonprofit entity
4 organized pursuant to specific authorizing legislation
5 by a State or a unit of local government;

6 (2) A statement that the applicant Anti-Car
7 Theft Committee is or will be financed in part by a
8 tax or fee on motor vehicles registered by the State
9 or possessed within the State, and that such tax or
10 fee is not less than \$1 per vehicle.

11 (3) A statement that the resources of the appli-
12 cant Anti-Car Theft Committee will be devoted en-
13 tirely to combating motor vehicle theft, including
14 any or all of the following:

15 (A) Financing law enforcement officers or
16 investigators whose duties are entirely or pri-
17 marily related to investigating cases of motor
18 vehicle theft or of trafficking in stolen motor
19 vehicles or motor vehicle parts.

20 (B) Financing prosecutors whose duties
21 are entirely or primarily related to prosecuting
22 cases of motor vehicle theft or of trafficking in
23 stolen motor vehicles or motor vehicle parts.

24 (C) Motor vehicle theft prevention pro-
25 grams.

1 (4) A description of the budget for the appli-
2 cant Anti-Car Theft Committee for the fiscal year
3 for which a grant is sought.

4 **SEC. 113. AWARD OF GRANTS.**

5 (a) **IN GENERAL.**—The Director shall allocate to
6 each State a proportion of the total funds available under
7 this subtitle that is equal to the proportion of the number
8 of motor vehicles registered in such State to the total num-
9 ber of motor vehicles registered in the United States.

10 (b) **GRANT AMOUNTS.**—If one Anti-Car Theft Com-
11 mittee within a State submits an application in compliance
12 with section 112, the Director shall award to such Anti-
13 Car Theft Committee a grant equal to the total amount
14 of funds allocated to such State under this section. In no
15 case shall the Anti-Car Theft Committee receive a grant
16 that is more than 50 percent of the preaward budget for
17 such Anti-Car Theft Committee.

18 (c) **MULTIPLE COMMITTEES.**—If two or more Anti-
19 Car Theft Committees within a State submit applications
20 in compliance with section 112, the Director shall award
21 to such Anti-Car Theft Committees grants that in sum
22 are equal to the total amount of funds allocated to such
23 State under this section. In no case shall an Anti-Car
24 Theft Committee receive a grant that is more than 50 per-
25 cent of the preaward budget for such Anti-Car Theft Com-

1 “(1) The term ‘certificate of title’ means a doc-
2 ument issued by a State evidencing ownership of a
3 motor vehicle.

4 “(2) The term ‘insurance carrier’ means an in-
5 dividual, corporation, or other entity which is en-
6 gaged in the business of underwriting motor vehicle
7 theft insurance.

8 “(3) The term ‘junk vehicle’ means any vehicle
9 which is incapable of operation on roads or highways
10 and which has no value except as a source of parts
11 or scrap. The term ‘junk vehicle’ includes any vehi-
12 cle component part which bears a vehicle identifica-
13 tion number.

14 “(4) The term ‘junk yard’ means any individ-
15 ual, corporation, or other entity which is engaged in
16 the business of acquiring junk vehicles for resale, ei-
17 ther in their entirety or as spare parts, or for re-
18 building or restoration, or for crushing.

19 “(5) The term ‘operator’ means the person or
20 entity designated as the operator in any contract or
21 agreement executed pursuant to section 121(b)(2) or
22 if no such contract or agreement is executed, the At-
23 torney General.

1 “(6) The term ‘participating State’ means a
2 State which elects to participate in the information
3 system pursuant to section 122.

4 “(7) The term ‘salvage vehicle’ means any vehi-
5 cle which is damaged by collision, fire, flood, acci-
6 dent, trespass, or other occurrence to the extent that
7 the cost of repairing the vehicle for legal operation
8 on roads or highways exceeds the fair market value
9 of the vehicle immediately prior to the occurrence
10 causing its damage.

11 “(8) The term ‘salvage yard’ means any indi-
12 vidual, corporation, or other entity which is engaged
13 in the business of acquiring salvage vehicles for re-
14 sale, either in their entirety or as spare parts, or for
15 rebuilding or restoration, or for crushing.

16 **“§ 121. National motor vehicle information system**

17 (a) REGULATIONS AND REVIEW.—Not later than
18 March 1, 1993, the Attorney General, in cooperation with
19 the States shall—

20 “(1) conduct a review of information systems
21 pertaining to the titling of motor vehicles and uti-
22 lized by 1 or more States or by a third party which
23 represents the interests of States for the purpose of
24 determining whether any of such systems could be
25 used to carry out this section, and

1 “(2) promulgate regulations for the establish-
2 ment under subsection (b) of an information system
3 which will serve as a clearinghouse for information
4 pertaining to the titling of motor vehicles if the At-
5 torney General deems such regulations appropriate
6 or necessary to the establishment of such system.

7 “(b) INFORMATION SYSTEM.—

8 “(1) ESTABLISHMENT.—Not later than 6
9 months following the promulgation of regulations
10 under subsection (a)(2), and in no case later than
11 September 1, 1993, the Attorney General, in co-
12 operation with the States, shall establish an informa-
13 tion system which will serve as an information sys-
14 tem for information pertaining to the titling of
15 motor vehicles.

