are substituted for ''shall be fined not less than $100 and not more than $1,000'', for consistency with title 18. The words ''upon conviction'' are omitted as surplus.

CHAPTER 285—COMMUTER RAIL MEDIATION

Sec.
28501. Definitions[1]
28502. Surface Transportation Board mediation of trackage use requests.
28503. Surface Transportation Board mediation of rights-of-way use requests.
28504. Applicability of other laws.
28505. Rules and regulations.

§ 28501. Definitions

In this chapter—

(1) the term ''Board'' means the Surface Transportation Board;

(2) the term ''capital work'' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

(3) the term ''commuter rail passenger transportation'' has the meaning given that term in section 24102;

(4) the term ''public transportation authority'' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, commuter rail passenger transportation;

(5) the term ''rail carrier'' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

(6) the term ''segregated fixed guideway facility'' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

(7) the term ''trackage'' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

(Added Pub. L. 110–432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4955.)

§ 28502. Surface Transportation Board mediation of trackage use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110–432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4955.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110–432, which was approved Oct. 16, 2008.

§ 28503. Surface Transportation Board mediation of rights-of-way use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110–432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110–432, which was approved Oct. 16, 2008.

§ 28504. Applicability of other laws

Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

(Added Pub. L. 110–432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

§ 28505. Rules and regulations

Within 1 year after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.

(Added Pub. L. 110–432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110–432, which was approved Oct. 16, 2008.

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

PART A—GENERAL

Chapter Sec.
301. Motor Vehicle Safety 30101
303. National Driver Register 30301
305. National Motor Vehicle Title Information System 30501

PART B—COMMERCIAL

311. Commercial Motor Vehicle Safety .. 31101[1]
313. Commercial Motor Vehicle Operators 31301
315. Motor Carrier Safety 31501
317. Participation in International Registration Plan and International Fuel Tax Agreement 31701

[1] So in original. Probably should be followed by a period.

[1] So in original. Probably should be ''31100''.

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

321. General 32101
323. Consumer Information 32301
325. Bumper Standards 32501
327. Odometers 32701
329. Automobile Fuel Economy 32901
331. Theft Prevention 33101

AMENDMENTS

1997—Pub. L. 105–102, § 2(17), Nov. 20, 1997, 111 Stat. 2205, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System'' in item for chapter 305.

PART A—GENERAL

CHAPTER 301—MOTOR VEHICLE SAFETY

SUBCHAPTER I—GENERAL

Sec.
30101. Purpose and policy.
30102. Definitions.
30103. Relationship to other laws.
30104. Authorization of appropriations.
30105. Restriction on lobbying activities.
30106. Rented or leased motor vehicle safety and responsibility.

SUBCHAPTER II—STANDARDS AND COMPLIANCE

30111. Standards.
30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment.
30113. General exemptions.
30114. Special exemptions.
30115. Certification of compliance.
30116. Defects and noncompliance found before sale to purchaser.
30117. Providing information to, and maintaining records on, purchasers.
30118. Notification of defects and noncompliance.
30119. Notification procedures.
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30141. Importing motor vehicles capable of complying with standards.
30142. Importing motor vehicles for personal use.
30143. Motor vehicles imported by individuals employed outside the United States.
30144. Importing motor vehicles on a temporary basis.
30145. Importing motor vehicles or equipment requiring further manufacturing.
30146. Release of motor vehicles and bonds.
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SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

30161. Judicial review of standards.
30162. Petitions by interested persons for standards and enforcement.
30163. Actions by the Attorney General.
30164. Service of process.
30165. Civil penalty.
30166. Inspections, investigations, and records.
30167. Disclosure of information by the Secretary of Transportation.
30168. Research, testing, development, and training.
30169. Annual reports.
30170. Criminal penalties.

[1] So in original. Does not conform to section catchline.

AMENDMENTS

2005—Pub. L. 109–59, title X, § 10303(a), Aug. 10, 2005, 119 Stat. 1940, which directed amendment of the table of sections for chapter 301 by adding item 30128, without specifying the title to be amended, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

Pub. L. 109–59, title X, § 10208(b), Aug. 10, 2005, 119 Stat. 1936, added item 30106.

2000—Pub. L. 106–414, § 5(b)(2), Nov. 1, 2000, 114 Stat. 1804, added item 30170.

1998—Pub. L. 105–178, title VII, § 7104(b), June 9, 1998, 112 Stat. 467, added item 30105.

SUBCHAPTER I—GENERAL

§ 30101. Purpose and policy

The purpose of this chapter is to reduce traffic accidents and deaths and injuries resulting from traffic accidents. Therefore it is necessary—

(1) to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce; and

(2) to carry out needed safety research and development.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 941.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30101	15:1381.	Sept. 9, 1966, Pub. L. 89–563, § 1, 80 Stat. 718.

The words ''Congress hereby declares that'', ''to persons'', and ''Congress determines that'' are omitted as surplus. The words ''motor vehicle'' before ''equipment'' are added for consistency. The words ''and to expand the national driver register'' are omitted because section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), the only section in this law related to the national driver register, was superseded by the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1740).

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110–140, title I, § 101, Dec. 19, 2007, 121 Stat. 1498, provided that: ''This subtitle [subtitle A (§§ 101–113) of title I of Pub. L. 110–140, enacting section 32304A of this title, amending sections 32308, 32901 to 32904, 32905, 32906, 32908, and 32912 of this title, and enacting provisions set out as notes under sections 32902, 32904, and 32908 of this title] may be cited as the 'Ten-in-Ten Fuel Economy Act'.''

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109–59, title IV, § 4001, Aug. 10, 2005, 119 Stat. 1714, provided that: ''This title [see Tables for classification] may be cited as the 'Motor Carrier Safety Reauthorization Act of 2005'.''

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–414, § 1, Nov. 1, 2000, 114 Stat. 1800, provided that: ''This Act [enacting section 30170 of this title, amending sections 30115, 30117, 30118, 30120, 30165, and 30166 of this title, and enacting provisions set out as notes under sections 30111, 30115, 30118, 30123, and

30127 of this title] may be cited as the 'Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–178, title VII, § 7101, June 9, 1998, 112 Stat. 465, provided that: ''This subtitle [subtitle A (§§ 7101–7107) of title VII of Pub. L. 105–178, enacting section 30105 of this title, amending sections 30104, 30114, 30120, 30123, 30127, 32102, 32304, and 32705 of this title, and enacting provisions set out as notes under this section and sections 30114 and 30127 of this title] may be cited as the 'National Highway Traffic Safety Administration Reauthorization Act of 1998'.''

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–152, § 1, July 2, 1996, 110 Stat. 1384, provided that: ''This Act [amending sections 30501 to 30505 and 33109 of this title and enacting provisions set out as a note under section 30502 of this title] may be cited as the 'Anti-Car Theft Improvements Act of 1996'.''

SIDE-IMPACT CRASH PROTECTION RULEMAKING

Pub. L. 109–59, title X, § 10302, Aug. 10, 2005, 119 Stat. 1940, provided that:

''(a) RULEMAKING.—The Secretary [of Transportation] shall complete a rulemaking proceeding under chapter 301 of title 49, United States Code, to establish a standard designed to enhance passenger motor vehicle occupant protection, in all seating positions, in side impact crashes. The Secretary shall issue a final rule by July 1, 2008.

''(b) DEADLINES.—If the Secretary determines that the deadline for a final rule under this section cannot be met, the Secretary shall—

''(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce and explain why that deadline cannot be met; and

''(2) establish a new deadline.''

VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY; NONTRAFFIC INCIDENT DATA COLLECTION

Pub. L. 109–59, title X, §§ 10304, 10305, Aug. 10, 2005, 119 Stat. 1940, 1941, provided that:

''SEC. 10304. VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY.

''(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall conduct a study of effective methods for reducing the incidence of injury and death outside of parked passenger motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds attributable to movement of such vehicles. The Administrator shall complete the study within 1 year after the date of enactment of this Act [Aug. 10, 2005] and report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce not later than 15 months after the date of enactment of this Act.

''(b) SPECIFIC ISSUES TO BE COVERED.—The study required by subsection (a) shall—

''(1) include an analysis of backover prevention technology;

''(2) identify, evaluate, and compare the available technologies for detecting people or objects behind a motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds for their accuracy, effectiveness, cost, and feasibility for installation; and

''(3) provide an estimate of cost savings that would result from widespread use of backover prevention devices and technologies in motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds, including savings attributable to the prevention of—

''(A) injuries and fatalities; and

''(B) damage to bumpers and other motor vehicle parts and damage to other objects.

''SEC. 10305. NONTRAFFIC INCIDENT DATA COLLECTION.

''(a) IN GENERAL.—In conjunction with the study required in section 10304, the National Highway Traffic Safety Administration shall establish a method to collect and maintain data on the number and types of injuries and deaths involving motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds in non-traffic incidents.

''(b) DATA COLLECTION AND PUBLICATION.—The Secretary of Transportation shall publish the data collected under subsection (a) no less frequently than biennially.''

STUDY ON INTERIOR DEVICE TO RELEASE TRUNK LID

Pub. L. 105–178, title VII, § 7106(e), June 9, 1998, 112 Stat. 469, required the National Highway Traffic Safety Administration to conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid and to submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after June 9, 1998.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT OF 1991

Pub. L. 102–240, title II, part B, Dec. 18, 1991, 105 Stat. 2081, as amended by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, provided that:

''SEC. 2500. SHORT TITLE.

''This part may be cited as the 'National Highway Traffic Safety Administration Authorization Act of 1991'.

''[SEC. 2501. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.]

''SEC. 2502. GENERAL PROVISIONS.

''(a) DEFINITIONS.—As used in this part—

''(1) the term 'bus' means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons;

''(2) the term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;

''(3) the term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;

''(4) the term 'truck' means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment; and

''(5) the term 'Secretary' means the Secretary of Transportation.

''(b) PROCEDURE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any action taken under section 2503 shall be taken in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.).

''(2) SPECIFIC PROCEDURE.—

''(A) INITIATION.—To initiate an action under section 2503, the Secretary shall, not later than May 31, 1992, publish in the Federal Register an advance notice of proposed rulemaking or a notice of proposed rulemaking, except that if the Secretary is unable to publish such a notice by such date, the Secretary shall by such date publish in the Federal Register a notice that the Secretary will begin such action by a certain date which may not be later than January 31, 1993 and include in such notice the reasons for the delay. A notice of delayed action shall not be considered agency action subject to judicial review. If the Secretary publishes an advance

notice of proposed rulemaking, the Secretary is not required to follow such notice with a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act ([formerly] 15 U.S.C. 1392), and if the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

''(B) COMPLETION.—

''(i) PERIOD.—Action under paragraphs (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may extend for any reason the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking for not more than 6 months if the Secretary publishes the reasons for such extension. The extension of such period shall not be considered agency action subject to judicial review.

''(ii) ACTION.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule (which decision may include deferral of the action or reinitiation of the action). The Secretary may not decide against promulgation of a final rule because of lack of time to complete rulemaking. Any such rulemaking actions shall be published in the Federal Register, together with the reasons for such decisions, consistent with chapter 5 of title 5, United States Code, and the National Traffic and Motor Vehicle Safety Act of 1966 [formerly 15 U.S.C. 1381 et seq.].

''(iii) SPECIAL RULE.—

''(I) PERIOD.—Action under paragraph (5) of section 2503 which was begun under subparagraph (A) shall be completed within 24 months of the date of publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking. If the Secretary determines that there is a need for delay and if the public comment period is closed, the Secretary may extend the date for completion for not more than 6 months and shall publish in the Federal Register a notice stating the reasons for the extension and setting a date certain for completion of the action. The extension of the completion date shall not be considered agency action subject to judicial review.

''(II) ACTION.—A rulemaking under paragraph (5) of section 2503 shall be considered completed when the Secretary promulgates a final rule with standards on improved head injury protection.

''(C) STANDARD.—The Secretary may, as part of any action taken under section 2503, amend any motor vehicle safety standard or establish a new standard under the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.).

''SEC. 2503. MATTERS BEFORE THE SECRETARY.

''The Secretary shall address the following matters in accordance with section 2502:

''(1) Protection against unreasonable risk of rollovers of passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

''(2) Extension of passenger car side impact protection to multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

''(3) Safety of child booster seats used in passenger cars and other appropriate motor vehicles.

''(4) Improved design for safety belts.

''(5) Improved head impact protection from interior components of passenger cars (i.e. roof rails, pillars, and front headers).

''[SECS. 2504, 2505. Repealed. Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379.]

''SEC. 2506. REAR SEATBELTS.

''The Secretary shall expend such portion of the funds authorized to be appropriated under the Motor Vehicle Information and Cost Savings Act ([formerly] 15 U.S.C. 1901 et seq.), for fiscal year 1993, as the Secretary deems necessary for the purpose of disseminating information to consumers regarding the manner in which passenger cars may be retrofitted with lap and shoulder rear seatbelts.

''SEC. 2507. BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS.

''Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 [formerly 15 U.S.C. 1381 et seq.], shall publish an advance notice of proposed rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(ii)) not later than 36 months from the date of initiation of such advance notice of proposed rulemaking. In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

''[SEC. 2508. Repealed. Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379.]

''SEC. 2509. HEAD INJURY IMPACT STUDY.

''The Secretary, in the case of any head injury protection matters not subject to section 2503(5) for which the Secretary is on the date of enactment of this Act [Dec. 18, 1991] examining the need for rulemaking and is conducting research, shall provide a report to Congress by the end of fiscal year 1993 identifying those matters and their status. The report shall include a statement of any actions planned toward initiating such rulemaking no later than fiscal year 1994 or 1995 through use of either an advance notice of proposed rulemaking or a notice of proposed rulemaking and completing such rulemaking as soon as possible thereafter.''

FUEL SYSTEM INTEGRITY STANDARD

Pub. L. 93–492, title I, §108, Oct. 27, 1974, 88 Stat. 1482, provided that:

''(a) RATIFICATION OF STANDARD.—Federal Motor Vehicle Safety Standard Number 301 (49 CFR 571.301–75; Docket No. 73–20, Notice 2) as published on March 21, 1974 (39 F.R. 10588–10590) shall take effect on the dates prescribed in such standard (as so published).

''(b) AMENDMENT OR REPEAL OF STANDARD.—The Secretary may amend the standard described in subsection (a) in order to correct technical errors in the standard, and may amend or repeal such standard if he determines such amendment or repeal will not diminish the level of motor vehicle safety.''

EX. ORD. NO. 11357. ADMINISTRATION OF TRAFFIC AND MOTOR VEHICLE SAFETY THROUGH NATIONAL HIGHWAY SAFETY BUREAU AND ITS DIRECTOR

Ex. Ord. No. 11357, June 6, 1967, 32 F.R. 8225, provided:

By virtue of the authority vested in me as President of the United States by Section 201 of the Highway Safety Act of 1966, as amended (80 Stat. 735, 943) [set out as a note under section 401 of Title 23, Highways],

and by Section 3(f)(3) of the Department of Transportation Act (80 Stat. 932) [former 49 U.S.C. 1652(f)(3)], it is hereby ordered that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718, 943) [formerly 15 U.S.C. 1381 et seq.], shall be carried out through the National Highway Safety Bureau and the Director thereof.

LYNDON B. JOHNSON.

§ 30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

(1) ''dealer'' means a person selling and distributing new motor vehicles or motor vehicle equipment primarily to purchasers that in good faith purchase the vehicles or equipment other than for resale.

(2) ''defect'' includes any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

(3) ''distributor'' means a person primarily selling and distributing motor vehicles or motor vehicle equipment for resale.

(4) ''interstate commerce'' means commerce between a place in a State and a place in another State or between places in the same State through another State.

(5) ''manufacturer'' means a person—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(7) ''motor vehicle equipment'' means—

(A) any system, part, or component of a motor vehicle as originally manufactured;

(B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle; or

(C) any device or an article or apparel (except medicine or eyeglasses prescribed by a licensed practitioner) that is not a system, part, or component of a motor vehicle and is manufactured, sold, delivered, offered, or intended to be used only to safeguard motor vehicles and highway users against risk of accident, injury, or death.

(8) ''motor vehicle safety'' means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

(9) ''motor vehicle safety standard'' means a minimum standard for motor vehicle or motor vehicle equipment performance.

(10) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(11) ''United States district court'' means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(b) LIMITED DEFINITIONS.—(1) In sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) ''adequate repair'' does not include repair resulting in substantially impaired operation of a motor vehicle or motor vehicle equipment;

(B) ''first purchaser'' means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;

(C) ''original equipment'' means motor vehicle equipment (including a tire) installed in or on a motor vehicle at the time of delivery to the first purchaser;

(D) ''replacement equipment'' means motor vehicle equipment (including a tire) that is not original equipment;

(E) a brand name owner of a tire marketed under a brand name not owned by the manufacturer of the tire is deemed to be the manufacturer of the tire;

(F) a defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser;

(G) a manufacturer of a motor vehicle in or on which original equipment was installed when delivered to the first purchaser is deemed to be the manufacturer of the equipment; and

(H) a retreader of a tire is deemed to be the manufacturer of the tire.

