

# Union Calendar No. 301

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5632

[Report No. 109-537]

To amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2006

Mr. SHIMKUS (for himself, Mr. ENGEL, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 28, 2006

Additional sponsors: Mr. KINGSTON and Mr. LIPINSKI

JUNE 28, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend Chapter 301 of title 49, United States Code, to establish a national tire fuel efficiency consumer information program, 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,*

1 **SECTION 1. TIRE FUEL EFFICIENCY CONSUMER INFORMA-**  
2 **TION.**

3 (a) IN GENERAL.—Chapter 301 of title 49, United  
4 States Code, is amended by inserting after section 30123  
5 the following new section:

6 **“§ 30123A. Tire Fuel Efficiency Consumer Informa-**  
7 **tion**

8 “(a) RULEMAKING.—(1) Not later than 18 months  
9 after the date of enactment of this section, the Secretary  
10 of Transportation shall, after notice and opportunity for  
11 comment, promulgate rules establishing a national tire  
12 fuel efficiency consumer information program for tires de-  
13 signed for use on motor vehicles to educate consumers  
14 about the effect of tires on automobile fuel efficiency.

15 “(2) ITEMS INCLUDED IN RULE.—The rulemaking  
16 shall include each of the following:

17 “(A) A national tire fuel efficiency rating sys-  
18 tem for motor vehicle tires to assist consumers in  
19 making more educated tire purchasing decisions.

20 “(B) Requirements for providing information to  
21 consumers, including information at the point of sale  
22 and other potential information dissemination meth-  
23 ods, including the internet.

24 “(C) Specifications for test methods for manu-  
25 facturers to use in assessing and rating tires to

1       avoid variation among test equipment and manufac-  
2       turers.

3           “(D) A national tire maintenance consumer  
4       education program including, information on tire in-  
5       flation pressure, alignment, rotation, and tread wear  
6       to maximize fuel efficiency.

7           “(3) APPLICABILITY.—This section shall not apply to  
8       tires excluded from coverage under section 575.104(e)(2)  
9       of title 49, Code of Federal Regulations, as in effect on  
10      date of enactment of this section.

11          “(b) CONSULTATION.—The Secretary shall consult  
12      with the Secretary of Energy and the Administrator of  
13      the Environmental Protection Agency on the means of  
14      conveying tire fuel efficiency consumer information.

15          “(e) REPORT TO CONGRESS.—The Secretary shall  
16      conduct periodic assessments of the rules promulgated  
17      under this section to determine the utility of such rules  
18      to consumers, the level of cooperation by industry, and the  
19      contribution to national goals pertaining to energy con-  
20      sumption. The Secretary shall transmit periodic reports  
21      detailing the findings of such assessments to the Energy  
22      and Commerce Committee of the House of Representa-  
23      tives and the Commerce, Science, and Transportation  
24      Committee of the Senate.

1       “(d) TIRE MARKING.—The Secretary shall not re-  
2       quire permanent labeling of any kind on a tire for the pur-  
3       pose of tire fuel efficiency information.

4       “(e) PREEMPTION.—When a requirement under this  
5       section is in effect, a State or political subdivision of a  
6       State may adopt or enforce a law or regulation on tire  
7       fuel efficiency consumer information only if the law or reg-  
8       ulation is identical to that requirement. Nothing in this  
9       section shall be construed to preempt a State or political  
10      subdivision of a State from regulating the fuel efficiency  
11      of tires not otherwise preempted under this chapter.”.

12      (b) ENFORCEMENT.—Section 30165(a) of such chap-  
13      ter is amended by adding at the end the following:

14           “(3) SECTION 30123A.—Any person who fails to  
15      comply with the national tire fuel efficiency con-  
16      sumer information program under section 30123A is  
17      liable to the United States Government for a civil  
18      penalty of not more than \$50,000 for each viola-  
19      tion.”.

20      (c) TABLE OF CONTENTS.—The table of contents for  
21      chapter 301 of title 49 is amended by adding the following  
22      new item after the item relating to section 30123:

“30123A. Tire fuel efficiency consumer information.”.