16 “(2) OPERATION.—The Attorney General may
17 authorize the operation of the information system
18 established under paragraph (1) through an agree-
19 ment with a State or States or by designating, after
20 consultation with the States, a third party which
21 represents the interests of the States to operate the
22 information system.

23 “(3) FEES.—Operation of the information sys-
24 tem shall be paid for by a system of user fees. The
25 amount of fees collected and retained by the opera-

1 tor pursuant to this paragraph in any fiscal year,
2 not including fees collected by the operator and
3 passed on to a State or other entity providing infor-
4 mation to the operator, shall not exceed the costs of
5 operating the information system in such fiscal year.

6 “(c) MINIMUM FUNCTIONAL CAPABILITIES.—The in-
7 formation system established under subsection (b)(1)
8 shall, at a minimum, enable a user of the system to
9 determine—

10 “(1) the validity and status of a document pur-
11 porting to be a certification of title,

12 “(2) whether a motor vehicle bearing a known
13 vehicle identification number is titled in a particular
14 State,

15 “(3) whether a motor vehicle known to be titled
16 in a particular State is a junk vehicle or a salvage
17 vehicle,

18 “(4) for a motor vehicle known to be titled in
19 a particular State, the odometer reading of such ve-
20 hicle on the date its certificate of title was issued,
21 and

22 “(5) whether a motor vehicle bearing a known
23 vehicle identification number has been reported as a
24 junk vehicle or a salvage vehicle pursuant to section
25 123.

1 “(d) AVAILABILITY OF INFORMATION.—

2 “(1) TO STATE.—Upon request of a participat-
3 ing State, the operator shall provide to such State
4 information available through the information sys-
5 tem pertaining to any motor vehicle.

6 “(2) TO LAW ENFORCEMENT.—Upon request of
7 a Federal, State, or local law enforcement official,
8 the operator shall provide to such official informa-
9 tion available through the information system per-
10 taining to a particular motor vehicle, salvage yard,
11 or junk yard.

12 “(3) TO PROSPECTIVE PURCHASERS.—Upon re-
13 quest of a prospective purchaser of a motor vehicle,
14 including an entity that is in the business of pur-
15 chasing used motor vehicles, the operator shall pro-
16 vide to such prospective purchaser information avail-
17 able through the information system pertaining to
18 such motor vehicle.

19 “(4) TO INSURANCE CARRIERS.—Upon request
20 of a prospective insurer of a motor vehicle, the oper-
21 ator shall provide to such prospective insurer infor-
22 mation available through the information system
23 pertaining to such motor vehicle.

24 “(5) PRIVACY.—Notwithstanding any provision
25 of paragraphs (1) through (4), the operator shall not

1 release an individual's address or social security
2 number to users of the information system.

3 “(e) FUNDING.—There are authorized to be appro-
4 priated \$2,000,000 for each of fiscal years 1992, 1993,
5 and 1994 to carry out this section.

6 **“§ 122. State participation in the national motor vehi-**
7 **cle information system**

8 “(a) ELECTION.—

9 “(1) STATE PARTICIPATION.—A State may, by
10 written notice to the operator, elect to participate in
11 the information system established pursuant to sec-
12 tion 121.

13 “(2) DENIAL OF ACCESS.—The Director of the
14 Federal Bureau of Investigation shall have the au-
15 thority to deny access to the National Crime Infor-
16 mation Center system to any State failing to partici-
17 pate in the information system pursuant to para-
18 graph (1).

19 “(b) TITLE VERIFICATION REQUIREMENTS.—Each
20 participating State must agree to perform an instant title
21 verification check before issuing a certificate of title to an
22 individual or entity claiming to have purchased a motor
23 vehicle from an individual or entity in another State. Such
24 instant title verification check shall consist of—

1 “(1) communicating to the operator the vehicle
2 identification number of the vehicle for which the
3 certificate of title is sought, the name of the State
4 which issued the most recent certificate of title per-
5 taining to the vehicle, and the name of the individual
6 or entity to whom such certificate was issued; and

7 “(2) affording the operator an opportunity to
8 communicate to the participating State the results of
9 a search of the information.

10 **“§ 123. Reporting**

11 “(a) OPERATORS OF JUNK OR SALVAGE YARD.—

12 “(1) MONTHLY REPORT.—Any person or entity
13 in the business of operating an automobile junk yard
14 or automobile salvage yard shall file a monthly re-
15 port with the operator. Such report shall contain an
16 inventory of all junk vehicles or salvage vehicles ob-
17 tained by the junk yard or salvage yard during the
18 preceding month. Such inventory shall contain the
19 vehicle identification number of each vehicle ob-
20 tained, the date on which it was obtained, the name
21 of the person or entity from whom the reporter ob-
22 tained the vehicle, and a statement of whether the
23 vehicle was crushed.

24 “(2) CONSTRUCTION.—Paragraph (1) shall not
25 apply to persons or entities that are required by

1 State law to report the acquisition of junk vehicles
2 or salvage vehicles to State or local authorities.

3 “(b) INSURANCE CARRIERS.—Any person or entity
4 engaged in business as an insurance carrier shall file a
5 monthly report with the operator. Such report shall con-
6 tain an inventory of all vehicles which such carrier has,
7 during the preceding month, obtained possession of and
8 determined to be junk vehicles. Such inventory shall con-
9 tain the vehicle identification number of each vehicle ob-
10 tained, the date on which it was obtained, the name of
11 the person or entity from whom the reporter obtained the
12 vehicle, and the owner of the vehicle at the time of the
13 filing of the report.