(2) The Secretary of Transportation may prescribe regulations changing paragraph (1)(C), (D), (F), or (G) of this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 941.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30102(a)(1) ..	15:1391(7).	Sept. 9, 1966, Pub. L. 89–563, § 102(1)–(3), (5)–(9), (11), (12), 80 Stat. 718, 719.
	15:1391(10).	Sept. 9, 1966, Pub. L. 89–563, § 102(10), 80 Stat. 718; restated Oct. 27, 1974, Pub. L. 93–492, § 110(a), 88 Stat. 1484.
	49 App.:1655(a)(6)(A).	Oct. 15, 1966, Pub. L. 89–670, § 6(a)(6)(A), 80 Stat. 938.
30102(a)(2) ..	15:1391(11).	
30102(a)(3) ..	15:1391(6).	
30102(a)(4) ..	15:1391(9).	
30102(a)(5) ..	15:1391(5).	
30102(a)(6) ..	15:1391(3).	
30102(a)(7) ..	15:1391(4).	Sept. 9, 1966, Pub. L. 89–563, § 102(4), 80 Stat. 718; restated May 22, 1970, Pub. L. 91–265, § 2, 84 Stat. 262.
30102(a)(8) ..	15:1391(1).	
30102(a)(9) ..	15:1391(2).	
30102(a)(10)	15:1391(8).	
30102(a)(11)	15:1391(12).	
30102(b)	15:1419.	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 159; added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1476.

In subsection (a), the definitions apply to the entire chapter because of references in 15:1421–1431 applying 15:1391–1420 to 15:1421–1431. Before clause (1), the words ''As used'' are omitted as surplus. In clause (1), the text of 15:1391(10) and 49 App.:1655(a)(6)(A) is omitted as sur-

plus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. The words ''selling and distributing'' are substituted for ''who is engaged in the sale and distribution of'' to eliminate unnecessary words. The word ''purposes'' is omitted as surplus. In clause (3), the words ''selling and distributing'' are substituted for ''engaged in the sale and distribution of'' to eliminate unnecessary words. In clause (5)(A), the words ''manufacturing or assembling'' are substituted for ''engaged in the manufacturing or assembling of'' to eliminate unnecessary words. In clause (7), the words ''physician or other duly'' and ''drivers, passengers, and other'' are omitted as surplus. In clause (8), the words ''is also protected'' and ''to persons'' are omitted as unnecessary. In clause (9), the words ''which is practicable, which meets the need for motor vehicle safety and which provides objective criteria'' are omitted as unnecessary because of 15:1392(a) which is restated in section 30111 of the revised title. In clauses (10) and (11), the words ''the Northern Mariana Islands'' are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94–241, 90 Stat. 268), and as proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593). The words ''the Canal Zone'' are omitted because of the Panama Canal Treaty of 1977. In clause (10), the word ''means'' is substituted for ''includes'' as being more appropriate. The words ''a State of the United States'' are substituted for ''each of the several States'' for consistency. The words ''the Commonwealth of'' are omitted as surplus. In clause (11), the word ''Federal'' is omitted as surplus. The words ''of the Commonwealth of Puerto Rico'' are omitted as unnecessary because the district court of Puerto Rico is a district court of the United States under 28:119.

In subsection (b)(1), before clause (A), the words ''The term'' and ''the term'' are omitted as surplus. In clause (B), the words ''of a motor vehicle or motor vehicle equipment'' are added for clarity. In clause (E), the words ''to be'' are added for consistency. The words ''marketed under such brand name'' are omitted as surplus. In clause (F), the words ''a motor vehicle safety standard prescribed under this chapter'' are added for clarity and consistency. The word ''noncompliance'' is substituted for ''failure to comply'' for consistency in the chapter. In clause (G), the words ''(rather than the manufacturer of such equipment)'' are omitted as surplus. The words ''deemed to be'' are substituted for ''considered'' for consistency. In clause (H), the words ''which have been'' are omitted as surplus.

Subsection (b)(2) is substituted for ''Except as otherwise provided in regulations of the Secretary'' for clarity and because of the restatement.

LOW-SPEED ELECTRIC BICYCLES

Pub. L. 107–319, § 2, Dec. 4, 2002, 116 Stat. 2776, provided that: ''For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act [15 U.S.C. 2085(b)]) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.''

§ 30103. Relationship to other laws

(a) UNIFORMITY OF REGULATIONS.—The Secretary of Transportation may not prescribe a safety regulation related to a motor vehicle subject to subchapter I of chapter 135 of this title that differs from a motor vehicle safety standard prescribed under this chapter. However, the Secretary may prescribe, for a motor vehicle operated by a carrier subject to subchapter I of chapter 135, a safety regulation that imposes a higher standard of performance after manufacture than that required by an applicable standard in effect at the time of manufacture.

(b) PREEMPTION.—(1) When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter.

(2) A State may enforce a standard that is identical to a standard prescribed under this chapter.

(c) ANTITRUST LAWS.—This chapter does not—

(1) exempt from the antitrust laws conduct that is unlawful under those laws; or

(2) prohibit under the antitrust laws conduct that is lawful under those laws.

(d) WARRANTY OBLIGATIONS AND ADDITIONAL LEGAL RIGHTS AND REMEDIES.—Sections 30117(b), 30118–30121, 30166(f), and 30167(a) and (b) of this title do not establish or affect a warranty obligation under a law of the United States or a State. A remedy under those sections and sections 30161 and 30162 of this title is in addition to other rights and remedies under other laws of the United States or a State.

(e) COMMON LAW LIABILITY.—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 943; Pub. L. 104–88, title III, § 308(j), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30103(a)	15:1392(g).	Sept. 9, 1966, Pub. L. 89–563, §§ 103(g), 105(a)(6), 116, 80 Stat. 720, 721, 727.
30103(b)	15:1392(d).	Sept. 9, 1966, Pub. L. 89–563, § 103(d), 80 Stat. 719; Oct. 15, 1982, Pub. L. 97–331, § 3, 96 Stat. 1619.
30103(c)	15:1405.	
30103(d)	15:1394(a)(6).	
	15:1410a(e).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§ 124(e), 160; added Oct. 27, 1974, Pub. L. 93–492, §§ 102(a), 106, 88 Stat. 1477, 1481.
	15:1420.	
30103(e)	15:1397(k).	Sept. 9, 1966, Pub. L. 89–563, § 108(k), 80 Stat. 723; Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2818.

In subsection (a), the words ''or the Transportation of Explosives Act, as amended (18 U.S.C. 831–835)'' are omitted as obsolete because 18:831–835 have been repealed. The word ''prescribe'' is substituted for ''adopt'' for consistency. The words ''or continue in effect'' and ''In prescribing safety regulations'' are omitted as surplus. The word ''prescribed'' is substituted for ''issued'' for consistency. The words ''to comply'' and ''Federal'' are omitted as surplus. The words ''in effect'' are added for clarity.

In subsection (b)(1), the word ''Federal'' is omitted as surplus. The word ''prescribe'' is substituted for ''either

to establish, or to continue in effect'' for consistency and to eliminate unnecessary words. The words ''standard prescribed under this chapter'' are substituted for ''Federal standard'' for clarity. The words ''However, the United States . . . may prescribe'' are substituted for ''Nothing in this section shall be construed to prevent the Federal . . . from establishing'' for consistency. The words ''of a State'' are substituted for ''thereof'' for clarity. The word ''standard'' is substituted for ''safety requirement'' for consistency. The words ''performance requirement'' are substituted for ''standard of performance'' to avoid using ''standard'' in 2 different ways.

Subsection (b)(2) is substituted for 15:1392(d) (2d sentence) for consistency and to eliminate unnecessary words.

In subsection (c), the words ''be deemed to'' and ''of the United States'' are omitted as surplus.

In subsection (d), the words ''United States'' are substituted for ''Federal'' in 15:1420 for consistency. The words ''Consumer'' in 15:1420, ''not in lieu of'' in 15:1410a(e) and 1420, and ''not in substitution for'' in 15:1394(a)(6) are omitted as surplus. The word ''other'' is added for clarity.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–88 substituted ''subchapter I of chapter 135'' for ''subchapter II of chapter 105'' in two places.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

§ 30104. Authorization of appropriations

There is authorized to be appropriated to the Secretary $98,313,500 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 944; Pub. L. 105–178, title VII, § 7102(a), June 9, 1998, 112 Stat. 465; Pub. L. 106–39, § 1(a), July 28, 1999, 113 Stat. 206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30104	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2501(a), 105 Stat. 2081.

In this section, before clause (1), the words ''to the Secretary of Transportation for the National Highway Traffic Safety Administration'' are substituted for ''For the National Highway Traffic Safety Administration'' for clarity and consistency in the revised title and with other titles of the United States Code. The reference to fiscal year 1992 is omitted as obsolete.

AMENDMENTS

1999—Pub. L. 106–39 substituted ''$98,313,500'' for ''$81,200,000''.

1998—Pub. L. 105–178 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this chapter:

''(1) $71,333,436 for the fiscal year ending September 30, 1993.

''(2) $74,044,106 for the fiscal year ending September 30, 1994.

''(3) $76,857,782 for the fiscal year ending September 30, 1995.''

§ 30105. Restriction on lobbying activities

(a) IN GENERAL.—No funds appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.

(Added and amended Pub. L. 105–178, title VII, § 7104(a), (c), June 9, 1998, 112 Stat. 466; Pub. L. 105–206, title IX, § 9012(a), July 22, 1998, 112 Stat. 864.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, § 7104(c), as added by Pub. L. 105–206, inserted ''for the National Highway Traffic Safety Administration'' after ''Secretary''.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

§ 30106. Rented or leased motor vehicle safety and responsibility

(a) IN GENERAL.—An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if—

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

(c) APPLICABILITY AND EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AFFILIATE.—The term ''affiliate'' means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term ''control'' means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(2) OWNER.—The term ''owner'' means a person who is—

(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

(3) PERSON.—The term ''person'' means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

(Added Pub. L. 109–59, title X, §10208(a), Aug. 10, 2005, 119 Stat. 1935.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

SUBCHAPTER II—STANDARDS AND COMPLIANCE

§30111. Standards

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall prescribe motor vehicle safety standards. Each standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

(b) CONSIDERATIONS AND CONSULTATION.—When prescribing a motor vehicle safety standard under this chapter, the Secretary shall—

(1) consider relevant available motor vehicle safety information;

(2) consult with the agency established under the Act of August 20, 1958 (Public Law 85–684, 72 Stat. 635), and other appropriate State or interstate authorities (including legislative committees);

(3) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which the standard will carry out section 30101 of this title.

(c) COOPERATION.—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing motor vehicle safety standards.

(d) EFFECTIVE DATES OF STANDARDS.—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

(e) 5-YEAR PLAN FOR TESTING STANDARDS.—The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing motor vehicle safety standards prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 30101 of this title and the Secretary's other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 944.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30111(a)	15:1392(a), (b), (e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §§102(13), 103(a)–(c), (e), (f), 107 (related to standards), 80 Stat. 719, 721.
30111(b)	15:1391(13). 15:1392(f).	
30111(c)	15:1396 (related to standards).	
30111(d)	15:1392(c), (e) (last sentence).	
30111(e)	15:1392(j).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §103(j); added Dec. 18, 1991, Pub. L. 102–240, §2505, 105 Stat. 2084.

In subsection (a), the words ''shall prescribe'' are substituted for ''shall establish by order'' in 15:1392(a) and ''may by order'' in 15:1392(e) (1st sentence) for consistency. The words ''amend or revoke'' in 15:1392(e) (1st sentence) and 1397(b)(1) (last sentence) are omitted because they are included in ''prescribe''. The words ''appropriate Federal'' in 15:1392(a) and ''Federal'' in 15:1392(e) (1st sentence) are omitted as surplus. The words ''established under this section'' are omitted because of the restatement. The text of 15:1392(b) is omitted as surplus because 5:chs. 5, subch. II, and 7 apply unless otherwise stated.

In subsection (b)(1), the words ''including the results of research, development, testing and evaluation activities conducted pursuant to this chapter'' are omitted as surplus.

In subsection (b)(2), the words ''agency established under the Act of August 20, 1958 (Public Law 85–684, 72 Stat. 635)'' are substituted for 15:1391(13) and ''the Vehicle Equipment Safety Commission'' in 15:1392(f) because of the restatement. The citation in parenthesis is included only for information purposes.

In subsection (b)(4), the words ''contribute to'' are omitted as surplus.

In subsection (c), the words ''departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies'' are substituted for ''other Federal departments and agencies, and State and other interested public and private agencies'' for consistency. The words ''planning and'' are omitted as surplus.

In subsection (d), the words ''The Secretary'' are added for clarity. The words ''effective date'' are sub-

stituted for ''the date . . . is to take effect'' to eliminate unnecessary words. The words ''under this chapter'' are added for clarity. The words ''However, the Secretary may prescribe a different effective date'' are substituted for ''unless the Secretary'' for clarity. The word ''different'' is substituted for ''earlier or later'' to eliminate unnecessary words.

In subsection (e), the words ''duties and powers'' are substituted for ''responsibilities'', and the word ''change'' is substituted for ''adjust'', and for clarity and consistency in the revised title.

REFERENCES IN TEXT

Act of August 20, 1958, referred to in subsec. (b)(2), is set out as a note under former section 313 of Title 23, Highways.

PEDESTRIAN SAFETY ENHANCEMENT

Pub. L. 111–373, Jan. 4, 2011, 124 Stat. 4086, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Pedestrian Safety Enhancement Act of 2010'.

''SEC. 2. DEFINITIONS.

''As used in this Act—

''(1) the term 'Secretary' means the Secretary of Transportation;

''(2) the term 'alert sound' (herein referred to as the 'sound') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

''(3) the term 'cross-over speed' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

''(4) the term 'motor vehicle' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

''(5) the term 'conventional motor vehicle' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

''(6) the term 'manufacturer' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

''(7) the term 'dealer' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

''(8) the term 'defect' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

''(9) the term 'hybrid vehicle' means a motor vehicle which has more than one means of propulsion; and

''(10) the term 'electric vehicle' means a motor vehicle with an electric motor as its sole means of propulsion.

''SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

''(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act [Jan. 4, 2011] the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

''(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

''(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

''The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or non-compliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

''(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

''(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

''(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

''(3) consider the overall community noise impact.

''(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

''(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

''(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

''(2) consult consumer groups representing individuals who are blind;

''(3) consult with automobile manufacturers and professional organizations representing them;

''(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

''(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

''SEC. 4. FUNDING.

''Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.''

CHILD SAFETY STANDARDS FOR MOTOR VEHICLES

Pub. L. 110–189, Feb. 28, 2008, 122 Stat. 639, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Cameron Gulbransen Kids Transportation Safety Act of 2007' or the 'K.T. Safety Act of 2007'.

''SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

''(a) POWER WINDOW SAFETY.—

''(1) CONSIDERATION OF RULE.—Not later than 18 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary of Transportation (referred to in this Act as the 'Secretary') shall initiate a rulemaking to consider prescribing or amending Federal motor vehicle safety standards to require power windows and panels on motor vehicles to automatically reverse direction when such power windows and panels detect an obstruction to prevent children and others from being trapped, injured, or killed.

''(2) DEADLINE FOR DECISION.—If the Secretary determines such safety standards are reasonable, practicable, and appropriate, the Secretary shall prescribe, under section 30111 of title 49, United States Code, the safety standards described in paragraph (1) not later than 30 months after the date of enactment of this Act. If the Secretary determines that no additional safety standards are reasonable, practicable, and appropriate, the Secretary shall—

''(A) not later than 30 months after the date of enactment of this Act, transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons such standards were not prescribed; and

''(B) publish and otherwise make available to the public through the Internet and other means (such as the 'Buying a Safer Car' brochure) information regarding which vehicles are or are not equipped with power windows and panels that automatically reverse direction when an obstruction is detected.

''(b) REARWARD VISIBILITY.—Not later than 12 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 111 (FMVSS 111) to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. The Secretary may prescribe different requirements for different types of motor vehicles to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. Such standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver's field of view. The Secretary shall prescribe final standards pursuant to this subsection not later than 36 months after the date of enactment of this Act.

''(c) PHASE-IN PERIOD.—

''(1) PHASE-IN PERIOD REQUIRED.—The safety standards prescribed pursuant to subsections (a) and (b) shall establish a phase-in period for compliance, as determined by the Secretary, and require full compliance with the safety standards not later than 48 months after the date on which the final rule is issued.

''(2) PHASE-IN PRIORITIES.—In establishing the phase-in period of the rearward visibility safety standards required under subsection (b), the Secretary shall consider whether to require the phase-in according to different types of motor vehicles based on data demonstrating the frequency by which various types of motor vehicles have been involved in backing incidents resulting in injury or death. If the Secretary determines that any type of motor vehicle should be given priority, the Secretary shall issue regulations that specify—

''(A) which type or types of motor vehicles shall be phased-in first; and

''(B) the percentages by which such motor vehicles shall be phased-in.

''(d) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

''(1) REQUIREMENT.—Each motor vehicle with an automatic transmission that includes a 'park' position manufactured for sale after September 1, 2010, shall be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of 'park'. This system shall function in any starting system key position in which the transmission can be shifted out of 'park'.

''(2) TREATMENT AS MOTOR VEHICLE SAFETY STANDARD.—A violation of paragraph (1) shall be treated as a violation of a motor vehicle safety standard prescribed under section 30111 of title 49, United States Code, and shall be subject to enforcement by the Secretary under chapter 301 of such title.