1 **SECTION 1. TIRE FUEL EFFICIENCY CONSUMER INFORMA-**  
2 **TION.**

3 (a) *IN GENERAL.*—Chapter 301 of title 49, United  
4 States Code, is amended by inserting after section 30123  
5 the following new section:

6 **“§ 30123A. Tire Fuel Efficiency Consumer Information**

7 “(a) *RULEMAKING.*—(1) Not later than 18 months  
8 after the date of enactment of this section, the Secretary  
9 of Transportation shall, after notice and opportunity for  
10 comment, promulgate rules establishing a national tire fuel  
11 efficiency consumer information program for tires designed  
12 for use on motor vehicles to educate consumers about the  
13 effect of tires on automobile fuel efficiency.

14 “(2) The rulemaking shall include each of the fol-  
15 lowing:

16 “(A) A national tire fuel efficiency rating system  
17 for motor vehicle tires to assist consumers in making  
18 more educated tire purchasing decisions.

19 “(B) Requirements for providing information to  
20 consumers, including information at the point of sale  
21 and other potential information dissemination meth-  
22 ods, including the internet.

23 “(C) Specifications for test methods for manufac-  
24 turers to use in assessing and rating tires to avoid  
25 variation among test equipment and manufacturers.

1           “(D) *A national tire maintenance consumer edu-*  
2           *cation program including, information on tire infla-*  
3           *tion pressure, alignment, rotation, and tread wear to*  
4           *maximize fuel efficiency.*

5           “(3) *This section shall not apply to tires excluded from*  
6           *coverage under section 575.104(c) of title 49, Code of Fed-*  
7           *eral Regulations, as in effect on date of enactment of this*  
8           *section.*

9           “(b) *CONSULTATION.—The Secretary shall consult*  
10           *with the Secretary of Energy and the Administrator of the*  
11           *Environmental Protection Agency on the means of con-*  
12           *veying tire fuel efficiency consumer information.*

13           “(c) *REPORT TO CONGRESS.—The Secretary shall con-*  
14           *duct periodic assessments of the rules promulgated under*  
15           *this section to determine the utility of such rules to con-*  
16           *sumers, the level of cooperation by industry, and the con-*  
17           *tribution to national goals pertaining to energy consump-*  
18           *tion. The Secretary shall transmit periodic reports detail-*  
19           *ing the findings of such assessments to the Energy and*  
20           *Commerce Committee of the House of Representatives and*  
21           *the Commerce, Science, and Transportation Committee of*  
22           *the Senate.*

23           “(d) *TIRE MARKING.—The Secretary shall not require*  
24           *permanent labeling of any kind on a tire for the purpose*  
25           *of tire fuel efficiency information.*

1           “(e) *PREEMPTION.*—Nothing in this section shall pro-  
2     hibit a State or political subdivision of a State from enforce-  
3     ing a law or regulation on tire fuel efficiency consumer in-  
4     formation in effect on January 1, 2006. After a requirement  
5     under this section is in effect, a State or political subdivi-  
6     sion of a State may adopt or enforce a law or regulation  
7     on tire fuel efficiency consumer information enacted after  
8     January 1, 2006, only if the law or regulation is identical  
9     to that requirement. Nothing in this section shall be con-  
10    strued to preempt a State or political subdivision of a State  
11    from regulating the fuel efficiency of tires not otherwise pre-  
12    empted under this chapter.”.

13           (b) *ENFORCEMENT.*—Section 30165(a) of such chapter  
14    is amended by adding at the end the following:

15                   “(4) *SECTION 30123A.*—Any person who fails to  
16    comply with the national tire fuel efficiency consumer  
17    information program under section 30123A is liable  
18    to the United States Government for a civil penalty  
19    of not more than \$50,000 for each violation.”.

20           (c) *TABLE OF CONTENTS.*—The table of contents for  
21    chapter 301 of title 49, United States Code, is amended by  
22    adding the following new item after the item relating to  
23    section 30123:

“30123A. *Tire fuel efficiency consumer information.*”.

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