14 **“§ 124. Enforcement provisions**

15 “(a) CIVIL PENALTY.—Whoever violates section 123
16 may be assessed a civil penalty of not to exceed \$1,000
17 for each violation.

18 “(b) ASSESSMENT AND COLLECTION.—Any such
19 penalty shall be assessed by the Attorney General and col-
20 lected in a civil action brought by the Attorney General
21 of the United States. Any such penalty may be com-
22 promised by the Attorney General. In determining the
23 amount of such penalty, or the amount agreed upon in
24 compromise, the appropriateness of such penalty to the

1 size of the business of the person charged and the gravity
 2 of the violation shall be considered.

3 “(c) DEDUCTION OF PENALTY FROM AMOUNTS
 4 OWED BY UNITED STATES.—The amount of such penalty,
 5 when finally determined, or the amount agreed upon in
 6 compromise, may be deducted from any sums owed by the
 7 United States to the person charged.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters
 9 for part I of such title is amended by inserting after the
 10 item relating to chapter 7 the following:

“7A. Automobile title fraud 120.”.

11 **TITLE III—ILLICIT TRAFFICKING**
 12 **IN STOLEN AUTO PARTS**

13 **SEC. 301. STOLEN AUTO PARTS.**

14 (a) IN GENERAL.—Part I of title 18, United States
 15 Code, as amended by title II, is further amended by insert-
 16 ing after chapter 7A the following:

17 **“CHAPTER 7B—ILLICIT TRAFFICKING IN**
 18 **STOLEN AUTO PARTS**

- “Sec.
- “130. Definitions.
- “131. Theft prevention standard.
- “132. Cost limitation.
- “133. Determination of compliance of manufacturer.
- “134. National stolen auto part information system.
- “135. Prohibited acts.
- “136. Enforcement provisions.
- “137. Confidentiality of information.
- “138. Judicial review.
- “139. Coordination with State and local law.
- “140. 3-year and 5-year studies regarding motor vehicle theft.

1 **“§ 130. Definitions**

2 “For purposes of this chapter—

3 “(1) The term ‘first purchaser’ means first pur-
4 chaser for purposes other than resale.5 “(2) The term ‘major part’ of an automobile
6 means—

7 “(A) the engine;

8 “(B) the transmission;

9 “(C) each door allowing entrance or egress
10 to the passenger compartment;

11 “(D) the hood;

12 “(E) the grille;

13 “(F) each bumper;

14 “(G) each front fender;

15 “(H) the deck lid, tailgate, or hatchback
16 (whichever is present);

17 “(I) rear quarter panels;

18 “(J) the trunk floor pan;

19 “(K) the frame or, in the case of a unit-
20 ized body, the supporting structure which serves
21 as the frame;

22 “(L) each window; and

23 “(M) any other part of an automobile
24 which the Attorney General, by rule, determines
25 is comparable in design or function to any of

1 the parts listed in subparagraphs (A) through
2 (L).

3 “(3) The term ‘major replacement part’ of an
4 automobile means any major part—

5 “(A) which is not installed in or on an
6 automobile at the time of its delivery to the
7 first purchaser, and

8 “(B) the equitable or legal title to which
9 has not been transferred to any first purchaser.

10 “(4) The term ‘automobile’ has the meaning
11 given such term in section 501(1) of the Motor Vehi-
12 cle Information and Cost Savings Act (15 U.S.C.
13 2001(1)).

14 “(5) The term ‘vehicle theft prevention stand-
15 ard’ means a minimum performance standard for
16 the identification of—

17 “(A) major parts of new motor vehicles,
18 and

19 “(B) major replacement parts,
20 by inscribing or affixing numbers or symbols to such
21 parts.

22 **“§ 131. Theft prevention standard**

23 “(a) IN GENERAL.—The Attorney General shall by
24 rule promulgate, in accordance with this section, a vehicle
25 theft prevention standard which conforms to the require-

1 ments of this chapter and which applies with respect to
2 major parts and major replacement parts for automobiles.
3 The standard under this subsection shall be practicable
4 and shall provide relevant objective criteria.

5 “(b) TIMING.—

6 “(1) PROPOSED STANDARD.—Not later than 3
7 months after the date of the enactment of this chap-
8 ter, the Attorney General shall prescribe and publish
9 a proposed vehicle theft prevention standard.

10 “(2) FINAL STANDARD.—As soon as practicable
11 after the 30th day following the publication of the
12 proposed standard under paragraph (1), but not
13 later than 6 months after such date of enactment,
14 the Attorney General shall promulgate a final rule
15 establishing such a standard.

16 “(3) EXTENSION.—The Attorney General may,
17 for good cause, extend the 3-month and 6-month pe-
18 riods under paragraphs (1) and (2) if the Attorney
19 General publishes the reasons therefor. Either such
20 period may not, in the aggregate, be extended by
21 more than 5 months.