''(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

''(A) INFORMATION SUBMISSION.—Not later than 60 days after the date of the enactment of this Act [Feb. 28, 2008], for the current model year and annually thereafter through 2010, each motor vehicle manufacturer shall transmit to the Secretary the make and model of motor vehicles with automatic transmissions that include a 'park' position that do not comply with the requirements of paragraph (1).

''(B) PUBLICATION.—Not later than 30 days after receiving the information submitted under subparagraph (A), the Secretary shall publish and otherwise make available to the public through the Internet and other means the make and model of the applicable motor vehicles that do not comply with the requirements of paragraph (1). Any motor vehicle not included in the publication under this subparagraph shall be presumed to comply with such requirements.

''(e) DEFINITION OF MOTOR VEHICLE.—As used in this Act and for purposes of the motor vehicle safety standards described in subsections (a) and (b), the term 'motor vehicle' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include—

''(1) a motorcycle or trailer (as such terms are defined in section 571.3 of title 49, Code of Federal Regulations); or

''(2) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight.

''(f) DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.—

''(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall establish and maintain a database of injuries and deaths in nontraffic, noncrash events involving motor vehicles.

''(2) CONTENTS.—The database established pursuant to paragraph (1) shall include information regarding—

''(A) the number, types, and causes of injuries and deaths resulting from the events described in paragraph (1);

''(B) the make, model, and model year of motor vehicles involved in such events, when practicable; and

''(C) other variables that the Secretary determines will enhance the value of the database.

''(3) AVAILABILITY.—The Secretary shall make the information contained in the database established pursuant to paragraph (1) available to the public through the Internet and other means.

''SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

''(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act [Feb. 28, 2008], the Secretary shall provide information about hazards to children in nontraffic, noncrash incident situations by—

''(1) supplementing an existing consumer information program relating to child safety; or

''(2) creating a new consumer information program relating to child safety.

''(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Secretary shall—

''(1) utilize information collected pursuant to section 2(f) regarding nontraffic, noncrash injuries, and other relevant data the Secretary considers appropriate, to establish priorities for the program;

''(2) address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed motor vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed; and

''(3) make information related to the program available to the public through the Internet and other means.

''SEC. 4. DEADLINES.

''If the Secretary determines that the deadlines applicable under this Act cannot be met, the Secretary shall—

''(1) establish new deadlines; and

''(2) notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the new deadlines and describing the reasons the deadlines specified under this Act could not be met.''

IMPROVING CRITERIA USED IN A RECALL

Pub. L. 106–414, §15, Nov. 1, 2000, 114 Stat. 1808, provided that:

''(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of the enactment of this Act [Nov. 1, 2000], undertake a comprehensive review of all standards, criteria, procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

''(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the Secretary shall transmit to the Committee on Commerce [now Committee on Energy and Commerce] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Secretary's findings and actions under subsection (a).''

§ 30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment

(a) GENERAL.—(1) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter takes effect unless the vehicle or equipment complies with the standard and is covered by a certification issued under section 30115 of this title.

(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter, a school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of this paragraph.

(b) NONAPPLICATION.—This section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a motor vehicle or motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale;

(2) a person—

(A) establishing that the person had no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment does not comply with applicable motor vehicle safety standards prescribed under this chapter; or

(B) holding, without knowing about the noncompliance and before the vehicle or equipment is first purchased in good faith other than for resale, a certificate issued by a manufacturer or importer stating the vehicle or equipment complies with applicable standards prescribed under this chapter;

(3) a motor vehicle or motor vehicle equipment intended only for export, labeled for export on the vehicle or equipment and on the outside of any container of the vehicle or equipment, and exported;

(4) a motor vehicle the Secretary of Transportation decides under section 30141 of this title is capable of complying with applicable standards prescribed under this chapter;

(5) a motor vehicle imported for personal use by an individual who receives an exemption under section 30142 of this title;

(6) a motor vehicle under section 30143 of this title imported by an individual employed outside the United States;

(7) a motor vehicle under section 30144 of this title imported on a temporary basis;

(8) a motor vehicle or item of motor vehicle equipment under section 30145 of this title requiring further manufacturing; or

(9) a motor vehicle that is at least 25 years old.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 945; Pub. L. 109–59, title X, §10309(b), Aug. 10, 2005, 119 Stat. 1942.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30112(a)	15:1397(a)(1)(A).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(A), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1), 88 Stat. 1477; Oct. 31, 1988, Pub. L. 100–562, §2(c), (d), 102 Stat. 2824.
	15:1397(c)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(c)(1), (i); added Oct. 31, 1988, Pub. L. 100–562, §2(b), 102 Stat. 2818, 2823.
30112(b) (1)–(3).	15:1397(a)(2)(D), (b)(1) (1st sentence), (2).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(2)(D), (b)(1) (1st sentence), (2), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1), 88 Stat. 1477, 1478.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	15:1397(b)(3).	Sept. 9, 1966, Pub. L. 89–563, §108(b)(3), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(B), 88 Stat. 1478; Oct. 31, 1988, Pub. L. 100–562, §2(a), 102 Stat. 2818.
30112(b) (4)–(8).	(no source).	
30112(b)(9) ..	15:1397(i).	

In subsection (a), the words ''Except as provided in this section . . . and subchapter III of this chapter'' are substituted for 15:1397(c)(1) to eliminate unnecessary words and because of the restatement. The reference to section 30113 is added for clarity.

In subsection (b), before clause (1), the text of 15:1397(a)(2)(D) is omitted as obsolete because under section 30124 of the revised title a standard prescribed under this chapter may not allow compliance by use of a safety belt interlock or a continuous buzzer. In clause (2)(A), the words ''despite exercising reasonable care'' are substituted for ''in the exercise of due care'' for clarity and consistency in the revised title. The words ''motor vehicle safety standards prescribed under this chapter'' are substituted for ''Federal motor vehicle safety standards'' for clarity and consistency in this chapter. In clause (2)(B), the words ''without knowing about the noncompliance'' are substituted for ''unless such person knows that such vehicle or equipment does not so conform'' to eliminate unnecessary words and for consistency in the revised title. Clauses (4)–(8) are added to provide cross–references to sections restating exceptions to the general rule restated in subsection (a) of this section.

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59, which directed amendment of section 30112(a), without specifying the title to be amended, by designating existing provisions as par. (1) and adding par. (2), was executed to this section, to reflect the probable intent of Congress.

§30113. General exemptions

(a) DEFINITION.—In this section, ''low-emission motor vehicle'' means a motor vehicle meeting the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. 7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards.

(b) AUTHORITY TO EXEMPT AND PROCEDURES.—(1) The Secretary of Transportation may exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard prescribed under this chapter or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title, on terms the Secretary considers appropriate. An exemption may be renewed. A renewal may be granted only on reapplication and must conform to the requirements of this subsection.

(2) The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a renewal of an exemption shall be filed at a time and in the way, and contain information, this section and the Secretary require.

(3) The Secretary may act under this subsection on finding that—

(A) an exemption is consistent with the public interest and this chapter or chapter 325 of this title (as applicable); and

(B)(i) compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle; or

(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(c) CONTENTS OF APPLICATIONS.—A manufacturer applying for an exemption under subsection (b) of this section shall include the following information in the application:

(1) if the application is made under subsection (b)(3)(B)(i) of this section, a complete financial statement describing the economic hardship and a complete description of the manufacturer's good faith effort to comply with each motor vehicle safety standard prescribed under this chapter, or a bumper standard prescribed under chapter 325 of this title, from which the manufacturer is requesting an exemption.

(2) if the application is made under subsection (b)(3)(B)(ii) of this section, a record of the research, development, and testing establishing the innovative nature of the safety feature and a detailed analysis establishing that the safety level of the feature at least equals the safety level of the standard.

(3) if the application is made under subsection (b)(3)(B)(iii) of this section, a record of the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.

(4) if the application is made under subsection (b)(3)(B)(iv) of this section, a detailed analysis showing how the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(d) ELIGIBILITY.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) of this section (including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1)) only if the Secretary determines that the manufacturer's total motor vehicle production in the most recent year of production is not more than 10,000. A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iii), or (iv) of this section only if the Secretary determines the ex-

emption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period.

(e) MAXIMUM PERIOD.—An exemption or renewal under subsection (b)(3)(B)(i) of this section may be granted for not more than 3 years. An exemption or renewal under subsection (b)(3)(B)(ii), (iii), or (iv) of this section may be granted for not more than 2 years.

(f) DISCLOSURE.—The Secretary may make public, by the 10th day after an application is filed, information contained in the application or relevant to the application unless the information concerns or is related to a trade secret or other confidential information not relevant to the application.

(g) NOTICE OF DECISION.—The Secretary shall publish in the Federal Register a notice of each decision granting an exemption under this section and the reasons for granting it.

(h) PERMANENT LABEL REQUIREMENT.—The Secretary shall require a permanent label to be fixed to a motor vehicle granted an exemption under this section. The label shall either name or describe each motor vehicle safety standard prescribed under this chapter or bumper standard prescribed under chapter 325 of this title from which the vehicle is exempt. The Secretary may require that written notice of an exemption be delivered by appropriate means to the dealer and the first purchaser of the vehicle other than for resale.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 945; Pub. L. 105–277, div. A, § 101(g) [title III, § 351(a)], Oct. 21, 1998, 112 Stat. 2681–439, 2681–475.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30113(a)	15:1410(g).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 123; added Apr. 10, 1968, Pub. L. 90–283, 82 Stat. 72; restated Oct. 25, 1972, Pub. L. 92–548, § 3, 86 Stat. 1159.
30113(b)	15:1410(a) (1st sentence), (c)(1) (23d–last words), (2) (23d–last words).	
30113(c)	15:1410(e).	
30113(d)	15:1410(d).	
30113(e)	15:1410(c)(1) (1st–22d words), (2) (1st–22d words).	
30113(f)	15:1410(f).	
30113(g)	15:1410(a) (last sentence).	
30113(h)	15:1410(b).	

In subsection (a), the words ''the term'' and ''type of'' are omitted as surplus. The words ''when the vehicle is manufactured'' are substituted for ''at the time of manufacture'' for consistency.

In subsection (b)(1), the words ''Except as provided in subsection (d) of this section'' are omitted as surplus. The words ''to such extent'' are omitted as being included in ''on terms the Secretary considers appropriate''.

In subsection (b)(2), the words ''The Secretary may begin a proceeding under this subsection . . . for an exemption or a renewal of an exemption'' are added because of the restatement. The words ''of the application'' are added for clarity. The words ''An application for an exemption or for a renewal of an exemption shall be filed'' are added because of the restatement.

In subsection (b)(3)(A), the words ''such temporary'' and ''the objectives of'' are omitted as surplus.

In subsection (b)(3)(B)(i), the words ''to a manufacturer that'' are substituted for ''such manufacturer . . . and that the manufacturer'' to eliminate unnecessary words. The words ''from which it requests to be exempted'' are omitted as surplus.

In subsection (b)(3)(B)(ii), the words ''from which an exemption is sought'' are omitted as surplus.

In subsection (b)(3)(B)(iii), the words ''lower the safety level'' are substituted for ''degrade the safety'' for clarity.

In subsection (b)(3)(B)(iv), the word ''requiring'' is omitted as surplus.

In subsection (c), before clause (1), the words ''the following information'' are added for clarity. In clause (1), the word ''describing'' is substituted for ''the basis of showing'' to eliminate unnecessary words. The words ''each motor vehicle safety standard prescribed under this chapter from which the manufacturer is requesting an exemption'' are substituted for ''the standards'' for clarity. In clauses (2) and (3), the words ''a record'' are substituted for ''documentation'' for consistency in the revised title. In clause (2), the words ''establishing that the safety level of the feature at least equals the safety level of the standard'' are substituted for ''establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought'' because of the restatement. In clause (3), the word ''level'' is added, and the words ''lowered . . . by exemption from the standard'' are substituted for ''degraded'', for consistency in this section. In clause (4), the words ''at least equal to'' are substituted for ''equivalent to or exceeding'' for consistency.

In subsection (f), the text of 15:1410(f) (1st sentence) is omitted as executed. The words ''under this section all'' and ''other information'' are omitted as surplus. The words ''to the application'' are substituted for ''thereto'' for clarity. The words ''business'' and ''for exemption'' are omitted as surplus.

In subsection (g), the words ''The Secretary'' are added for clarity. The word ''temporary'' is omitted as surplus. The words ''under this section'' are added for clarity.

In subsection (h), the words ''a . . . label to be fixed to a motor vehicle granted an exemption under this section'' are substituted for ''labeling of each exempted motor vehicle . . . and be affixed to such exempted vehicles'' for clarity. The words ''of such exempted motor vehicle in such manner as he deems'' are omitted as surplus. The words ''motor vehicle safety standard prescribed under this chapter'' are substituted for ''the standards'' for clarity and consistency in this chapter.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105–277, § 101(g) [title III, § 351(a)(1)(A)], inserted ''or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title,'' after ''a motor vehicle safety standard prescribed under this chapter''.

Subsec. (b)(3)(A). Pub. L. 105–277, § 101(g) [title III, § 351(a)(1)(B)], inserted ''or chapter 325 of this title (as applicable)'' after ''this chapter''.

Subsec. (c)(1). Pub. L. 105–277, § 101(g) [title III, § 351(a)(2)], inserted '', or a bumper standard prescribed under chapter 325 of this title,'' after ''motor vehicle safety standard prescribed under this chapter''.

Subsec. (d). Pub. L. 105–277, § 101(g) [title III, § 351(a)(3)], inserted ''(including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1))'' after ''subsection (b)(3)(B)(i) of this section''.

Subsec. (h). Pub. L. 105–277, § 101(g) [title III, § 351(a)(4)], inserted ''or bumper standard prescribed under chapter 325 of this title'' after ''each motor vehicle safety standard prescribed under this chapter''.

§ 30114. Special exemptions

The Secretary of Transportation may exempt a motor vehicle or item of motor vehicle equipment from section 30112(a) of this title on terms the Secretary decides are necessary for research,

investigations, demonstrations, training, competitive racing events, show, or display.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 947; Pub. L. 105–178, title VII, §7107(a), June 9, 1998, 112 Stat. 469.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30114	15:1397(j).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(j); added Oct. 31, 1988, Pub. L. 100–562, §2(b), 102 Stat. 2824.

The word ''conditions'' is omitted as being included in ''terms'', and the word ''studies'' is omitted as being included in ''research''. The word ''solely'' is omitted as unnecessary.

AMENDMENTS

1998—Pub. L. 105–178 substituted ''competitive racing events, show, or display'' for ''or competitive racing events''.

TRANSITION RULE

Pub. L. 105–178, title VII, §7107(b), June 9, 1998, 112 Stat. 469, provided that: ''A person who is the owner of a motor vehicle located in the United States on the date of enactment of this Act [June 9, 1998] may seek an exemption under section 30114 of title 49, United States Code, as amended by subsection (a) of this section, for a period of 6 months after the date regulations of the Secretary of Transportation promulgated in response to such amendment take effect.''

§30115. Certification of compliance

(a) IN GENERAL.—A manufacturer or distributor of a motor vehicle or motor vehicle equipment shall certify to the distributor or dealer at delivery that the vehicle or equipment complies with applicable motor vehicle safety standards prescribed under this chapter. A person may not issue the certificate if, in exercising reasonable care, the person has reason to know the certificate is false or misleading in a material respect. Certification of a vehicle must be shown by a label or tag permanently fixed to the vehicle. Certification of equipment may be shown by a label or tag on the equipment or on the outside of the container in which the equipment is delivered.

(b) CERTIFICATION LABEL.—In the case of the certification label affixed by an intermediate or final stage manufacturer of a motor vehicle built in more than 1 stage, each intermediate or final stage manufacturer shall certify with respect to each applicable Federal motor vehicle safety standard—

(1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or

(2) that it has elected to assume responsibility for compliance with that standard.

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable time of affixing the certification label. A violation of this subsection shall not be subject to a civil penalty under section 30165.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 947; Pub. L. 106–414, §9, Nov. 1, 2000, 114 Stat. 1805.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30115	15:1397(a)(1)(C), (E) (related to 15:1403).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(C), (E) (related to §114), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(A), (2)(B), 88 Stat. 1477, 1478.
	15:1403.	Sept. 9, 1966, Pub. L. 89–563, §114, 80 Stat. 726.

The words ''fail to issue a certificate required by section 1403 of this title'' in 15:1397(a)(1)(C) and the text of 15:1397(a)(1)(E) (related to 15:1403) are omitted as surplus. The word ''certify'' is substituted for ''furnish . . . the certification'' in 15:1403 to eliminate unnecessary words. The words ''the time of'' and ''of such vehicle or equipment by such manufacturer or distributor'' are omitted as surplus. The words ''prescribed under this chapter'' are added for clarity. The word ''reasonable'' is substituted for ''due'' in 15:1397(a)(1)(C) for consistency in the revised title. The words ''to the effect that a motor vehicle or item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards'' are omitted because of the restatement. The words ''shown by'' are substituted for ''in the form of'' in 15:1403 for clarity.

AMENDMENTS

2000—Pub. L. 106–414 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

FOLLOW-UP REPORT

Pub. L. 106–414, §16, Nov. 1, 2000, 114 Stat. 1808, provided that: ''One year after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall report to the Congress on the implementation of the amendments made by this Act [see Short Title of 2000 Amendment note set out under section 30101 of this title] and any recommendations for additional amendments for consumer safety.''

