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TITLE 49--TRANSPORTATION

SUBTITLE VI--MOTOR VEHICLE AND DRIVER PROGRAMS

PART A--GENERAL

CHAPTER 305--NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

Sec. 30501. Definitions

In this chapter--

- (1) ``automobile" has the same meaning given that term in section 32901(a) of this title.
- (2) ``certificate of title" means a document issued by a State showing ownership of an automobile.
- (3) ``insurance carrier" means an individual or entity engaged in the business of underwriting automobile insurance.
- (4) ``junk automobile" means an automobile that--
 - (A) is incapable of operating on public streets, roads, and highways; and
 - (B) has no value except as a source of parts or scrap.
- (5) ``junk yard" means an individual or entity engaged in the business of acquiring or owning junk automobiles for--
 - (A) resale in their entirety or as spare parts; or
 - (B) rebuilding, restoration, or crushing.
- (6) ``operator" means the individual or entity authorized or designated as the operator of the National Motor Vehicle Title Information System under section 30502(b) of this title, or the Attorney General, if there is no authorized or designated individual or entity.
- (7) ``salvage automobile" means an automobile that is damaged by collision, fire, flood, accident, trespass, or other event, to the extent that its fair salvage value plus the cost of repairing the automobile for legal operation on public streets, roads, and highways would be more than the fair market value of the automobile immediately before the event that caused the damage.
- (8) ``salvage yard" means an individual or entity engaged in the business of acquiring or owning salvage automobiles for--
 - (A) resale in their entirety or as spare parts; or
 - (B) rebuilding, restoration, or crushing.
- (9) ``State" means a State of the United States or the District of Columbia.

Sec. 30502. National Motor Vehicle Title Information System

(a) Establishment or Designation.—

(1) In cooperation with the States and not later than December 31, 1997, the Attorney General shall establish a National Motor Vehicle Title Information System that will provide individuals and entities referred to in subsection (e) of this section with instant and reliable access to information maintained by the States related to automobile titling described in subsection (d) of this section. However, if the Attorney General decides that the existing information system meets the requirements of subsections (d) and (e) of this section and will permit the Attorney General to carry out this chapter as early as possible, the Attorney General, in consultation with the Secretary of Transportation, may designate an existing information system as the National Motor Vehicle Title Information System.

(2) In cooperation with the Secretary of Transportation and the States, the Attorney General shall ascertain the extent to which title and related information to be included in the system established under paragraph (1) of this subsection will be adequate, timely, reliable, uniform, and capable of assisting in efforts to prevent the introduction or reintroduction of stolen vehicles and parts into interstate commerce.

(b) Operation.--The Attorney General may authorize the operation of the System established or designated under subsection (a)(1) of this section by agreement with one or more States, or by designating, after consulting with the States, a third party that represents the interests of the States.

(c) User Fees.--Operation of the System established or designated under subsection (a)(1) of this section shall be paid for by user fees and should be self-sufficient and not be dependent on amounts from the United States Government. The amount of fees the operator collects and keeps under this subsection subject to annual appropriation laws, excluding fees the operator collects and pays to an entity providing information to the operator, may be not more than the costs of operating the System.

(d) Information Requirements.--The System established or designated under subsection (a)(1) of this section shall permit a user of the System at least to establish instantly and reliably--

- (1) the validity and status of a document purporting to be a certificate of title;
- (2) whether an automobile bearing a known vehicle identification number is titled in a particular State;
- (3) whether an automobile known to be titled in a particular State is or has been a junk automobile or a salvage automobile;
- (4) for an automobile known to be titled in a particular State, the odometer mileage disclosure required under section 32705 of this title for that automobile on the date the certificate of title for that automobile was issued and any later mileage information, if noted by the State; and

(5) whether an automobile bearing a known vehicle identification number has been reported as a junk automobile or a salvage automobile under section 30504 of this title.

(e) Availability of Information.—

(1) The operator shall make available--

(A) to a participating State on request of that State, information in the System about any automobile;

(B) to a Government, State, or local law enforcement official on request of that official, information in the System about a particular automobile, junk yard, or salvage yard;

(C) to a prospective purchaser of an automobile on request of that purchaser, including an auction company or entity engaged in the business of purchasing used automobiles, information in the System about that automobile; and

(D) to a prospective or current insurer of an automobile on request of that insurer, information in the System about that automobile.

(2) The operator may release only the information reasonably necessary to satisfy the requirements of paragraph (1) of this subsection. The operator may not collect an individual's social security account number or permit users of the System to obtain an individual's address or social security account number.

(f) Immunity.--Any person performing any activity under this section or sections 30503 or 30504 in good faith and with the reasonable belief that such activity was in accordance with this section or section 30503 or 30504, as the case may be, shall be immune from any civil action respecting such activity which is seeking money damages or equitable relief in any court of the United States or a State.

Sec. 30503. State participation

(a) State Information.--Each State shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

(b) Verification Checks.--Each State shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of--

(1) communicating to the operator--

(A) the vehicle identification number of the automobile for which the certificate of title is sought;

(B) the name of the State that issued the most recent certificate of title for the automobile; and

(C) the name of the individual or entity to whom the certificate of title was issued; and

(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

(c) Grants to States.—

(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall--

- (A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and
- (B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

(d) Report to Congress.--Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.

Sec. 30504. Reporting requirements

(a) Junk Yard and Salvage Yard Operators.—

(1) Beginning at a time established by the Attorney General that is not sooner than the 3d month before the establishment or designation of the National Motor Vehicle Title Information System under section 30502 of this title, an individual or entity engaged in the business of operating a junk yard or salvage yard shall file a monthly report with the operator of the System. The report shall contain an inventory of all junk automobiles or salvage automobiles obtained by the junk yard or salvage yard during the prior month. The inventory shall contain--

- (A) the vehicle identification number of each automobile obtained;
- (B) the date on which the automobile was obtained;
- (C) the name of the individual or entity from whom the automobile was obtained; and
- (D) a statement of whether the automobile was crushed or disposed of for sale or other purposes.

(2) Paragraph (1) of this subsection does not apply to an individual or entity--

- (A) required by State law to report the acquisition of junk automobiles or salvage automobiles to State or local authorities if those authorities make that information available to the operator; or
- (B) issued a verification under section 33110 of this title stating that the automobile or parts from the automobile are not reported as stolen.

(b) Insurance Carriers.--Beginning at a time established by the Attorney General that is not sooner than the 3d month before the establishment or designation of the System, an

individual or entity engaged in business as an insurance carrier shall file a monthly report with the operator. The report may be filed directly or through a designated agent. The report shall contain an inventory of all automobiles of the current model year or any of the 4 prior model years that the carrier, during the prior month, has obtained possession of and has decided are junk automobiles or salvage automobiles. The inventory shall contain--

- (1) the vehicle identification number of each automobile obtained;
- (2) the date on which the automobile was obtained;
- (3) the name of the individual or entity from whom the automobile was obtained;
- and
- (4) the name of the owner of the automobile at the time of the filing of the report.

(c) Procedures and Practices.--The Attorney General shall establish by regulation procedures and practices to facilitate reporting in the least burdensome and costly fashion.

Sec. 30505. Penalties and enforcement

(a) Penalty.--An individual or entity violating this chapter is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation.

(b) Collection and Compromise.—

(1) The Attorney General shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty. The Attorney General may compromise the amount of the penalty. In determining the amount of the penalty or compromise, the Attorney General shall consider the appropriateness of the penalty to the size of the business of the individual or entity charged and the gravity of the violation.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual or entity liable for the penalty.