22 “(4) EFFECTIVE DATE.—Such standard shall
23 take effect not earlier than 6 months after the date
24 such final rule is prescribed, except that the Attor-

1 ney General may prescribe an earlier effective date
2 if the Attorney General—

3 “(A) finds, for good cause shown, that the
4 earlier date is in the public interest, and

5 “(B) publishes the reasons for such find-
6 ing.

7 “(5) APPLICATION.—The standard may apply
8 only with respect to—

9 “(A) major parts which are installed by
10 the motor vehicle manufacturer in any auto-
11 mobile which has a model year designation later
12 than the calendar year in which such standard
13 takes effect, and

14 “(B) major replacement parts manufac-
15 tured after such standard takes effect.

16 “(c) REQUIREMENTS.—

17 “(1) ENGINES AND TRANSMISSIONS.—In the
18 case of engines and transmissions installed by the
19 motor vehicle manufacturer, the standard under sub-
20 section (a) shall require that each such engine or
21 transmission be permanently stamped with the vehi-
22 cle identification number of the vehicle of which the
23 engine or transmission is a part.

24 “(2) MAJOR PARTS.—In the case of major parts
25 other than engines and transmissions, the standard

1 under subsection (a) shall require that each such
2 major part has affixed to it a label that—

3 “(A) bears the vehicle identification num-
4 ber of the automobile in characters at least 2.5
5 millimeters tall;

6 “(B) is highly resistant to counterfeiting,
7 either through the use of retroreflective tech-
8 nology or through the use of a technology pro-
9 viding a level of security equivalent to that pro-
10 vided by retroreflective technology;

11 “(C) cannot be removed in one piece from
12 the part to which it is affixed;

13 “(D) if removed from the part to which it
14 is affixed, leaves on that part a permanent
15 mark; and

16 “(E) is not commercially available.

17 “(3) REPLACEMENT PARTS.—In the case of
18 major replacement parts, the standard under this
19 section may not require—

20 “(A) identification of any part which is not
21 designed as a replacement for a major part re-
22 quired to be identified under such standard,
23 and

24 “(B) the inscribing or affixing of any iden-
25 tification other than a symbol identifying the

1 manufacturer and a common symbol identifying
2 the part as a major replacement part.

3 “(d) CONSTRUCTION.—Nothing in this chapter shall
4 be construed to grant authority to require any person to
5 keep records or make reports, except as expressly provided
6 in sections 133(a) and 140.

7 **“§ 132. Cost limitation**

8 “(a) COST LIMITATION.—The standard under section
9 131(a) may not—

10 “(1) impose costs upon any manufacturer of
11 motor vehicles to comply with such standard in ex-
12 cess of \$15 per motor vehicle, or

13 “(2) impose costs upon any manufacturer of
14 major replacement parts to comply with such stand-
15 ard in excess of such reasonable lesser amount per
16 major replacement part as the Attorney General
17 specifies in such standard.

18 “(b) COSTS.—The cost of identifying engines and
19 transmissions shall not be taken into account in cal-
20 culating a manufacturer’s costs under subsection (a) of
21 this section.

22 “(c) PRICE INDEX.—

23 “(1) CERTIFICATION.—At the beginning of each
24 calendar year commencing on or after January 1,
25 1993, as there becomes available necessary data

1 from the Bureau of Labor Statistics of the Depart-
2 ment of Labor, the Secretary of Labor shall certify
3 to the Attorney General and publish in the Federal
4 Register the percentage difference between the price
5 index for the 12 months preceding the beginning of
6 such calendar year and the price index for the base
7 period. Effective for model years beginning in such
8 calendar year, the amounts specified under sub-
9 sections (a) (1) and (2) shall be adjusted by such
10 percentage difference.

11 “(2) DEFINITIONS.—For purposes of paragraph
12 (1)—

13 “(A) The term ‘base period’ means cal-
14 endar year 1992.

15 “(B) The term ‘price index’ means the av-
16 erage over a calendar year of the Consumer
17 Price Index (all items—United States city aver-
18 age) published monthly by the Bureau of Labor
19 Statistics.

20 **“§ 133. Determination of compliance of manufacturer**

21 “(a) REQUIREMENTS.—Every manufacturer of any
22 motor vehicle any part of which is subject to the standard
23 under section 132(a), and any manufacturer of major re-
24 placement parts subject to such standard, shall—

1 “(1) establish and maintain such records, make
2 such reports, and provide such items and informa-
3 tion as the Attorney General may reasonably require
4 to enable the Attorney General to determine whether
5 such manufacturer has acted or is acting in compli-
6 ance with this chapter and such standard, and

7 “(2) upon request of an officer or employee
8 duly designated by the Attorney General, permit
9 such officer or employee to inspect—

10 “(A) vehicles and major parts which are
11 subject to such standard, and

12 “(B) appropriate books, papers, records,
13 and documents relevant to determining whether
14 such manufacturer has acted or is acting in
15 compliance with this chapter and such stand-
16 ard.

17 Such manufacturer shall make available all such items and
18 information in accordance with such reasonable rules as
19 the Attorney General may prescribe.