§30116. Defects and noncompliance found before sale to purchaser

(a) ACTIONS REQUIRED OF MANUFACTURERS AND DISTRIBUTORS.—If, after a manufacturer or distributor sells a motor vehicle or motor vehicle equipment to a distributor or dealer and before the distributor or dealer sells the vehicle or equipment, it is decided that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with applicable motor vehicle safety standards prescribed under this chapter—

(1) the manufacturer or distributor immediately shall repurchase the vehicle or equipment at the price paid by the distributor or dealer, plus transportation charges and reasonable reimbursement of at least one percent a month of the price paid prorated from the date of notice of noncompliance or defect to the date of repurchase; or

(2) if a vehicle, the manufacturer or distributor immediately shall give to the distributor or dealer at the manufacturer's or distributor's own expense, the part or equipment needed to make the vehicle comply with the standards or correct the defect.

(b) DISTRIBUTOR OR DEALER INSTALLATION.—The distributor or dealer shall install the part or equipment referred to in subsection (a)(2) of this section. If the distributor or dealer installs the part or equipment with reasonable diligence after it is received, the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation and a reasonable reimbursement of at least one percent a month of the manufacturer's or distributor's selling price prorated from the date of notice of noncompliance or defect to the date the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter or the defect is corrected.

(c) ESTABLISHING AMOUNT DUE AND CIVIL ACTIONS.—The parties shall establish the value of installation and the amount of reimbursement under this section. If the parties do not agree, or if a manufacturer or distributor refuses to comply with subsection (a) or (b) of this section, the distributor or dealer purchasing the motor vehicle or motor vehicle equipment may bring a civil action. The action may be brought in a United States district court for the judicial district in which the manufacturer or distributor resides, is found, or has an agent, to recover damages, court costs, and a reasonable attorney's fee. An action under this section must be brought not later than 3 years after the claim accrues.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 947.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30116(a)	15:1400(a) (less (2) (last 97 words)).	Sept. 9, 1966, Pub. L. 89–563, § 111, 80 Stat. 724.
30116(b)	15:1400(a)(2) (last 97 words).	
30116(c)	15:1400(b), (c).	

In subsection (a)(1), the words ''as the case may be'', ''from such distributor or dealer'', ''all . . . involved'', and ''by the manufacturer or distributor'' are omitted as surplus.

In subsection (a)(2), the words ''manufacturer's or distributor's'' are substituted for ''his'' for clarity. The words ''or parts'' are omitted because of 1:1. The words ''the vehicle comply with the standards or correct the defect'' are substituted for ''conforming'' for clarity.

In subsection (b), the words ''the part or equipment referred to in subsection (a)(2) of this section'' are added because of the restatement. The words ''If the distributor or dealer installs the part or equipment with reasonable diligence after it is received, the manufacturer shall reimburse the distributor or dealer'' are substituted for ''and for the installation involved the manufacturer shall reimburse such distributor or dealer . . . *Provided, however*, That the distributor or dealer proceeds with reasonable diligence with the installation after the required part, parts or equipment are received'' to eliminate unnecessary words. The words ''on or in such vehicle'' are omitted as surplus. The words ''notice of noncompliance or defect'' are substituted for ''notice of such nonconformance'', and the words ''complies with applicable motor vehicle safety standards prescribed under this chapter or the defect is corrected'' are substituted for ''is brought into conformance with applicable Federal standards'', to eliminate unnecessary words and for consistency in the revised title.

In subsection (c), the words ''the amount of reimbursement'' are substituted for ''such reasonable reimbursements'' for clarity and because of the restatement. The words ''by mutual agreement'' are omitted as surplus. The words ''If the parties do not agree'' are substituted for ''or failing such agreement'', and the words ''by the court pursuant to the provisions of subsection (b) of this section'' are omitted, because of the restatement. The words ''the requirements of'', ''then'', ''as the case may be'', and ''without respect to the amount in controversy'' are omitted as surplus. The words ''civil action'' are substituted for ''suit'' because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''against such manufacturer or distributor'' are omitted as surplus. The word ''judicial'' is added for consistency. The words ''to recover damages, court costs, and a reasonable attorney's fee'' are substituted for ''and shall recover the damage by him sustained, as well as all court costs plus reasonable attorneys' fees'', and the words ''must be brought'' are substituted for ''shall be forever barred unless commenced'', to eliminate unnecessary words. The word ''claim'' is substituted for ''cause of action'' for consistency.

§ 30117. Providing information to, and maintaining records on, purchasers

(a) PROVIDING INFORMATION AND NOTICE.—The Secretary of Transportation may require that each manufacturer of a motor vehicle or motor vehicle equipment provide technical information related to performance and safety required to carry out this chapter. The Secretary may require the manufacturer to give the following notice of that information when the Secretary decides it is necessary:

(1) to each prospective purchaser of a vehicle or equipment before the first sale other than for resale at each location at which the vehicle or equipment is offered for sale by a person having a legal relationship with the manufacturer, in a way the Secretary decides is appropriate.

(2) to the first purchaser of a vehicle or equipment other than for resale when the vehicle or equipment is bought, in printed matter placed in the vehicle or attached to or accompanying the equipment.

(b) MAINTAINING PURCHASER RECORDS AND PROCEDURES.—(1) A manufacturer of a motor vehicle or tire (except a retreaded tire) shall cause to be maintained a record of the name and address of the first purchaser of each vehicle or tire it produces and, to the extent prescribed by regulations of the Secretary, shall cause to be maintained a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces. The Secretary may prescribe by regulation the records to be maintained and reasonable procedures for maintaining the records under this subsection, including procedures to be followed by distributors and dealers to assist the manufacturer in obtaining the information required by this subsection. A procedure shall be reasonable for the type of vehicle or tire involved, and shall provide reasonable assurance that a customer list of a distributor or dealer, or similar information, will be made available to a person (except the distributor or dealer) only when necessary to carry out this subsection and sections 30118–30121, 30166(f), and 30167(a) and (b) of this title. Availability of assistance from a distributor or dealer does not affect an obligation of a manufacturer under this subsection.

(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may require a dis-

tributor or dealer to maintain a record under paragraph (1) of this subsection only if the business of the distributor or dealer is owned or controlled by a manufacturer of tires.

(B) The Secretary shall require each distributor and dealer whose business is not owned or controlled by a manufacturer of tires to give a registration form (containing the tire identification number) to the first purchaser of a tire. The Secretary shall prescribe the form, which shall be standardized for all tires and designed to allow the purchaser to complete and return it directly to the manufacturer of the tire. The manufacturer shall give sufficient copies of forms to distributors and dealers.

(3)(A) The Secretary shall evaluate from time to time how successful the procedures under paragraph (2) of this subsection have been in helping to maintain records about first purchasers of tires. After each evaluation, the Secretary shall decide—

(i) the extent to which distributors and dealers have complied with the procedures;

(ii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires; and

(iii) whether to prescribe for manufacturers, distributors, or dealers other requirements that the Secretary decides will increase significantly the percentage of first purchasers of tires about whom records are maintained.

(B) The Secretary may prescribe a requirement under subparagraph (A) of this paragraph only if the Secretary decides it is necessary to reduce the risk to motor vehicle safety, after considering—

(i) the cost of the requirement to manufacturers and the burden of the requirement on distributors and dealers, compared to the increase in the percentage of first purchasers of tires about whom records would be maintained as a result of the requirement;

(ii) the extent to which distributors and dealers have complied with the procedures in paragraph (2) of this subsection; and

(iii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires.

(C) A manufacturer of tires shall reimburse distributors and dealers of that manufacturer's tires for all reasonable costs incurred by the distributors and dealers in complying with a requirement prescribed by the Secretary under subparagraph (A) of this paragraph.

(D) After making a decision under subparagraph (A) of this paragraph, the Secretary shall submit to each House of Congress a report containing a detailed statement of the decision and an explanation of the reasons for the decision.

(c) ROLLOVER TESTS.—

(1) DEVELOPMENT.—Not later than 2 years from the date of the enactment of this subsection, the Secretary shall—

(A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and

(B) carry out a program of conducting such tests.

(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Secretary shall conduct a rulemaking to determine how best to disseminate test results to the public.

(3) MOTOR VEHICLES COVERED.—This subsection applies to motor vehicles, including passenger cars, multipurpose passenger vehicles, and trucks, with a gross vehicle weight rating of 10,000 pounds or less. A motor vehicle designed to provide temporary residential accommodations is not covered.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 948; Pub. L. 106–414, §12, Nov. 1, 2000, 114 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30117(a)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(d)).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(B) (related to §112(d)), (D) (related to §158(b)), (E) (related to §112(d)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478.
	15:1401(d).	Sept. 9, 1966, Pub. L. 89–563, §112(d), 80 Stat. 725; May 22, 1970, Pub. L. 91–265, §3, 84 Stat. 262.
30117(b)	15:1397(a)(1)(D) (related to 15:1418(b)).	
	15:1418(b)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §158(b)(1); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1476; Nov. 6, 1978, Pub. L. 95–599, §317, 92 Stat. 2752; Oct. 15, 1982, Pub. L. 97–331, §4(a)(1), 96 Stat. 1619.
	15:1418(b)(2), (3).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §158(b)(2), (3); added Oct. 15, 1982, Pub. L. 97–331, §4(a)(2), 96 Stat. 1620.

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(d)), (D) (related to 15:1418(b)), and (E) (related to 15:1401(d)) is omitted as surplus.

In subsection (a), before clause (1), the words ''such performance data and other'', ''as may be'', ''the purposes of'', ''performance and technical'', and ''to carry out the purposes of this chapter'' the 2d time they appear are omitted as surplus. In clause (1), the words ''such manufacturer's'' and ''which may include, but is not limited to, printed matter (A) available for retention by such prospective purchaser and (B) sent by mail to such prospective purchaser upon his request'' are omitted as surplus. The words ''legal relationship'' are substituted for ''contractual, proprietary, or other legal relationship'' to eliminate unnecessary words.

In subsection (b)(1), the word ''cause to be maintained'' is substituted for ''cause the establishment and maintenance of'' to eliminate unnecessary words. The words ''prescribe by regulation'' are substituted for ''by rule, specify'' for consistency and because ''rule'' and ''regulation'' are synonymous. The words ''under this subsection'' are added for clarity. The word ''involved'' is substituted for ''for which they are prescribed'' to eliminate unnecessary words. The words ''the purpose of'' and ''except that . . . or not'' are omitted as surplus. The words ''from a distributor or dealer'' are added for clarity.

In subsection (b)(3)(A), before clause (i), the words ''At the end of the two-year period following the effective date of this paragraph'' are omitted as expired. In clause (iii), the words ''(or any combination of such groups)'' are omitted as unnecessary.

In subsection (b)(3)(B), before clause (i), the words ''may prescribe a requirement'' are substituted for ''may order by rule the imposition of requirements'' for consistency and to eliminate unnecessary words.

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (c)(1), is the date of enactment of Pub. L. 106–414, which was approved Nov. 1, 2000.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106–414 added subsec. (c).

15-PASSENGER VAN SAFETY

Pub. L. 109–59, title X, § 10309(a), Aug. 10, 2005, 119 Stat. 1942, provided that:

''(1) IN GENERAL.—The Secretary of Transportation shall require the testing of 15-passenger vans as part of the rollover resistance program of the National Highway Traffic Safety Administration's new car assessment program.

''(2) 15-PASSENGER VAN DEFINED.—In this subsection, the term '15-passenger van' means a vehicle that seats 10 to 14 passengers, not including the driver.''

§ 30118. Notification of defects and noncompliance

(a) NOTIFICATION BY SECRETARY.—The Secretary of Transportation shall notify the manufacturer of a motor vehicle or replacement equipment immediately after making an initial decision (through testing, inspection, investigation, or research carried out under this chapter, examining communications under section 30166(f) of this title, or otherwise) that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter. The notification shall include the information on which the decision is based. The Secretary shall publish a notice of each decision under this subsection in the Federal Register. Subject to section 30167(a) of this title, the notification and information are available to any interested person.

(b) DEFECT AND NONCOMPLIANCE PROCEEDINGS AND ORDERS.—(1) The Secretary may make a final decision that a motor vehicle or replacement equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter only after giving the manufacturer an opportunity to present information, views, and arguments showing that there is no defect or noncompliance or that the defect does not affect motor vehicle safety. Any interested person also shall be given an opportunity to present information, views, and arguments.

(2) If the Secretary decides under paragraph (1) of this subsection that the vehicle or equipment contains the defect or does not comply, the Secretary shall order the manufacturer to—

(A) give notification under section 30119 of this title to the owners, purchasers, and dealers of the vehicle or equipment of the defect or noncompliance; and

(B) remedy the defect or noncompliance under section 30120 of this title.

(c) NOTIFICATION BY MANUFACTURER.—A manufacturer of a motor vehicle or replacement equipment shall notify the Secretary by certified mail, and the owners, purchasers, and dealers of the vehicle or equipment as provided in section 30119(d) of this section, if the manufacturer—

(1) learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety; or

(2) decides in good faith that the vehicle or equipment does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(d) EXEMPTIONS.—On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the Federal Register and an opportunity for any interested person to present information, views, and arguments.

(e) HEARINGS ABOUT MEETING NOTIFICATION REQUIREMENTS.—On the motion of the Secretary or on petition of any interested person, the Secretary may conduct a hearing to decide whether the manufacturer has reasonably met the notification requirements under this section. Any interested person may make written and oral presentations of information, views, and arguments on whether the manufacturer has reasonably met the notification requirements. If the Secretary decides that the manufacturer has not reasonably met the notification requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 950; Pub. L. 106–346, § 101(a) [title III, § 364], Oct. 23, 2000, 114 Stat. 1356, 1356A–37; Pub. L. 106–414, § 2, Nov. 1, 2000, 114 Stat. 1800.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30118(a)	15:1397(a)(1)(D) (related to 15:1412(a) (1st–3d sentences)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(D) (related to §§ 151, 152, 153(c) (1st sentence cl. (6)), 156, 157), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1412(a) (1st–3d sentences).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§ 151, 152, 156 (related to notice), 157 (related to notice); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1470, 1475.
30118(b)	15:1397(a)(1)(D) (related to 15:1412(a) (last sentence), (b)).	
	15:1412(a) (last sentence), (b).	
30118(c)	15:1397(a)(1)(D) (related to 15:1411, 1413(c) (1st sentence cl. (6))).	
	15:1411.	
	15:1413(c) (1st sentence cl. (6)).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 153(c) (1st sentence cl. (6)); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1472; Oct. 15, 1982, Pub. L. 97–331, § 4(b)(2), 96 Stat. 1620.
30118(d)	15:1397(a)(1)(D) (related to 15:1417).	
	15:1417 (related to notice).	
30118(e)	15:1397(a)(1)(D) (related to 15:1416).	
	15:1416 (related to notice).	

In this section, the text of 15:1397(a)(1)(D) (related to 15:1411, 1412, 1413(c) (1st sentence cl. (6)), and 1417) is omitted as surplus.

In subsection (a), the words ''making an initial decision'' are substituted for ''determines'' to distinguish the decision from the decision made under subsection (b) of this section. The words ''of such determination'', ''to the manufacturer'', and ''of the Secretary'' are omitted as surplus. The words ''under this subsection'' are added for clarity.

In subsection (b)(1), the words ''may make a final decision'' are substituted for ''determines'', and the words ''prescribed under this chapter'' are added, for clarity and consistency in this chapter.

In subsection (b)(2), before clause (A), the words ''If the Secretary decides under paragraph (1) of this subsection that the vehicle or equipment contains a defect or does not comply'' are added for clarity and because of the restatement. The words ''after such presentations by the manufacturer and interested persons'' are omitted as surplus. In clause (A), the words ''of the defect or noncompliance'' are added for clarity.

In subsection (c), before clause (1), the words ''A manufacturer of a motor vehicle or replacement equipment'' are substituted for ''manufactured by him'' in 15:1411 for clarity. The words ''shall notify'' are substituted for ''he shall furnish notification to'' to eliminate unnecessary words. The words ''to the Secretary, if section 1411 of this title applies'' in 15:1413(c) (1st sentence cl. (6)) are omitted because of the restatement. The words ''of the vehicle or equipment'' are added for clarity. The words ''and he shall remedy the defect or failure to comply in accordance with section 1414 of this title'' in 15:1411 are omitted as unnecessary because of the source provisions restated in section 30120 of the revised title.

In subsection (d), the words ''any requirement under'', ''to give notice with respect to'', and ''as it relates'' are omitted as surplus. The words ''The Secretary may take action under this subsection only'' are added because of the restatement.

In subsection (e), the words ''(including a manufacturer)'' are omitted as surplus. The word ''information'' is substituted for ''data'' for consistency in the revised title.

AMENDMENTS

2000—Pub. L. 106–346, § 101(a) [title III, § 364], which directed amendment of this section in subsecs. (a), (b)(1), and (c), by inserting '', original equipment,'' before ''or replacement equipment'' wherever appearing, and in subsec. (c), by redesignating pars. (1) and (2) as subpars. (A) and (B), respectively, and realigning margins, by substituting ''(1) IN GENERAL.—A manufacturer'' for ''A manufacturer'', and by adding a new par (2) relating to duty of manufacturers, was repealed by Pub. L. 106–414, § 2. See Construction of 2000 Amendment note below.

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106–414, § 2, Nov. 1, 2000, 114 Stat. 1800, provided that: ''The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 [Pub. L. 106–346, § 101(a) [title III, § 364], Oct. 23, 2000, 114 Stat. 1356, 1356A–37] are repealed and such section shall be effective as if such amending section had not been enacted.''

§ 30119. Notification procedures

(a) CONTENTS OF NOTIFICATION.—Notification by a manufacturer required under section 30118 of this title of a defect or noncompliance shall contain—

(1) a clear description of the defect or noncompliance;

(2) an evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(3) the measures to be taken to obtain a remedy of the defect or noncompliance;

(4) a statement that the manufacturer giving notice will remedy the defect or noncompliance without charge under section 30120 of this title;

(5) the earliest date on which the defect or noncompliance will be remedied without charge, and for tires, the period during which the defect or noncompliance will be remedied without charge under section 30120 of this title;

(6) the procedure the recipient of a notice is to follow to inform the Secretary of Transportation when a manufacturer, distributor, or dealer does not remedy the defect or noncompliance without charge under section 30120 of this title; and

(7) other information the Secretary prescribes by regulation.

(b) EARLIEST REMEDY DATE.—The date specified by a manufacturer in a notification under subsection (a)(5) of this section or section 30121(c)(2) of this title is the earliest date that parts and facilities reasonably can be expected to be available to remedy the defect or noncompliance. The Secretary may disapprove the date.

(c) TIME FOR NOTIFICATION.—Notification required under section 30118 of this title shall be given within a reasonable time—

(1) prescribed by the Secretary, after the manufacturer receives notice of a final decision under section 30118(b) of this title; or

(2) after the manufacturer first decides that a safety-related defect or noncompliance exists under section 30118(c) of this title.

(d) MEANS OF PROVIDING NOTIFICATION.—(1) Notification required under section 30118 of this title about a motor vehicle shall be sent by first class mail—

(A) to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources; or

(B) if a registered owner is not notified under clause (A) of this paragraph, to the most recent purchaser known to the manufacturer.

(2) Notification required under section 30118 of this title about replacement equipment (except a tire) shall be sent by first class mail to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer.

(3) Notification required under section 30118 of this title about a tire shall be sent by first class mail (or, if the manufacturer prefers, by certified mail) to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer. In deciding whether public notice is required, the Secretary shall consider—

(A) the magnitude of the risk to motor vehicle safety caused by the defect or noncompliance; and

(B) the cost of public notice compared to the additional number of owners the notice may reach.

(4) A dealer to whom a motor vehicle or replacement equipment was delivered shall be notified by certified mail or quicker means if available.

(e) SECOND NOTIFICATION.—If the Secretary decides that a notification sent by a manufacturer under this section has not resulted in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer to send a 2d notification in the way the Secretary prescribes by regulation.

(f) NOTIFICATION BY LESSOR TO LESSEE.—(1) In this subsection, ''leased motor vehicle'' means a motor vehicle that is leased to a person for at least 4 months by a lessor that has leased at least 5 motor vehicles in the 12 months before the date of the notification.

(2) A lessor that receives a notification required by section 30118 of this title about a leased motor vehicle shall provide a copy of the notification to the lessee in the way the Secretary prescribes by regulation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 951.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30119(a)	15:1397(a)(1)(D) (related to 15:1413(a)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(D) (related to §§ 153(a)–(c) (1st sentence cls. (1)–(5), last sentence), 154(b)(2) (2d, last sentences)), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1413(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§ 153(a), (b), 154(b)(2) (2d, last sentences); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1471, 1473.
30119(b)	15:1397(a)(1)(D) (related to 15:1414(b)(2) (2d, last sentences)).	
	15:1414(b)(2) (2d, last sentences).	
30119(c)	15:1397(a)(1)(D) (related to 15:1413(b)).	
	15:1413(b).	
30119(d)	15:1397(a)(1)(D) (related to 15:1413(c) (1st sentence cls. (1)–(5), last sentence).	
	15:1413(c) (1st sentence cls. (1)–(5), last sentence).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 153(c) (1st sentence cls. (1)–(5), last sentence); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1471, 1472; Oct. 15, 1982, Pub. L. 97–331, § 4(b), 96 Stat. 1620.
30119(e)	15:1413(d).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 153(d), (e); added Dec. 18, 1991, Pub. L. 102–240, § 2504(a), 105 Stat. 2083.
30119(f)	15:1413(e).	

In this section, the text of 15:1397(a)(1)(D) (related to 15:1413(a)–(c) (1st sentence cls. (1)–(5), last sentence), 1414(b)(2) (2d, last sentences), and 1416) is omitted as surplus.

In subsection (a), before clause (1), the words ''a motor vehicle or item of replacement equipment'' are omitted as surplus. The words ''by a manufacturer'' are added for clarity. In clause (3), the words ''a statement of'' are omitted as surplus. In clause (4), the word ''remedy'' is substituted for ''cause . . . to be remedied'' to eliminate unnecessary words. In clause (5), the words ''(specified in accordance with the second and third sentences of section 1414(b)(2) of this title)'' are omitted as surplus. In clause (6), the words ''a description of'' are omitted as surplus. The words ''under section 30120 of this title'' are added for consistency with the source provisions restated in this subsection. In clause (7), the words ''in addition to such . . . as'' are omitted as surplus.

In subsection (b), the words ''in a notification under subsection (a)(5) of this section or section 30121(c) of this title'' are substituted for ''In either case'' because of the restatement. The words ''may disapprove'' are substituted for ''shall be subject to disapproval by'' to eliminate unnecessary words.

In subsection (c)(1), the words ''Secretary's'' and ''that there is a defect or failure to comply'' are omitted as surplus. The word ''final'' is added for clarity.

In subsection (c)(2), the words ''decides that a safety-related defect or noncompliance exists'' are substituted for ''makes a determination with respect to a defect or failure to comply'' for clarity.

In subsection (d), the text of 15:1413(c) (1st sentence words before cl. (1)) is incorporated into each paragraph as appropriate.

In subsection (d)(1)(A), the words ''who is'' and ''of such vehicle'' are omitted as surplus.

In subsection (d)(1)(B), the words ''if a registered owner is not notified'' are substituted for ''unless the registered owner (if any) of such vehicle was notified'' for clarity. The words ''most recent purchaser'' are substituted for ''first purchaser (or if a more recent purchaser is'' for clarity and to eliminate unnecessary words. The words ''of each such vehicle containing such defect or failure to comply'' are omitted as surplus.

In subsection (d)(3), the words ''(or, if the manufacturer prefers, by certified mail)'' are substituted for 15:1413(c) (last sentence) to eliminate unnecessary words.

In subsection (d)(4), the words ''or dealers'' are omitted because of 1:1. The words ''of such manufacturer'' are omitted as surplus.

In subsection (e), the word ''replacement'' is added for clarity and consistency with the source provisions being restated in subsection (d) of this section.

§ 30120. Remedies for defects and noncompliance

(a) WAYS TO REMEDY.—(1) Subject to subsections (f) and (g) of this section, when notification of a defect or noncompliance is required under section 30118(b) or (c) of this title, the manufacturer of the defective or noncomplying motor vehicle or replacement equipment shall remedy the defect or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the manufacturer shall remedy the defect or noncompliance in any of the following ways the manufacturer chooses:

(A) if a vehicle—

(i) by repairing the vehicle;

(ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or

(iii) by refunding the purchase price, less a reasonable allowance for depreciation.

(B) if replacement equipment, by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment.

(2) The Secretary of Transportation may prescribe regulations to allow the manufacturer to

impose conditions on the replacement of a motor vehicle or refund of its price.

(b) TIRE REMEDIES.—(1) A manufacturer of a tire, including an original equipment tire, shall remedy a defective or noncomplying tire if the owner or purchaser presents the tire for remedy not later than 60 days after the later of—

(A) the day the owner or purchaser receives notification under section 30119 of this title; or

(B) if the manufacturer decides to replace the tire, the day the owner or purchaser receives notification that a replacement is available.

(2) If the manufacturer decides to replace the tire and the replacement is not available during the 60-day period, the owner or purchaser must present the tire for remedy during a subsequent 60-day period that begins only after the owner or purchaser receives notification that a replacement will be available during the subsequent period. If tires are available during the subsequent period, only a tire presented for remedy during that period must be remedied.

(c) ADEQUACY OF REPAIRS.—(1) If a manufacturer decides to repair a defective or noncomplying motor vehicle or replacement equipment and the repair is not done adequately within a reasonable time, the manufacturer shall—

(A) replace the vehicle or equipment without charge with an identical or reasonably equivalent vehicle or equipment; or

(B) for a vehicle, refund the purchase price, less a reasonable allowance for depreciation.

(2) Failure to repair a motor vehicle or replacement equipment adequately not later than 60 days after its presentation is prima facie evidence of failure to repair within a reasonable time. However, the Secretary may extend, by order, the 60-day period if good cause for an extension is shown and the reason is published in the Federal Register before the period ends. Presentation of a vehicle or equipment for repair before the date specified by a manufacturer in a notice under section 30119(a)(5) or 30121(c)(2) of this title is not a presentation under this subsection.

(3) If the Secretary determines that a manufacturer's remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both.

The Secretary may prescribe regulations to carry out this paragraph.

(d) FILING MANUFACTURER'S REMEDY PROGRAM.—A manufacturer shall file with the Secretary a copy of the manufacturer's program under this section for remedying a defect or noncompliance. The Secretary shall make the program available to the public and publish a notice of availability in the Federal Register. A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan. In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.

(e) HEARINGS ABOUT MEETING REMEDY REQUIREMENTS.—On the motion of the Secretary or on application by any interested person, the Secretary may conduct a hearing to decide whether the manufacturer has reasonably met the remedy requirements under this section. Any interested person may make written and oral presentations of information, views, and arguments on whether the manufacturer has reasonably met the remedy requirements. If the Secretary decides a manufacturer has not reasonably met the remedy requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.

(f) FAIR REIMBURSEMENT TO DEALERS.—A manufacturer shall pay fair reimbursement to a dealer providing a remedy without charge under this section.

(g) NONAPPLICATION.—(1) The requirement that a remedy be provided without charge does not apply if the motor vehicle or replacement equipment was bought by the first purchaser more than 10 calendar years, or the tire, including an original equipment tire, was bought by the first purchaser more than 5 calendar years, before notice is given under section 30118(c) of this title or an order is issued under section 30118(b) of this title, whichever is earlier.

(2) This section does not apply during any period in which enforcement of an order under section 30118(b) of this title is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

(h) EXEMPTIONS.—On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the Federal Register and an opportunity for any interested person to present information, views, and arguments.

(i) LIMITATION ON SALE OR LEASE.—(1) If notification is required by an order under section 30118(b) of this title or is required under section 30118(c) of this title and the manufacturer has

provided to a dealer (including retailers of motor vehicle equipment) notification about a new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter, the dealer may sell or lease the motor vehicle or item of replacement equipment only if—

(A) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

(B) when the notification is required by an order under section 30118(b) of this title, enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

(2) This subsection does not prohibit a dealer from offering for sale or lease the vehicle or equipment.

(j) PROHIBITION ON SALES OF REPLACED EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 952; Pub. L. 105–178, title VII, § 7106(a), June 9, 1998, 112 Stat. 467; Pub. L. 106–414, §§ 4, 6–8, Nov. 1, 2000, 114 Stat. 1803–1805.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30120(a)	15:1397(a)(1)(D) (related to 15:1414(a)(1) (1st sentence), (2)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(D) (related to §§ 154(a), (b)(1), (2) (1st sentence), (c), 156, 157), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1414(a)(1) (1st sentence), (2).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§ 154(a), (b)(1), (2) (1st sentence), (c), 156 (related to remedy), 157 (related to remedy); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1472, 1474, 1475.
30120(b)	15:1397(a)(1)(D) (related to 15:1414(a)(5)). 15:1414(a)(5).	
30120(c)	15:1397(a)(1)(D) (related to 15:1414(b)(1), (2) (1st sentence)). 15:1414(b)(1), (2) (1st sentence).	
30120(d)	15:1397(a)(1)(D) (related to 15:1414(c)). 15:1414(c).	
30120(e)	15:1397(a)(1)(D) (related to 15:1416). 15:1416 (related to remedy).	
30120(f)	15:1397(a)(1)(D) (related to 15:1414(a)(3)). 15:1414(a)(3).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30120(g)(1) ..	15:1397(a)(1)(D) (related to 15:1414(a)(4)). 15:1414(a)(4).	
30120(g)(2) ..	15:1397(a)(1)(D) (related to 15:1414(a)(1) (last sentence)). 15:1414(a)(1) (last sentence).	
30120(h)	15:1397(a)(1)(D) (related to 15:1417). 15:1417 (related to remedy).	
30120(i)	15:1414(d).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 154(d); added Dec. 18, 1991, Pub. L. 102–240, § 2504(b), 105 Stat. 2083.

In this section, the text of 15:1397(a)(1)(D) (related to 15:1414(a), (b)(1), (2) (1st sentence), and (c), and 1416) is omitted as surplus.

In subsection (a)(1), before clause (A), the words ''Subject to subsections (f) and (g) of this section'' are added for clarity. The words ''with an applicable Federal motor vehicle safety standard . . . which relates to motor vehicle safety'' and ''pursuant to such notification'' are omitted as surplus. The words ''shall remedy'' are substituted for ''shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied'' to eliminate unnecessary words. The words ''the defect or noncompliance'' are added for clarity. In clauses (A) and (B), the words ''without charge'' are omitted as unnecessary because of the words ''without charge'' in this subsection before this clause (A). In clause (A), the words ''presented for remedy pursuant to such notification'' and ''of such motor vehicle in full'' are omitted as surplus.

Subsection (a)(2) is substituted for 15:1414(a)(2)(A) (last sentence) for clarity.

In subsection (b)(1), before clause (A), the words ''shall remedy a defective or noncomplying tire if'' are substituted for ''shall not be obligated to remedy such tire if such tire is not'' to eliminate unnecessary words and for consistency. The words ''pursuant to notification'' are omitted as surplus. In clause (B), the words ''decides to replace the tire'' are substituted for ''elects replacement'' for clarity.

Subsection (b)(2) is substituted for 15:1414(a)(5)(B) to eliminate unnecessary words.

In subsection (c)(1), the words before clause (A) are substituted for ''Whenever a manufacturer has elected under subsection (a) of this section to cause the repair of a defect in a motor vehicle or item of replacement equipment or of a failure of such vehicle or item of replacement equipment to comply with a motor vehicle safety standard, and he has failed to cause such defect or failure to comply to be adequately repaired within a reasonable time, then (A) he shall'' to eliminate unnecessary words. In clause (A), the word ''replace'' is substituted for ''cause . . . to be replaced'' for consistency. In clause (B), the word ''refund'' is substituted for ''shall cause . . . to be refunded'' for consistency. The words ''in full'' and ''and if the manufacturer so elects)'' are omitted as surplus.

In subsection (c)(2), the word ''presentation'' is substituted for ''tender'' for clarity. The words ''for repair'' are omitted as surplus. The last sentence is substituted for 15:1414(b)(2) (1st sentence) because of the restatement.

In subsection (e), the words ''(including a manufacturer)'' are omitted as surplus. The word ''information'' is substituted for ''data'' for consistency in the revised title.

In subsection (f), the word ''fair'' is substituted for ''fair and equitable'' to eliminate unnecessary words. The words ''for such remedy'' are omitted as surplus. The words ''providing a'' are substituted for ''who effects'' for consistency.

In subsection (g)(2), the words ''In the case of notification required by an order'' are omitted as unnecessary. The word ''civil'' is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (h), the words ''any requirement under'', ''or to remedy'', and ''as it relates'' are omitted as surplus. The words ''The Secretary may take action under this subsection only'' are added because of the restatement.

AMENDMENTS

2000—Subsec. (c)(3). Pub. L. 106–414, § 6(a), added par. (3).

Subsec. (d). Pub. L. 106–414, § 7, inserted at end ''In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.''

Pub. L. 106–414, § 6(b), inserted at end ''A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.''

Subsec. (g)(1). Pub. L. 106–414, § 4, substituted ''10 calendar years'' for ''8 calendar years'' and ''5 calendar years'' for ''3 calendar years''.

Subsec. (j). Pub. L. 106–414, § 8, added subsec. (j).

1998—Subsec. (i)(1). Pub. L. 105–178 inserted ''(including retailers of motor vehicle equipment)'' after ''provided to a dealer'' in introductory provisions.

§ 30121. Provisional notification and civil actions to enforce

(a) PROVISIONAL NOTIFICATION.—(1) The Secretary of Transportation may order a manufacturer to issue a provisional notification if a civil action about an order issued under section 30118(b) of this title has been brought under section 30163 of this title. The provisional notification shall contain—

(A) a statement that the Secretary has decided that a defect related to motor vehicle safety or noncompliance with a motor vehicle safety standard prescribed under this chapter exists and that the manufacturer is contesting the decision in a civil action in a United States district court;

(B) a clear description of the Secretary's stated basis for the decision;

(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(D) measures the Secretary considers necessary to avoid an unreasonable risk to motor vehicle safety resulting from the defect or noncompliance;

(E) a statement that the manufacturer will remedy the defect or noncompliance without charge under section 30120 of this title, but that the requirement to remedy without charge is conditioned on the outcome of the civil action; and

(F) other information the Secretary prescribes by regulation or includes in the order requiring the notice.