20 “(b) INSPECTIONS.—For purposes of enforcing this
21 chapter, officers or employees duly designated by the At-
22 torney General, upon presenting appropriate credentials
23 and a written notice to the owner, operator, or agent in
24 charge, may enter and inspect any facility in which motor
25 vehicles containing major parts subject to such standard,

1 or major replacement parts subject to such standard, are
2 manufactured, held for introduction into interstate com-
3 merce, or are held for sale after such introduction. Each
4 such inspection shall be conducted at reasonable times and
5 in a reasonable manner and shall be commenced and com-
6 pleted with reasonable promptness.

7 “(c) CERTIFICATION.—

8 “(1) SPECIFICATION.—Every manufacturer of a
9 motor vehicle subject to the standard promulgated
10 under section 131(a), and every manufacturer of any
11 major replacement part subject to such standard,
12 shall furnish at the time of delivery of such vehicle
13 or part a certification that such vehicle or replace-
14 ment part conforms to the applicable standard under
15 such section. Such certification shall accompany
16 such vehicle or replacement part until delivery to the
17 first purchaser. The Attorney General may issue
18 rules prescribing the manner and form of such cer-
19 tification.

20 “(2) APPLICATION.—Paragraph (1) shall not
21 apply to any motor vehicle or major replacement
22 part—

23 “(A) which is intended solely for export,

24 “(B) which is so labeled or tagged on the
25 vehicle or replacement part itself and on the

1 outside of the container, if any, until exported,
2 and

3 “(C) which is exported.

4 “(d) NOTICE.—If a manufacturer obtains knowledge
5 that (1) the identification applied, to conform to the
6 standard under section 131, to any major part installed
7 by the manufacturer in a motor vehicle during its assem-
8 bly, or to any major replacement part manufactured by
9 the manufacturer, contains an error, and (2) such motor
10 vehicle or major replacement part has been distributed in
11 interstate commerce, the manufacturer shall furnish noti-
12 fication of such error to the Attorney General.

13 **“§ 134. National stolen auto part information system**

14 “(a) AGREEMENT FOR OPERATION OF INFORMATION
15 SYSTEM.—Not later than January 1, 1993, the Attorney
16 General shall enter into an agreement for the operation
17 of an information system containing the identification
18 numbers of stolen motor vehicles and stolen motor vehicle
19 parts. Such agreement shall designate an individual or en-
20 tity as the operator of such system for the purposes of
21 this section and section 135.

22 “(b) MINIMUM INFORMATION.—The information sys-
23 tem under subsection (a) shall, at a minimum, include the
24 following information pertaining to each motor vehicle re-

1 ported to a law enforcement authority as stolen and not
2 recovered:

3 “(1) The vehicle identification number of such
4 vehicle.

5 “(2) The make and model year of such vehicle.

6 “(3) The date on which the vehicle was re-
7 ported as stolen.

8 “(4) The location of the law enforcement au-
9 thority that received the reports of the vehicle’s
10 theft.

11 “(5) If the vehicle at the time of its theft con-
12 tained parts bearing identification numbers different
13 from the vehicle identification number of the stolen
14 vehicle, such identification numbers.

15 “(c) AVAILABILITY OF INFORMATION.—Upon request
16 by a merchant dealing in automobile parts or an individual
17 or enterprise engaged in the business of repairing auto-
18 mobiles, or by an insurance carrier whose business in-
19 volves payment for repair of insured vehicles, the operator
20 shall immediately provide such merchant, individual, en-
21 tity, or insurance carrier with a determination as to
22 whether the information system contains a record of a ve-
23 hicle or a vehicle part bearing a particular vehicle identi-
24 fication number having been reported stolen.

1 “(d) RECORDKEEPING.—The agreement under sub-
2 section (a) shall specify that the operator will keep records
3 of all inquiries for use by law enforcement officials, includ-
4 ing prosecutors, in enforcing section 135(c).

5 “(e) COLLECTION OF FEES.—The agreement under
6 subsection (a) may provide for a fee system for use of the
7 information system. If the agreement does so provide, it
8 shall also provide that the amount of fees collected in any
9 fiscal year may not exceed the costs of operating the infor-
10 mation system in such fiscal year.

11 “(f) FUNDING.—There are authorized to be appro-
12 priated \$5,000,000 for each of fiscal years 1992 and 1993
13 to carry out this section.

14 **“§ 135. Prohibited acts**

15 “(a) IN GENERAL.—No person shall—

16 “(1) manufacture for sale, sell, offer for sale, or
17 introduce or deliver for introduction in interstate
18 commerce, or import into the United States—

19 “(A) any motor vehicle subject to the
20 standard under section 131(a), or

21 “(B) any major replacement part subject
22 to such standard,

23 which is manufactured on or after the date the
24 standard under section 131(a) takes effect under

1 this chapter for such vehicle or major replacement
2 part unless it is in conformity with such standard;

3 “(2) fail to comply with any rule prescribed by
4 the Attorney General under this chapter;

5 “(3) fail to keep specified records or refuse ac-
6 cess to or copying of records, or fail to make reports
7 or provide items or information, or fail or refuse to
8 permit entry or inspection, as required by this chap-
9 ter; or

10 “(4) fail to—

11 “(A) furnish certification required by sec-
12 tion 133(c), or

13 “(B) issue a certification required by sec-
14 tion 133(c) if such person knows, or in the ex-
15 ercise of due care has reason to know, that such
16 certification is false or misleading in a material
17 respect.