(2) A notification under this subsection does not relieve a manufacturer of liability for not giving notification required by an order under section 30118(b) of this title.

(b) CIVIL ACTIONS FOR NOT NOTIFYING.—(1) A manufacturer that does not notify owners and purchasers under section 30119(c) and (d) of this title is liable to the United States Government for a civil penalty, unless the manufacturer prevails in a civil action referred to in subsection (a) of this section or the court in that action enjoins enforcement of the order. Enforcement may be enjoined only if the court decides that the failure to notify is reasonable and that the manufacturer has demonstrated the likelihood of prevailing on the merits. If enforcement is enjoined, the manufacturer is not liable during the time the order is stayed.

(2) A manufacturer that does not notify owners and purchasers as required under subsection (a) of this section is liable for a civil penalty regardless of whether the manufacturer prevails in an action on the validity of the order issued under section 30118(b) of this title.

(c) ORDERS TO MANUFACTURERS.—If the Secretary prevails in a civil action referred to in subsection (a) of this section, the Secretary shall order the manufacturer—

(1) to notify each owner, purchaser, and dealer described in section 30119(d) of this title of the outcome of the action and other information the Secretary requires, and notification under this clause may be combined with notification required under section 30118(b) of this title;

(2) to specify the earliest date under section 30119(b) of this title on which the defect or noncompliance will be remedied without charge under section 30120 of this title; and

(3) if notification was required under subsection (a) of this section, to reimburse an owner or purchaser for reasonable and necessary expenses (in an amount that is not more than the amount specified in the order of the Secretary under subsection (a)) incurred for repairing the defect or noncompliance during the period beginning on the date that notification was required to be issued and ending on the date the owner or purchaser receives the notification under this subsection.

(d) VENUE.—Notwithstanding section 30163(c) of this title, a civil action about an order issued under section 30118(b) of this title must be brought in the United States district court for a judicial district in the State in which the manufacturer is incorporated or the District of Columbia. On motion of a party, the court may transfer the action to another district court if good cause is shown. All actions related to the same order under section 30118(b) shall be consolidated in an action in one judicial district under an order of the court in which the first action was brought. If the first action is transferred to another court, that court shall issue the consolidation order.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 954.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30121(a)	15:1397(a)(1)(D) (related to 15:1415(b)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(D) (related to § 155), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1415(b).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 155(b)–(d); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1474.
30121(b)	15:1397(a)(1)(D) (related to 15:1415(c)).	
	15:1415(c).	
30121(c)	15:1397(a)(1)(D) (related to 15:1415(d)).	
	15:1415(d).	
30121(d)	15:1397(a)(1)(D) (related to 15:1415(a)).	
	15:1415(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 155(a); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1474; Nov. 8, 1984, Pub. L. 98–620, § 402(17), 98 Stat. 3358.

In this section, the text of 15:1397(a)(1)(D) (related to 15:1415) is omitted as surplus.

In subsection (a)(1), before clause (A), the words ''and to which subsection (a) of this section applies'' are omitted because of the restatement. In clause (A), the words ''prescribed under this chapter'' are substituted for ''Federal'', and the words ''civil action'' are substituted for ''proceeding'', for consistency. In clause (B), the words ''that there is such a defect or failure'' are omitted as surplus. In clause (D), the word ''considers'' is substituted for ''which in the judgment of . . . are'' to eliminate unnecessary words. In clause (E), the word ''remedy'' is substituted for ''cause . . . to be remedied'' to eliminate unnecessary words. The words ''civil action'' are substituted for ''court proceeding'' for consistency.

In subsection (b)(1), the words ''with respect to such failure to notify'' are omitted as surplus. The word ''enjoins'' is substituted for ''restrains'' for consistency. The words ''of such an order'' and ''for which the effectiveness of'' are omitted as surplus.

In subsection (b)(2), the words ''by an order'', ''or not'', and ''(to which subsection (a) of the section applies)'' are omitted as surplus.

In subsection (c), before clause (1), the words ''a civil action referred to in subsection (a) of this section'' are substituted for ''(i) a manufacturer fails within the period specified in section 1413(b) of this title to comply with an order under section 1412(b) of this title to afford notification to owners and purchasers, (ii) a civil action to which subsection (a) of this section applies is commenced with respect to such order, and (iii) . . . in such action'' to eliminate unnecessary words. In clause (1), the word ''action'' is substituted for ''proceeding'' for consistency. The words ''containing'' and ''by an order'' are omitted as surplus. In clause (2), the words ''under section 30119(b) of this title'' are substituted for ''(in accordance with the second and third sentences of section 1414(b) of this title)'' for clarity. The words ''under section 30120 of this title'' are added for clarity. In clause (3), the words ''which are . . . by such owner or purchaser'', ''the purpose of'', and ''to which the order relates'' are omitted as surplus.

In subsection (d), the words ''Notwithstanding section 30163(c) of this title'' are added for clarity. The words ''An action under section 1399(a) of this title to restrain a violation of an order . . . or under section 1398 of this title to collect a civil penalty with respect to a violation of such an order'' and ''to which the order applies'' are omitted as surplus. The words ''may transfer the action'' are substituted for ''orders a change of venue'' for consistency with 28:1404. The words ''(including enforcement actions)'' are omitted as surplus. The words ''that court shall issue the consolidation order'' are substituted for ''by order of such other court'' for clarity.

§ 30122. Making safety devices and elements inoperative

(a) DEFINITION.—In this section, ''motor vehicle repair business'' means a person holding itself out to the public to repair for compensation a motor vehicle or motor vehicle equipment.

(b) PROHIBITION.—A manufacturer, distributor, dealer, or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard prescribed under this chapter unless the manufacturer, distributor, dealer, or repair business reasonably believes the vehicle or equipment will not be used (except for testing or a similar purpose during maintenance or repair) when the device or element is inoperative.

(c) REGULATIONS.—The Secretary of Transportation may prescribe regulations—

(1) to exempt a person from this section if the Secretary decides the exemption is consistent with motor vehicle safety and section 30101 of this title; and

(2) to define ''make inoperative''.

(d) NONAPPLICATION.—This section does not apply to a safety belt interlock or buzzer designed to indicate a safety belt is not in use as described in section 30124 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 956.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30122(a)	15:1397(a)(2)(A) (last sentence).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(a)(2)(A)–(C); added Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), 88 Stat. 1477.
30122(b)	15:1397(a)(2)(A) (1st sentence).	
30122(c)	15:1397(a)(2)(B).	
30122(d)	15:1397(a)(2)(C).	

In subsections (a) and (c), the words ''the term'' are omitted as surplus.

In subsection (a), the words ''in the business of'' are omitted as surplus.

In subsection (b), the words ''an applicable motor vehicle safety standard prescribed under this chapter'' are substituted for ''an applicable Federal motor vehicle safety standard'' for consistency. The words ''of design'' the 2d time they appear and ''rendered'' are omitted as surplus.

In subsection (c)(1), the words ''section 30101 of this title'' are substituted for ''the purposes of this chapter'' as being more precise.

In subsection (d), the words ''with respect . . . the rendering inoperative of'' are omitted as surplus.

§ 30123. Tires

(a) REGROOVED TIRE LIMITATIONS.—(1) In this subsection, ''regrooved tire'' means a tire with a new tread produced by cutting into the tread of a worn tire.

(2) The Secretary may authorize the sale, offer for sale, introduction for sale, or delivery for introduction in interstate commerce, of a regrooved tire or a motor vehicle equipped with regrooved tires if the Secretary decides the tires

are designed and made in a way consistent with section 30101 of this title. A person may not sell, offer for sale, introduce for sale, or deliver for introduction in interstate commerce, a regrooved tire or a vehicle equipped with regrooved tires unless authorized by the Secretary.

(b) UNIFORM QUALITY GRADING SYSTEM, NOMENCLATURE, AND MARKETING PRACTICES.—The Secretary shall prescribe through standards a uniform quality grading system for motor vehicle tires to help consumers make an informed choice when purchasing tires. The Secretary also shall cooperate with industry and the Federal Trade Commission to the greatest extent practicable to eliminate deceptive and confusing tire nomenclature and marketing practices. A tire standard or regulation prescribed under this chapter supersedes an order or administrative interpretation of the Commission.

(c) MAXIMUM LOAD STANDARDS.—The Secretary shall require a motor vehicle to be equipped with tires that meet maximum load standards when the vehicle is loaded with a reasonable amount of luggage and the total number of passengers the vehicle is designed to carry. The vehicle shall be equipped with those tires by the manufacturer or by the first purchaser when the vehicle is first bought in good faith other than for resale.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 956; Pub. L. 105–178, title VII, § 7106(b), June 9, 1998, 112 Stat. 467.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30123(a)	15:1421 (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §§ 201–203, 204(c), 205, 80 Stat. 728, 729.
30123(b)	15:1421 (2d sentence).	
30123(c)	15:1421 (last sentence).	
30123(d)	15:1424(a).	Sept. 9, 1966, Pub. L. 89–563, § 204(a), 80 Stat. 729; restated Oct. 27, 1974, Pub. L. 93–492, § 110(c), 88 Stat. 1484.
	15:1424(c).	
30123(e)	15:1423.	
	15:1425.	
30123(f)	15:1422.	

In subsections (a) and (d)(2), the words ''section 30101 of this title'' are substituted for ''the purposes of this chapter'' as being more precise.

In subsection (a), the words ''to a motor vehicle safety standard prescribed under this chapter'' are substituted for ''In all standards for . . . established under subchapter I of this chapter . . . thereto'' for consistency and because of the restatement.

In subsection (b)(1)(A) and (B), the word ''suitable'' is omitted as surplus.

In subsection (b)(1)(C), the words ''for a tire containing'' are substituted for ''unless the tire contains . . . in which case it shall also contain'' to eliminate unnecessary words. The word ''allowing'' is substituted for ''which would permit'' for consistency.

In subsection (b)(3), the word ''actual'' is omitted as surplus.

In subsection (b)(5)(A), the word ''statement'' is substituted for ''recital'' for clarity. The words ''complies with'' are substituted for ''conforms to'', the words ''prescribed under this chapter'' are substituted for ''Federal'', and the word ''or'' is substituted for ''except that in lieu of such recital'', for consistency.

In subsection (b)(5)(B), the word ''appropriate'' is omitted as surplus.

In subsection (d)(2), the words ''by order'' are omitted as surplus. The words ''a regrooved tire or a motor vehicle equipped with regrooved tires'' are substituted for ''any tire or motor vehicle equipped with any tire which has been regrooved'' for consistency. The words ''A person may not . . . unless authorized by the Secretary'' are substituted for ''No person shall'' for clarity and consistency in the revised title. The word ''introduce'' is substituted for ''introduction'' after ''or'' to correct a mistake.

In subsection (e), the words ''The Secretary shall prescribe through standards'' are substituted for ''within two years after September 9, 1966, the Secretary shall, through standards established under subchapter I of this chapter, prescribe by order, and publish in the Federal Register'' in 15:1423 to eliminate unnecessary and executed words. The text of 15:1423 (2d sentence) is omitted as executed. The last sentence is substituted for 15:1425 to eliminate unnecessary words.

In subsection (f), the words ''In standards established under subchapter I of this chapter'' and ''fully'' are omitted as surplus. The words ''The vehicle shall be equipped'' are added for clarity.

AMENDMENTS

1998—Pub. L. 105–178 redesignated subsecs. (d) to (f) as (a) to (c), respectively, and struck out former subsecs. (a) to (c), which related to labeling requirements, contents of label, and additional information that may be required, respectively.

IMPROVED TIRE INFORMATION

Pub. L. 106–414, § 11, Nov. 1, 2000, 114 Stat. 1806, provided that:

''(a) TIRE LABELING.—Within 30 days after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall initiate a rulemaking proceeding to improve the labeling of tires required by section 30123 of title 49, United States Code[,] to assist consumers in identifying tires that may be the subject of a decision under section 30118(b) [of title 49] or a notice required under section 30118(c). The Secretary shall complete the rulemaking not later than June 1, 2002.

''(b) INFLATION LEVELS AND LOAD LIMITS.—In the rulemaking initiated under subsection (a), the Secretary may take whatever additional action is appropriate to ensure that the public is aware of the importance of observing motor vehicle tire load limits and maintaining proper tire inflation levels for the safe operation of a motor vehicle. Such additional action may include a requirement that the manufacturer of motor vehicles provide the purchasers of the motor vehicles information on appropriate tire inflation levels and load limits if the Secretary determines that requiring such manufacturers to provide such information is the most appropriate way such information can be provided.''

TIRE PRESSURE WARNING

Pub. L. 106–414, § 13, Nov. 1, 2000, 114 Stat. 1806, provided that: ''Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall complete a rulemaking for a regulation to require a warning system in new motor vehicles to indicate to the operator when a tire is significantly under inflated. Such requirement shall become effective not later than 2 years after the date of the completion of such rulemaking.''

§ 30124. Buzzers indicating nonuse of safety belts

A motor vehicle safety standard prescribed under this chapter may not require or allow a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt or a buzzer designed to indicate a safety belt is not in use, except a buzzer that operates only during the 8-

second period after the ignition is turned to the ''start'' or ''on'' position.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 957.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30124	15:1410b.	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 125; added Oct. 27, 1974, Pub. L. 93–492, § 109, 88 Stat. 1482.

The text of 15:1410b(a) and (c)–(e) is omitted as obsolete. The text of 15:1410b(b)(2) and (3) and (f)(2) and (3) is omitted as unnecessary because of the restatement. The words ''After the effective date of the amendment prescribed under subsection (a) of this section'' are omitted as executed. The words ''prescribed under this chapter'' are substituted for ''Federal'' for consistency in this chapter.

§ 30125. Schoolbuses and schoolbus equipment

(a) DEFINITIONS.—In this section—

(1) ''schoolbus'' means a passenger motor vehicle designed to carry a driver and more than 10 passengers, that the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary school students to or from school or an event related to school.

(2) ''schoolbus equipment'' means equipment designed primarily for a schoolbus or manufactured or sold to replace or improve a system, part, or component of a schoolbus or as an accessory or addition to a schoolbus.

(b) STANDARDS.—The Secretary shall prescribe motor vehicle safety standards for schoolbuses and schoolbus equipment manufactured in, or imported into, the United States. Standards shall include minimum performance requirements for—

(1) emergency exits;

(2) interior protection for occupants;

(3) floor strength;

(4) seating systems;

(5) crashworthiness of body and frame (including protection against rollover hazards);

(6) vehicle operating systems;

(7) windows and windshields; and

(8) fuel systems.

(c) TEST DRIVING BY MANUFACTURERS.—The Secretary may require by regulation a schoolbus to be test-driven by a manufacturer before introduction in commerce.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 957.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30125(a)	15:1391(14), (15).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 102(14), (15); added Oct. 27, 1974, Pub. L. 93–492, § 201, 88 Stat. 1484.
30125(b)	15:1392(i)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 103(i)(1), (2); added Oct. 27, 1974, Pub. L. 93–492, § 202, 88 Stat. 1484; July 8, 1976, Pub. L. 94–346, § 2, 90 Stat. 815.
30125(c)	15:1392(i)(2). 15:1397(a)(1)(F).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(a)(1)(F); added Oct. 27, 1974, Pub. L. 93–492, § 203, 88 Stat. 1485.

In subsection (a)(1), the words ''the purpose of'' are omitted as surplus.

In subsection (a)(2), the words ''any similar part or component'' are omitted as surplus.

In subsection (b), before clause (1), the text of 15:1392(i)(1)(A) (1st sentence) and (B) (words before 2d comma) is omitted as executed. The word ''prescribe'' is substituted for ''promulgate'', and the word ''Federal'' is omitted, for consistency. The words ''Such proposed standards'' and ''those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph'' are omitted because of the restatement. The word ''requirements'' is substituted for ''standards'' to avoid using ''standards'' in 2 different ways. The text of 15:1392(i)(1)(B) (last 6 words) is omitted as executed.

In subsection (c), the text of 15:1397(a)(1)(F) is omitted as unnecessary because of the restatement.

§ 30126. Used motor vehicles

To ensure a continuing and effective national safety program, it is the policy of the United States Government to encourage and strengthen State inspection of used motor vehicles. Therefore, the Secretary of Transportation shall prescribe uniform motor vehicle safety standards applicable to all used motor vehicles. The standards shall be stated in terms of motor vehicle safety performance.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 958.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30126	15:1397(b)(1) (2d–last sentences).	Sept. 9, 1966, Pub. L. 89–563, § 108(b)(1) (2d–last sentences), 80 Stat. 722.

The words ''In order'' are omitted as surplus. The words ''United States Government'' are substituted for ''Congress'' for clarity and consistency in the revised title. The words ''Therefore, the Secretary of Transportation shall prescribe uniform motor vehicle safety standards applicable to all used motor vehicles'' are substituted for 15:1397(b)(1) (4th sentence) to eliminate unnecessary and executed words. The text of 15:1397(b)(1) (last sentence) is omitted as unnecessary because of 5:ch. 5, subch. II. The text of 15:1397(b)(1) (3d sentence) is omitted as executed.

§ 30127. Automatic occupant crash protection and seat belt use

(a) DEFINITIONS.—In this section—

(1) ''bus'' means a motor vehicle with motive power (except a trailer) designed to carry more than 10 individuals.

(2) ''multipurpose passenger vehicle'' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) ''passenger car'' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(4) ''truck'' means a motor vehicle with motive power (except a trailer) designed primarily to transport property or special purpose equipment.

(b) INFLATABLE RESTRAINT REQUIREMENTS.—(1) Not later than September 1, 1993, the Secretary of Transportation shall prescribe under this chapter an amendment to Federal Motor Vehicle Safety Standard 208 issued under the National

Traffic and Motor Vehicle Safety Act of 1966. The amendment shall require that the automatic occupant crash protection system for both of the front outboard seating positions for each of the following vehicles be an inflatable restraint (with lap and shoulder belts) complying with the occupant protection requirements under section 4.1.2.1 of Standard 208:

(A) 95 percent of each manufacturer's annual production of passenger cars manufactured after August 31, 1996, and before September 1, 1997.

(B) 80 percent of each manufacturer's annual production of buses, multipurpose passenger vehicles, and trucks (except walk-in van-type trucks and vehicles designed to be sold only to the United States Postal Service) with a gross vehicle weight rating of not more than 8,500 pounds and an unloaded vehicle weight of not more than 5,500 pounds manufactured after August 31, 1997, and before September 1, 1998.

(C) 100 percent of each manufacturer's annual production of passenger cars manufactured after August 31, 1997.

(D) 100 percent of each manufacturer's annual production of vehicles described in clause (B) of this paragraph manufactured after August 31, 1998.

(2) Manufacturers may not use credits and incentives available before September 1, 1998, under the provisions of Standard 208 (as amended by this section) to comply with the requirements of paragraph (1)(D) of this subsection after August 31, 1998.

(c) OWNER MANUAL REQUIREMENTS.—In amending Standard 208, the Secretary of Transportation shall require, to be effective as soon as possible after the amendment is prescribed, that owner manuals for passenger cars, buses, multipurpose passenger vehicles, and trucks equipped with an inflatable restraint include a statement in an easily understandable format stating that—

(1) either or both of the front outboard seating positions of the vehicle are equipped with an inflatable restraint referred to as an ''airbag'' and a lap and shoulder belt;

(2) the ''airbag'' is a supplemental restraint and is not a substitute for lap and shoulder belts;

(3) lap and shoulder belts also must be used correctly by an occupant in a front outboard seating position to provide restraint or protection from frontal crashes as well as other types of crashes or accidents; and

(4) occupants should always wear their lap and shoulder belts, if available, or other safety belts, whether or not there is an inflatable restraint.

(d) SEAT BELT USE LAWS.—Congress finds that it is in the public interest for each State to adopt and enforce mandatory seat belt use laws and for the United States Government to adopt and enforce mandatory seat belt use regulations.

(e) TEMPORARY EXEMPTIONS.—(1) On application of a manufacturer, the Secretary of Transportation may exempt, on a temporary basis, motor vehicles of that manufacturer from any requirement under subsections (b) and (c) of this section on terms the Secretary considers appropriate. An exemption may be renewed.

(2) The Secretary of Transportation may grant an exemption under paragraph (1) of this subsection if the Secretary finds that there has been a disruption in the supply of any component of an inflatable restraint or in the use and installation of that component by the manufacturer because of an unavoidable event not under the control of the manufacturer that will prevent the manufacturer from meeting its anticipated production volume of vehicles with those restraints.

(3) Only an affected manufacturer may apply for an exemption. The Secretary of Transportation shall prescribe in the amendment to Standard 208 required under this section the information an affected manufacturer must include in its application under this subsection. The manufacturer shall specify in the application the models, lines, and types of vehicles affected. The Secretary may consolidate similar applications from different manufacturers.

(4) An exemption or renewal of an exemption is conditioned on the commitment of the manufacturer to recall the exempted vehicles for installation of the omitted inflatable restraints within a reasonable time that the manufacturer proposes and the Secretary of Transportation approves after the components become available in sufficient quantities to satisfy both anticipated production and recall volume requirements.

(5) The Secretary of Transportation shall publish in the Federal Register a notice of each application under this subsection and each decision to grant or deny a temporary exemption and the reasons for the decision.

(6) The Secretary of Transportation shall require a label for each exempted vehicle that can be removed only after recall and installation of the required inflatable restraint. The Secretary shall require that written notice of the exemption be provided to the dealer and the first purchaser of each exempted vehicle other than for resale, with the notice being provided in a way, and containing the information, the Secretary considers appropriate.

(f) APPLICATION.—(1) This section revises, but does not replace, Standard 208 as in effect on December 18, 1991, including the amendment of March 26, 1991 (56 Fed. Reg. 12472), to Standard 208, extending the requirements for automatic crash protection, with incentives for more innovative automatic crash protection, to trucks, buses, and multipurpose passenger vehicles. This section may not be construed as—

(A) affecting another provision of law carried out by the Secretary of Transportation applicable to passenger cars, buses, multipurpose passenger vehicles, or trucks; or

(B) establishing a precedent related to developing or prescribing a Government motor vehicle safety standard.

(2) This section and amendments to Standard 208 made under this section may not be construed as indicating an intention by Congress to affect any liability of a motor vehicle manufacturer under applicable law related to vehicles with or without inflatable restraints.

(g) REPORT.—(1) On October 1, 1992, and annually after that date through October 1, 2000, the

Secretary of Transportation shall submit reports on the effectiveness of occupant restraint systems expressed as a percentage reduction in fatalities or injuries of restrained occupants compared to unrestrained occupants for—

(A) a combination of inflated restraints and lap and shoulder belts;

(B) inflated restraints only; and

(C) lap and shoulder belts only.

(2) In consultation with the Secretaries of Labor and Defense, the Secretary of Transportation also shall provide information and analysis on lap and shoulder belt use, nationally and in each State by—

(A) military personnel;

(B) Government, State, and local law enforcement officers;

(C) other Government and State employees; and

(D) the public.

(h) AIRBAGS FOR GOVERNMENT CARS.—In cooperation with the Administrator of General Services and the heads of appropriate departments, agencies, and instrumentalities of the Government, the Secretary of Transportation shall establish a program, consistent with applicable procurement laws of the Government and available appropriations, requiring that all passenger cars acquired—

(1) after September 30, 1994, for use by the Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints; and

(2) after September 30, 1996, for use by the Government be equipped, to the maximum extent practicable, with inflatable restraints for both front outboard seating positions.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 958; Pub. L. 105–178, title VII, § 7106(c), June 9, 1998, 112 Stat. 467.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30127(a)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2502(a), 105 Stat. 2081.
30127(b)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(a)(1) (1st sentence), (b), 105 Stat. 2084, 2085.
30127(c)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(a)(2), 105 Stat. 2085.
30127(d)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(a)(3), 105 Stat. 2085.
30127(e)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(c), 105 Stat. 2086.
30127(f)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(a)(1) (last sentence), (d), 105 Stat. 2085, 2086.
30127(g)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(e), 105 Stat. 2086.
30127(h)	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2508(f), 105 Stat. 2087.

In subsection (a), the definitions are derived from section 2502(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2081) and are restated because those definitions apply to the source provisions being restated in this section.

In subsection (b)(1), before clause (A), the words ''Notwithstanding any other provision of law or rule'' and ''(to the extent such Act is not in conflict with the provisions of this section)'' are omitted as unnecessary because of the restatement. The words ''The amendment shall require'' are substituted for ''The amendment promulgated under subsection (a) shall establish the following schedule'' for clarity. The words ''manufactured on or after the dates specified in the applicable schedule established by subsection (b)'', ''The amendment shall take effect'', and ''Subject to the provisions of subsection (c)'' are omitted as unnecessary because of the restatement. The words ''for both of the front outboard seating positions for each'' are substituted for ''for the front outboard designated seating positions of each'' for clarity. In clause (B), the word ''new'' is omitted as unnecessary because of the restatement. The word ''only'' is substituted for ''exclusively'' for consistency in the revised title.

In subsection (b)(2), the words ''after August 31, 1998'' are substituted for ''on and after such date'' for clarity.

In subsection (c), before clause (1), the words ''In amending Standard 208, the Secretary of Transportation shall require'' are substituted for ''The amendment to such Standard 208 shall also require'' for clarity and to eliminate unnecessary words.

In subsection (e)(3), the words ''Only an affected manufacturer may apply for an exemption'' are added for clarity. The words ''consolidate similar applications from different manufacturers'' are substituted for ''consolidate applications of a similar nature of 1 or more manufacturers'' for clarity.

In subsection (f)(1), before clause (A), the words ''by the Secretary or any other person, including any court'' are omitted as surplus. In clause (A), the word ''affecting'' is substituted for ''altering or affecting'' to eliminate an unnecessary word.

In subsection (f)(2), the words ''by any person or court'' are omitted as unnecessary. The word ''affect'' is substituted for ''affect, change, or modify'' to eliminate unnecessary words.

In subsection (g)(1), before clause (A), the words ''and every 6 months after that date through'' are substituted for ''biannually . . . and continuing to'' for clarity. The word ''actual'' is omitted as unnecessary. The word ''expressed'' is substituted for ''defined'' for clarity.

In subsection (g)(2)(C), the words ''other Government and State employees'' are substituted for ''Federal and State employees other than law enforcement officers'' for clarity and because of the restatement.

In subsection (h)(2), the words ''for both front outboard seating positions'' are substituted for ''for both the driver and front seat outboard seating positions'' for clarity and consistency in this section.

REFERENCES IN TEXT

The National Traffic and Motor Vehicle Safety Act of 1966, referred to in subsec. (b)(1), is Pub. L. 89–563, Sept. 9, 1966, 80 Stat. 718, as amended, which was classified generally to chapter 38 (§ 1381 et seq.) of Title 15, Commerce and Trade, and was substantially repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as this chapter.

AMENDMENTS

1998—Subsec. (g)(1). Pub. L. 105–178 substituted ''annually'' for ''every 6 months'' in introductory provisions.

IMPROVING THE SAFETY OF CHILD RESTRAINTS

Pub. L. 107–318, Dec. 4, 2002, 116 Stat. 2772, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as 'Anton's Law'.

''SEC. 2. FINDINGS.

''Congress finds the following:

''(1) It is the policy of the Department of Transportation that all child occupants of motor vehicles, regardless of seating position, be appropriately restrained in order to reduce the incidence of injuries and fatalities resulting from motor vehicle crashes on the streets, roads, and highways.

''(2) Research has shown that very few children between the ages of 4 to 8 years old are in the appropriate restraint for their age when riding in passenger motor vehicles.

''(3) Children who have outgrown their child safety seats should ride in a belt-positioning booster seat until an adult seat belt fits properly.

''(4) Children who were properly restrained when riding in passenger motor vehicles suffered less severe injuries from accidents than children not properly restrained.

''SEC. 3. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS IN PASSENGER MOTOR VEHICLES.

''(a) IN GENERAL.—The Secretary of Transportation (hereafter referred to as the 'Secretary') shall initiate a rulemaking proceeding to establish performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds.

''(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking proceeding required by subsection (a), the Secretary shall—

''(1) consider whether to include injury performance criteria for child restraints, including booster seats and other products for use in passenger motor vehicles for the restraint of children weighing more than 50 pounds, under the requirements established in the rulemaking proceeding;

''(2) consider whether to establish performance requirements for seat belt fit when used with booster seats and other belt guidance devices;

''(3) consider whether to address situations where children weighing more than 50 pounds only have access to seating positions with lap belts, such as allowing tethered child restraints for such children; and

''(4) review the definition of the term 'booster seat' in Federal motor vehicle safety standard No. 213 under section 571.213 of title 49, Code of Federal Regulations, to determine if it is sufficiently comprehensive.

''(c) COMPLETION.—The Secretary shall complete the rulemaking proceeding required by subsection (a) not later than 30 months after the date of the enactment of this Act [Dec. 4, 2002].

''SEC. 4. DEVELOPMENT OF ANTHROPOMORPHIC TEST DEVICE SIMULATING A 10-YEAR OLD CHILD.

''(a) DEVELOPMENT AND EVALUATION.—Not later than 24 months after the date of the enactment of this Act [Dec. 4, 2002], the Secretary shall develop and evaluate an anthropomorphic test device that simulates a 10-year old child for use in testing child restraints used in passenger motor vehicles.

''(b) ADOPTION BY RULEMAKING.—Within 1 year following the development and evaluation carried out under subsection (a), the Secretary shall initiate a rulemaking proceeding for the adoption of an anthropomorphic test device as developed under subsection (a).

''SEC. 5. REQUIREMENTS FOR INSTALLATION OF LAP AND SHOULDER BELTS.

''(a) IN GENERAL.—Not later than 24 months after the date of the enactment of this Act [Dec. 4, 2002], the Secretary shall complete a rulemaking proceeding to amend Federal motor vehicle safety standard No. 208 under section 571.208 of title 49, Code of Federal Regulations, relating to occupant crash protection, in order to—

''(1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement; and

''(2) apply that requirement to passenger motor vehicles in phases in accordance with subsection (b).

''(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) shall be implemented in phases on a production year basis beginning with the production year that begins not later than 12 months after the end of the year in which the regulations are prescribed under subsection (a). The final rule shall apply to all passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less that are manufactured in the third production year of the implementation phase-in under the schedule.

''SEC. 6. EVALUATION OF INTEGRATED CHILD SAFETY SYSTEMS.

''(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2002], the Secretary shall initiate an evaluation of integrated or built-in child restraints and booster seats. The evaluation should include—

''(1) the safety of the child restraint and correctness of fit for the child;

''(2) the availability of testing data on the system and vehicle in which the child restraint will be used;

''(3) the compatibility of the child restraint with different makes and models;

''(4) the cost-effectiveness of mass production of the child restraint for consumers;

''(5) the ease of use and relative availability of the child restraint to children riding in motor vehicles; and

''(6) the benefits of built-in seats for improving compliance with State child occupant restraint laws.

''(b) REPORT.—Not later than 12 months after the date of enactment of this Act [Dec. 4, 2002], the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report of this evaluation.

''SEC. 7. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) CHILD RESTRAINT.—The term 'child restraint' means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

''(2) PRODUCTION YEAR.—The term 'production year' means the 12-month period between September 1 of a year and August 31 of the following year.

''(3) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning given that term in section 405(f)(5) of title 23, United States Code.

''SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated $5,000,000 to the Secretary of Transportation for—

''(1) the evaluation required by section 6 of this Act; and

''(2) research of the nature and causes of injury to children involved in motor vehicle crashes.

''(b) LIMITATION.—Funds appropriated under subsection (a) shall not be available for the general administrative expenses of the Secretary.''

Pub. L. 106–414, §14, Nov. 1, 2000, 114 Stat. 1806, provided that:

''(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall initiate a rulemaking for the purpose of improving the safety of child restraints, including minimizing head injuries from side impact collisions.

''(b) ELEMENTS FOR CONSIDERATION.—In the rulemaking required by subsection (a), the Secretary shall consider—

''(1) whether to require more comprehensive tests for child restraints than the current Federal motor vehicle safety standards requires, including the use of dynamic tests that—

''(A) replicate an array of crash conditions, such as side-impact crashes and rear-impact crashes; and

''(B) reflect the designs of passenger motor vehicles as of the date of the enactment of this Act [Nov. 1, 2000];

''(2) whether to require the use of anthropomorphic test devices that—

''(A) represent a greater range of sizes of children including the need to require the use of an anthropomorphic test device that is representative of a ten-year-old child; and

''(B) are Hybrid III anthropomorphic test devices;

''(3) whether to require improved protection from head injuries in side-impact and rear-impact crashes;

''(4) how to provide consumer information on the physical compatibility of child restraints and vehicle seats on a model-by-model basis;

''(5) whether to prescribe clearer and simpler labels and instructions required to be placed on child restraints;

''(6) whether to amend Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213) to cover restraints for children weighing up to 80 pounds;

''(7) whether to establish booster seat performance and structural integrity requirements to be dynamically tested in 3-point lap and shoulder belts;

''(8) whether to apply scaled injury criteria performance levels, including neck injury, developed for Federal Motor Vehicle Safety Standard No. 208 to child restraints and booster seats covered by in Federal Motor Vehicle Safety Standard No. 213; and

''(9) whether to include child restraint in each vehicle crash tested under the New Car Assessment Program.

''(c) REPORT TO CONGRESS.—If the Secretary does not incorporate any element described in subsection (b) in the final rule, the Secretary shall explain, in a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce [now Committee on Energy and Commerce] submitted within 30 days after issuing the final rule, specifically why the Secretary did not incorporate any such element in the final rule.

''(d) COMPLETION.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by subsection (a) not later than 24 months after the date of the enactment of this Act [Nov. 1, 2000].

''(e) CHILD RESTRAINT DEFINED.—In this section, the term 'child restraint' has the meaning given the term 'Child restraint system' in section 571.213 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this Act [Nov. 1, 2000]).

''(f) FUNDING.—For each fiscal year, of the funds made available to the Secretary for activities relating to safety, not less than $750,000 shall be made available to carry out crash testing of child restraints.

''(g) CHILD RESTRAINT SAFETY RATINGS PROGRAM.—No later than 12 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall issue a notice of proposed rulemaking to establish a child restraint safety rating consumer information program to provide practicable, readily understandable, and timely information to consumers for use in making informed decisions in the purchase of child restraints. No later than 24 months after the date of the enactment of this Act the Secretary shall issue a final rule establishing a child restraint safety rating program and providing other consumer information which the Secretary determines would be useful [to] consumers who purchase child restraint systems.