18 “(b) APPLICATION.—Subsection (a)(1) shall not
19 apply to any person who establishes that such person did
20 not have reason to know in the exercise of due care that
21 the vehicle or major replacement part is not in conformity
22 with an applicable theft prevention standard.

23 “(c) PARTS.—No person shall sell, transfer, or install
24 a major part marked with an identification number
25 without—

1 “(1) first making a request of the operator pur-
2 suant to section 134(c) and determining that such
3 major part has not been reported as stolen; and

4 “(2) providing the transferee with a written cer-
5 tificate bearing a description of such major part and
6 the identification number affixed to such major part.

7 “(d) APPLICATION.—Subsection (c)(1) shall not
8 apply to a person who is the manufacturer of the major
9 part, who has purchased the major part directly from the
10 manufacturer, or who has been informed by an insurance
11 carrier that the major part has not been reported as sto-
12 len.

13 **“§ 136. Enforcement provisions**

14 “(a) CIVIL PENALTIES.—

15 “(1) IN GENERAL.—Whoever violates section
16 135(a) may be assessed a civil penalty of not to ex-
17 ceed \$1,000 for each violation. The failure of more
18 than one part of a single motor vehicle to conform
19 to an applicable motor vehicle theft prevention
20 standard shall constitute only a single violation.

21 “(2) PARTS.—Whoever violates section 135(c)
22 may be assessed a civil penalty not to exceed \$1,000
23 for the first such violation or \$25,000 for each sub-
24 sequent violation.

1 “(3) ACTION ON PENALTY.—Any penalty under
2 this subsection shall be assessed by the Attorney
3 General and collected in a civil action brought by the
4 Attorney General. Any such civil penalty may be
5 compromised by the Attorney General. In determin-
6 ing the amount of such penalty, or the amount
7 agreed upon in compromise, the appropriateness of
8 such penalty to the size of the business of the person
9 charged and the gravity of the violation shall be con-
10 sidered.

11 “(4) DEDUCTION.—The amount of such pen-
12 alty, when finally determined, or the amount agreed
13 upon in compromise, may be deducted from any
14 sums owed by the United States to the person
15 charged.

16 “(5) AMOUNT.—The maximum civil penalty
17 shall not exceed \$250,000 for any related series of
18 violations.

19 “(b) CRIMINAL PENALTIES.—Whoever, having been
20 previously assessed a penalty under subsection (a), vio-
21 lates section 135(c) shall be fined under this chapter or
22 imprisoned not more than 3 years, or both.

23 “(c) ACTIONS.—

24 “(1) INJUNCTIONS.—Upon petition by the At-
25 torney General on behalf of the United States, the

1 United States district courts shall have jurisdiction
2 for cause shown and subject to the provisions of rule
3 65 (a) and (b) of the Federal Rules of Civil Proce-
4 dure, to restrain violations of section 135(a) or
5 135(c) or to restrain the sale, offer for sale, the in-
6 troduction or delivery for introduction in interstate
7 commerce, or the importation into the United
8 States, of—

9 “(A) any automobile containing a major
10 part, or

11 “(B) any major replacement part, which is
12 subject to the standard under section 131(a)
13 and is determined, before the sale of such vehi-
14 cle or such major replacement part to a first
15 purchaser, not to conform to such standard.
16 Whenever practicable, the Attorney General
17 shall give notice to any person against whom an
18 action for injunctive relief is contemplated and
19 afford the person an opportunity to present
20 such person’s views, and except in the case of
21 a knowing and willful violation, shall afford the
22 person reasonable opportunity to achieve com-
23 pliance. The failure to give such notice and af-
24 ford such opportunity shall not preclude the
25 granting of appropriate relief.

1 “(2) CRIMINAL CONTEMPT.—In any proceeding
2 for criminal contempt for violation of an injunction
3 or restraining order issued under paragraph (1),
4 which violation also constitutes a violation of section
5 135(a) or 135(c), trial shall be by the court, or,
6 upon demand of the accused, by a jury. Such trial
7 shall be conducted in accordance with the practice
8 and procedure applicable in the case of proceedings
9 subject to the provisions of rule 42(b) of the Federal
10 Rules of Criminal Procedure.

11 “(3) VENUE.—Actions under paragraph (1)
12 and under subsection (a) may be brought in the dis-
13 trict wherein any act or transaction constituting the
14 violation occurred or in the district wherein the de-
15 fendant is found or is an inhabitant or transacts
16 business, and process in such cases may be served
17 in any other district in which the defendant is an in-
18 habitant or wherever the defendant may be found.

19 “(4) SUBPOENAS.—In any actions brought
20 under paragraph (1) and under subsection (1) and
21 under subsection (a), subpoenas for witnesses who
22 are required to attend a United States district court
23 may run into any other district.

1 § 137. Confidentiality of information

2 “All information reported to, or otherwise obtained
3 by, the Attorney General or the Attorney General’s rep-
4 resentative under this chapter which contains or relates
5 to a trade secret or other matter referred to in section
6 1905 or in section 552(b)(4) of title 5, United States
7 Code, shall be considered confidential for the purpose of
8 the applicable section of this chapter, except that such in-
9 formation may be disclosed to other officers or employees
10 concerned with carrying out this chapter or when relevant
11 in any proceeding under this chapter. Nothing in this sec-
12 tion shall authorize the withholding of information by the
13 Attorney General or any officer or employee under the At-
14 torney General’s control from any committee of the Con-
15 gress.

16 § 138. Judicial review

17 “Any person who may be adversely affected by any
18 provision of any standard or other rule under this chapter
19 may obtain judicial review of such standard or rule in ac-
20 cordance with section 504 of the Motor Vehicle Informa-
21 tion and Cost Savings Act (15 U.S.C. 2004). Nothing in
22 this section shall preclude the availability to any person
23 of other remedies provided by law in the case of any stand-
24 ard, rule, or other action under this chapter.

1 **“§ 139. Coordination with State and local law**

2 “Whenever a vehicle theft prevention standard estab-
 3 lished under section 131(a) is in effect, no State or politi-
 4 cal subdivision of a State shall have any authority either
 5 to establish, or to continue in effect, with respect to any
 6 motor vehicle, or major replacement part, any vehicle theft
 7 prevention standard which is not identical to such vehicle
 8 theft prevention standard.”.

9 (b) CLERICAL AMENDMENT.—The table of chapters
 10 for such title (as amended by section 201(a)) is further
 11 amended by inserting after the item relating to chapter
 12 7A the following:

“7B. Illicit trafficking in stolen auto parts 120.”.

13 **SEC. 2. STUDIES REGARDING MOTOR VEHICLE THEFT.**

14 (a) 3 YEAR STUDY.—

15 (1) REPORT.—Not later than 3 years after the
 16 date of the enactment of this Act, the Attorney Gen-
 17 eral shall submit a report to the Congress which in-
 18 cludes the information and legislative rec-
 19 ommendations required under paragraphs (2) and
 20 (3).

21 (2) CONTENT.—The report required by para-
 22 graph (1) shall include—

23 (A) data on the number of trucks, multi-
 24 purpose passenger vehicles, and motorcycles,
 25 stolen and recovered annually, compiled by

1 model, make, and line for all such motor vehi-
2 cles distributed for sale in interstate commerce;

3 (B) information on the extent to which
4 trucks, multipurpose passenger vehicles, and
5 motorcycles, stolen annually are dismantled to
6 recover parts or are exported;

7 (C) a description of the market for such
8 stolen parts;

9 (D) information concerning the premiums
10 charged by insurers of comprehensive insurance
11 coverage of trucks, multipurpose passenger ve-
12 hicles, or motorcycles, including any increase in
13 such premiums charged because any such motor
14 vehicle is a likely candidate for theft; and

15 (E) an assessment of whether the identi-
16 fication of parts of trucks, multipurpose pas-
17 senger vehicles, and motorcycles is likely to
18 have (i) a beneficial impact in decreasing the
19 rate of theft of such vehicles; (ii) improve the
20 recovery rate of such vehicles; (iii) decrease the
21 trafficking in stolen parts of such vehicles; (iv)
22 stem the export and import of such stolen vehi-
23 cles or parts; or (v) benefits which exceed the
24 costs of such identification.

1 (3) RECOMMENDATION.—The report under
2 paragraph (1) shall recommend to Congress wheth-
3 er, and to what extent, the identification of trucks,
4 multipurpose passenger vehicles, and motorcycles
5 should be required by statute.

6 (b) 5 YEAR STUDY.—

7 (1) REPORT.—Not later than 5 years after the
8 promulgation of the standard required by section
9 131(a) of title 18, United States Code, the Attorney
10 General shall submit a report to the Congress which
11 includes the information and legislative rec-
12 ommendations required under paragraphs (2) and
13 (3). The report shall—

14 (A) cover a period of at least 4 years sub-
15 sequent to the promulgation of the standard re-
16 quired by chapter 7B of title 18, United States
17 Code, and

18 (B) reflect any information, as appro-
19 priate, from the report under subsection (a) up-
20 dated from the time of such report.

21 (2) CONTENT.—The report required by para-
22 graph (1) shall include—

23 (A) information about the methods and
24 procedures used by public and private entities
25 for collecting, compiling, and disseminating in-

1 formation concerning the theft and recovery of
2 motor vehicles, including classes thereof, and
3 about the reliability, accuracy, and timeliness of
4 such information, and how such information
5 can be improved;

6 (B) data on the number of motor vehicles
7 stolen and recovered annually, compiled by the
8 class of vehicle, model, make, and line for all
9 such motor vehicles distributed for sale in inter-
10 state commerce;

11 (C) information on the extent to which
12 motor vehicles stolen annually are dismantled to
13 recover parts or are exported;

14 (D) a description of the market for such
15 stolen parts;

16 (E) information concerning the costs to
17 manufacturers, as well as to purchasers of pas-
18 senger motor vehicles, in complying with the
19 standard promulgated under chapter 7B of title
20 18, United States Code, as well as the identi-
21 fication of the beneficial impacts of the stand-
22 ard and the monetary value of any such im-
23 pacts, and the extent to which such monetary
24 value is greater than the costs;

1 (F) information concerning the experience
2 of Federal, State, and local officials in making
3 arrests and successfully prosecuting persons for
4 violations of sections 511, 552, and 2321 of
5 title 18, United States Code, in preventing or
6 reducing the number, and rate of, thefts of
7 motor vehicles that are dismantled for parts
8 subject to chapter 7B of title 18, United States
9 Code, and in preventing or reducing the avail-
10 ability of used parts that are stolen from motor
11 vehicles subject to such chapter;

12 (G) information concerning the premiums
13 charged by insurers of comprehensive insurance
14 coverage of motor vehicles subject to chapter
15 7B of title 18, United States Code, including
16 any increase in such premiums charged because
17 a motor vehicle is a likely candidate for theft,
18 and the extent to which such insurers have re-
19 duced for the benefit of consumers such pre-
20 miums as a result of such chapter or have fore-
21 gone premium increases as a result of such
22 chapter;

23 (H) information concerning the adequacy
24 and effectiveness of Federal and State laws
25 aimed at preventing the distribution and sale of

1 used parts that have been removed from stolen
2 motor vehicles and the adequacy of systems
3 available to enforcement personnel for tracing
4 parts to determine if they have been stolen from
5 a motor vehicle;

6 (I) an assessment of whether the identi-
7 fication of parts of other classes of motor vehi-
8 cles is likely to have (i) a beneficial impact in
9 decreasing the rate of theft of such vehicles; (ii)
10 improve the recovery rate of such vehicles; (iii)
11 decrease the trafficking in stolen parts of such
12 vehicles; (iv) stem the export and import of
13 such stolen vehicles, parts, or components; or
14 (v) benefits which exceed the costs of such iden-
15 tification; and

16 (J) other pertinent and reliable informa-
17 tion available to the Attorney General concern-
18 ing the impact, including the beneficial impact
19 of sections 511, 553, and 2321 of title 18,
20 United States Code, on law enforcement, con-
21 sumers, and manufacturers.

22 (3) **RECOMMENDATIONS.**—The report submit-
23 ted under paragraph (1) to the Congress shall in-
24 clude recommendations for (A) continuing the stand-
25 ard established by chapter 7B of title 18, United

1 States Code, without change, (B) modifying such
2 chapter to cover more or fewer lines of passenger
3 motor vehicles, (C) modifying such chapter to cover
4 other classes of motor vehicles, or (D) terminating
5 the standard for all future motor vehicles. The re-
6 port may include, as appropriate, legislative and ad-
7 ministrative recommendations.

8 (c) BASES FOR REPORTS.—

9 (1) CONTENT.—The reports under subsections
10 (a)(1) and (b)(1) shall each be based on (A) infor-
11 mation provided by the Federal Bureau of Investiga-
12 tion, (B) experience obtained in the implementation,
13 administration, and enforcement of chapter 7B of
14 title 18, United States Code, (C) experience gained
15 by the Government under sections 511, 553, and
16 2321 of title 18, United States Code, and (D) any
17 other reliable and relevant information available to
18 the Attorney General.

19 (2) CONSULTATION.—In preparing each such
20 report, the Attorney General shall consult with State
21 and local law enforcement officials, as appropriate.

22 (3) REVIEW AND COMMENT.—At least 90 days
23 before submitting each such report to Congress, the
24 Attorney General shall publish the proposed report
25 for public review and for an opportunity for written

1 comment of at least 45 days. The Attorney General
2 shall consider such comments in preparing the final
3 report and shall include a summary of such com-
4 ments with the final report.

5 **TITLE IV—EXPORT OF STOLEN** 6 **VEHICLES**

7 **SEC. 401. RANDOM CUSTOMS INSPECTIONS FOR STOLEN** 8 **MOTOR VEHICLES BEING EXPORTED.**

9 Part VI of title IV of the Tariff Act of 1930 is
10 amended by inserting after section 646 the following:

11 **“SEC. 646A. RANDOM CUSTOMS INSPECTIONS FOR STOLEN** 12 **MOTOR VEHICLES BEING EXPORTED.**

13 “The Commissioner of Customs shall direct customs
14 officers to conduct at random inspections of motor vehi-
15 cles, and of shipping containers that contain motor vehi-
16 cles that are being exported, for purposes of determining
17 whether such vehicles were stolen.

18 **“SEC. 646B. EXPORT REPORTING REQUIREMENT.**

19 “The Commissioner of Customs shall require all per-
20 sons or entities exporting used self-propelled vehicles by
21 air or ship to provide to the Customs Service, at least 72
22 hours before the export, the vehicle identification number
23 of each such vehicle and proof of ownership of such vehi-
24 cle. The requirement of this section applies to vehicles ex-
25 ported for personal use.”.

1 **SEC. 402. PILOT STUDY AUTHORIZING UTILITY OF NON-**
2 **DESTRUCTIVE EXAMINATION SYSTEM.**

3 The Secretary of the Treasury, acting through the
4 Commissioner of Customs, shall conduct a pilot study of
5 the utility of a nondestructive examination system to be
6 used for inspection of containers that contain motor vehi-
7 cles leaving the country for the purpose of determining
8 whether such vehicles are stolen.

9 **SEC. 403. DEFINITION OF RACKETEERING ACTIVITY TO IN-**
10 **CLUDE EXPORT OR IMPORT OF STOLEN**
11 **AUTOMOBILES.**

12 Subparagraph (B) of section 1961(1) is amended by
13 inserting “section 553 (relating to the export or import
14 of stolen automobiles)” after “473 (relating to counterfeit-
15 ing)”.

O