''(h) BOOSTER SEAT STUDY.—In addition to consideration of booster seat performance and structural integrity contained in subsection (b)(7), not later than 12 months after the date of the enactment of this Act [Nov. 1, 2000], the Secretary of Transportation shall initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of booster with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

''(i) BOOSTER SEAT EDUCATION PROGRAM.—The Secretary of Transportation within 1 year after the date of the enactment of this Act [Nov. 1, 2000] shall develop [a] 5 year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4 to 8 year old age group by 25 percent.''

IMPROVING AIR BAG SAFETY

Pub. L. 105–178, title VII, § 7103, June 9, 1998, 112 Stat. 465, provided that:

''(a) RULEMAKING TO IMPROVE AIR BAGS.—

''(1) NOTICE OF PROPOSED RULEMAKING.—Not later than September 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

''(2) FINAL RULE.—Notwithstanding any other provision of law, the Secretary shall complete the rulemaking required by this subsection by issuing, not later than September 1, 1999, a final rule with any provision the Secretary deems appropriate, consistent with paragraph (1) and the requirements of section 30111, title 49, United States Code. If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), the Secretary may extend the date for issuing the final rule to not later than March 1, 2000.

''(3) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2002, and no sooner than 30 months after the date of the issuance of the final rule, but not later than September 1, 2003. The final rule shall become fully effective for all vehicles identified in section 30127(b), title 49, United States Code, that are manufactured on and after September 1, 2005. Should the phase-in of the final rule required by this paragraph commence on September 1, 2003, then in that event, and only in that event, the Secretary is authorized to make the final rule fully effective on September 1, 2006, for all vehicles that are manufactured on and after that date.

''(4) COORDINATION OF EFFECTIVE DATES.—The requirements of S13 of Standard No. 208 shall remain in effect unless and until changed by the rule required by this subsection.

''(5) CREDIT FOR EARLY COMPLIANCE.—To encourage early compliance, the Secretary is directed to include in the notice of proposed rulemaking required by paragraph (1) means by which manufacturers may earn credits for future compliance. Credits, on a one-vehicle for one-vehicle basis, may be earned for vehicles certified as being in full compliance under section 30115 of title 49, United States Code, with the rule required by paragraph (2) which are either—

''(A) so certified in advance of the phase-in period; or

''(B) in excess of the percentage requirements during the phase-in period.

''(b) ADVISORY COMMITTEES.—Any government advisory committee, task force, or other entity involving air bags shall include representatives of consumer and safety organizations, insurers, manufacturers, and suppliers.''

§ 30128. Vehicle rollover prevention and crash mitigation

(a) IN GENERAL.—The Secretary shall initiate rulemaking proceedings, for the purpose of establishing rules or standards that will reduce vehicle rollover crashes and mitigate deaths and

injuries associated with such crashes for motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds.

(b) ROLLOVER PREVENTION.—One of the rulemaking proceedings initiated under subsection (a) shall be to establish performance criteria to reduce the occurrence of rollovers consistent with stability enhancing technologies. The Secretary shall issue a proposed rule in this proceeding by rule by October 1, 2006, and a final rule by April 1, 2009.

(c) OCCUPANT EJECTION PREVENTION.—

(1) IN GENERAL.—The Secretary shall also initiate a rulemaking proceeding to establish performance standards to reduce complete and partial ejections of vehicle occupants from outboard seating positions. In formulating the standards the Secretary shall consider various ejection mitigation systems. The Secretary shall issue a final rule under this paragraph no later than October 1, 2009.

(2) DOOR LOCKS AND DOOR RETENTION.—The Secretary shall complete the rulemaking proceeding initiated to upgrade Federal Motor Vehicle Safety Standard No. 206, relating to door locks and door retention, no later than 30 months after the date of enactment of this section.

(d) PROTECTION OF OCCUPANTS.—One of the rulemaking proceedings initiated under subsection (a) shall be to establish performance criteria to upgrade Federal Motor Vehicle Safety Standard No. 216 relating to roof strength for driver and passenger sides. The Secretary may consider industry and independent dynamic tests that realistically duplicate the actual forces transmitted during a rollover crash. The Secretary shall issue a proposed rule by December 31, 2005, and a final rule by July 1, 2008.

(e) DEADLINES.—If the Secretary determines that the deadline for a final rule under this section cannot be met, the Secretary shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce and explain why that deadline cannot be met; and

(2) establish a new deadline.

(Added Pub. L. 109–59, title X, §10301(a), Aug. 10, 2005, 119 Stat. 1939.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c)(2), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

CODIFICATION

Section 10301(a) of Pub. L. 109–59, which directed that this section be added at the end of subchapter II of chapter 301, without specifying the title to be amended, was executed by adding this section at the end of subchapter II of this chapter, to reflect the probable intent of Congress.

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

§30141. Importing motor vehicles capable of complying with standards

(a) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle if—

(1) on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under subsection (c) of this section, the Secretary decides—

(A) the vehicle is—

(i) substantially similar to a motor vehicle originally manufactured for import into and sale in the United States;

(ii) certified under section 30115 of this title;

(iii) the same model year (as defined under regulations of the Secretary of Transportation) as the model of the motor vehicle it is being compared to; and

(iv) capable of being readily altered to comply with applicable motor vehicle safety standards prescribed under this chapter; or

(B) if there is no substantially similar United States motor vehicle, the safety features of the vehicle comply with or are capable of being altered to comply with those standards based on destructive test information or other evidence the Secretary of Transportation decides is adequate;

(2) the vehicle is imported by a registered importer; and

(3) the registered importer pays the annual fee the Secretary of Transportation establishes under subsection (e) of this section to pay for the costs of carrying out the registration program for importers under subsection (c) of this section and any other fees the Secretary of Transportation establishes to pay for the costs of—

(A) processing bonds provided to the Secretary of the Treasury under subsection (d) of this section; and

(B) making the decisions under this subchapter.

(b) PROCEDURES ON DECIDING ON MOTOR VEHICLE CAPABILITY.—(1) The Secretary of Transportation shall establish by regulation procedures for making a decision under subsection (a)(1) of this section and the information a petitioner must provide to show clearly that the motor vehicle is capable of being brought into compliance with applicable motor vehicle safety standards prescribed under this chapter. In establishing the procedures, the Secretary shall provide for a minimum period of public notice and written comment consistent with ensuring expeditious, but complete, consideration and avoiding delay by any person. In making a decision under those procedures, the Secretary shall consider test information and other information available to the Secretary, including any information provided by the manufacturer. If the Secretary makes a negative decision, the Secretary may not make another decision for the same model until at least 3 calendar months have elapsed after the negative decision.

(2) The Secretary of Transportation shall publish each year in the Federal Register a list of all decisions made under subsection (a)(1) of this section. Each published decision applies to the model of the motor vehicle for which the decision was made. A positive decision permits another importer registered under subsection (c) of this section to import a vehicle of the same

model under this section if the importer complies with all the terms of the decision.

(c) REGISTRATION.—(1) The Secretary of Transportation shall establish procedures for registering a person who complies with requirements prescribed by the Secretary by regulation under this subsection, including—

(A) recordkeeping requirements;

(B) inspection of records and facilities related to motor vehicles the person has imported, altered, or both; and

(C) requirements that ensure that the importer (or a successor in interest) will be able technically and financially to carry out responsibilities under sections 30117(b), 30118–30121, and 30166(f) of this title.

(2) The Secretary of Transportation shall deny registration to a person whose registration is revoked under paragraph (4) of this subsection.

(3) The Secretary of Transportation may deny registration to a person that is or was owned or controlled by, or under common ownership or control with, a person whose registration was revoked under paragraph (4) of this subsection.

(4) The Secretary of Transportation shall establish procedures for—

(A) revoking or suspending a registration issued under paragraph (1) of this subsection for not complying with a requirement of this subchapter or any of sections 30112, 30115, 30117–30122, 30125(c), 30127, or 30166 of this title or regulations prescribed under this subchapter or any of those sections;

(B) automatically suspending a registration for not paying a fee under subsection (a)(3) of this section in a timely manner or for knowingly filing a false or misleading certification under section 30146 of this title; and

(C) reinstating suspended registrations.

(d) BONDS.—(1) A person importing a motor vehicle under this section shall provide a bond to the Secretary of the Treasury (acting for the Secretary of Transportation) and comply with the terms the Secretary of Transportation decides are appropriate to ensure that the vehicle—

(A) will comply with applicable motor vehicle safety standards prescribed under this chapter within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or

(B) will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.

(2) The amount of the bond provided under this subsection shall be at least equal to the dutiable value of the motor vehicle (as determined by the Secretary of the Treasury) but not more than 150 percent of that value.

(e) FEE REVIEW, ADJUSTMENT, AND USE.—The Secretary of Transportation shall review and make appropriate adjustments at least every 2 years in the amounts of the fees required to be paid under subsection (a)(3) of this section. The Secretary of Transportation shall establish the fees for each fiscal year before the beginning of that year. All fees collected remain available until expended without fiscal year limit to the extent provided in advance by appropriation laws. The amounts are only for use by the Secretary of Transportation—

(1) in carrying out this section and sections 30146(a)–(c)(1), (d), and (e) and 30147(b) of this title; and

(2) in advancing to the Secretary of the Treasury amounts for costs incurred under this section and section 30146 of this title to reimburse the Secretary of the Treasury for those costs.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 960; Pub. L. 103–429, § 6(23), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30141(a)	15:1397(c)(3)(A), (C)(i).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(c)(2), (3)(A)–(D); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2818.
30141(b)	15:1397(c)(3)(C) (ii)–(iv).	
30141(c)	15:1397(c)(3)(D).	
30141(d)	15:1397(c)(2).	
30141(e)	15:1397(c)(3)(B).	

In subsection (a)(1)(A)(iv), the words ''prescribed under this chapter'' are substituted for ''Federal'' for consistency in this chapter.

In subsection (a)(3), before clause (A), the words ''any other fees'' are substituted for ''such other annual fee or fees'' to eliminate unnecessary words. In clause (B), the words ''this subchapter'' are substituted for ''this section'' for clarity. See H. Rept. No. 100–431, 100th Cong., 1st Sess., p. 19 (1987).

In subsection (b)(1), the words ''procedures for making a decision under subsection (a)(1) of this section'' are substituted for ''procedures for considering such petitions'' and ''procedures for determinations made on the Secretary's initiative'' because of the restatement. The words ''(whether or not confidential)'' are omitted as unnecessary because of the restatement.

In subsection (b)(2), the word ''permits'' is substituted for ''shall be sufficient authority'' for clarity. The word ''conditions'' is omitted as being included in ''terms''.

In subsection (c)(1), before clause (A), the words ''under this subsection'' are added for clarity. The word ''including'' is substituted for ''include, as a minimum'' to eliminate unnecessary words. In clause (B), the words ''(relating to discovery, notification, and remedy of defects)'' are omitted as surplus.

In subsection (c)(3), the words ''directly or indirectly'' are omitted as unnecessary because of the restatement.

In subsection (d)(1), before clause (A), the word ''conditions'' is omitted as being included in ''terms''.

PUB. L. 103–429

This amends 49:30141(c)(4)(A) and 30165(a) to correct erroneous cross-references.

AMENDMENTS

1994—Subsec. (c)(4)(A). Pub. L. 103–429 substituted ''any of sections 30112'' for ''section 30112'' and inserted ''any of'' before ''those sections''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 30142. Importing motor vehicles for personal use

(a) GENERAL.—Section 30112(a) of this title does not apply to an imported motor vehicle if—

(1) the vehicle is imported for personal use, and not for resale, by an individual (except an

individual described in sections 30143 and 30144 of this title);

(2) the vehicle is imported after January 31, 1990; and

(3) the individual takes the actions required under subsection (b) of this section to receive an exemption.

(b) EXEMPTIONS.—(1) To receive an exemption under subsection (a) of this section, an individual must—

(A) provide the Secretary of the Treasury (acting for the Secretary of Transportation) with—

(i) an appropriate bond in an amount determined under section 30141(d) of this title;

(ii) a copy of an agreement with an importer registered under section 30141(c) of this title for bringing the motor vehicle into compliance with applicable motor vehicle safety standards prescribed under this chapter; and

(iii) a certification that the vehicle meets the requirement of section 30141(a)(1)(A) or (B) of this title; and

(B) comply with appropriate terms the Secretary of Transportation imposes to ensure that the vehicle—

(i) will be brought into compliance with those standards within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or

(ii) will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.

(2) For good cause shown, the Secretary of Transportation may allow an individual additional time, but not more than 30 days after the day on which the motor vehicle is offered for import, to comply with paragraph (1)(A)(ii) of this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 962.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30142(a)	15:1397(f)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(f); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2822.
30142(b)	15:1397(f)(2).	

In subsection (a)(2), the words ''after January 31, 1990'' are substituted for ''after the effective date of the regulations initially issued to implement the amendments made to this section by the Imported Vehicle Safety Compliance Act of 1988'' for clarity. See 49 C.F.R. part 591.

In subsection (a)(3), the words ''the individual takes the actions required under subsection (b) of this section'' are substituted for ''if that individual takes the actions required by paragraph (2)'' for clarity and because of the restatement.

In subsection (b)(1), the word ''compliance'' is substituted for ''conformity'' for consistency in this chapter.

In subsection (b)(1)(B), before subclause (i), the word ''conditions'' is omitted as being included in ''terms''.

§ 30143. Motor vehicles imported by individuals employed outside the United States

(a) DEFINITION.—In this section, ''assigned place of employment'' means—

(1) the principal location at which an individual is permanently or indefinitely assigned to work; and

(2) for a member of the uniformed services, the individual's permanent duty station.

(b) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle imported for personal use, and not for resale, by an individual—

(1) whose assigned place of employment was outside the United States as of October 31, 1988, and who has not had an assigned place of employment in the United States from that date through the date the vehicle is imported into the United States;

(2) who previously had not imported a motor vehicle into the United States under this section or section 108(g) of the National Traffic and Motor Vehicle Safety Act of 1966 or, before October 31, 1988, under section 108(b)(3) of that Act;

(3) who acquired, or made a binding contract to acquire, the vehicle before October 31, 1988;

(4) who imported the vehicle into the United States not later than October 31, 1992; and

(5) who satisfies section 108(b)(3) of that Act as in effect on October 30, 1988.

(c) CERTIFICATION.—Subsection (b) of this section is carried out by certification in the form the Secretary of Transportation or the Secretary of the Treasury may prescribe.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 963.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30143(a)	15:1397(g) (3d, last sentences).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(g); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2823.
30143(b), (c)	15:1397(g) (1st, 2d sentences).	

In subsection (b), before clause (1), the words ''(including a member of the uniformed services)'' are omitted as unnecessary because of the restatement. In clause (1), the words ''from that date through the date the vehicle is imported into the United States'' are substituted for ''that date and the date of entry of such motor vehicle'' for clarity and consistency in this chapter. In clause (2), the words ''under this section or section 108(g) of the National Traffic and Motor Vehicle Safety Act of 1966'' are substituted for ''this subsection'' to preserve the exemption for motor vehicles imported under the source provisions between October 30, 1988, and the effective date of this restatement. In clause (4), the word ''imports'' is substituted for ''enters'' for clarity and consistency in this chapter. In clause (5) the word ''satisfies'' is substituted for ''meets the terms, conditions, and other requirements . . . under'' to eliminate unnecessary words.

REFERENCES IN TEXT

Subsections (b)(3) and (g) of section 108 of the National Traffic and Motor Vehicle Safety Act of 1966, referred to in subsec. (b)(2), (5), are subsecs. (b)(3) and (g) of section 108 of Pub. L. 89–563, which were classified to subsecs. (b)(3) and (g), respectively, of section 1397 of Title 15, Commerce and Trade, were repealed and reenacted in sections 30112(b)(1)–(3) and 30143, respectively, of this title by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 945, 963, 1379.

§ 30144. Importing motor vehicles on a temporary basis

(a) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle imported on a temporary basis for personal use by an individual who is a member of—

(1)(A) the personnel of the government of a foreign country on assignment in the United States or a member of the Secretariat of a public international organization designated under the International Organizations Immunities Act (22 U.S.C. 288 et seq.); and

(B) the class of individuals for whom the Secretary of State has authorized free importation of motor vehicles; or

(2) the armed forces of a foreign country on assignment in the United States.

(b) VERIFICATION.—The Secretary of Transportation or the Secretary of the Treasury may require verification, that the Secretary of Transportation considers appropriate, that an individual is a member described under subsection (a) of this section. The Secretary of Transportation shall ensure that a motor vehicle imported under this section will be exported (at no cost to the United States Government) or abandoned to the Government when the individual no longer—

(1) resides in the United States; and

(2) is a member described under subsection (a) of this section.

(c) SALE IN THE UNITED STATES.—A motor vehicle imported under this section may not be sold when in the United States.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 964; Pub. L. 104–287, § 5(57), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30144(a)	15:1397(h) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(h); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2823.
30144(b)	15:1397(h) (2d, 3d sentences).	
30144(c)	15:1397(h) (last sentence).	

In subsection (a)(1)(B), the word ''importation'' is substituted for ''entry'' for clarity and consistency in this chapter.

In subsection (b), before clause (1), the words ''that an individual is a member described under subsection (a) of this section'' are substituted for ''such status'' for clarity. The word ''imported'' is substituted for ''entered'' for clarity and consistency in this chapter. In clause (2), the words ''a member described under subsection (a) of this section'' are substituted for ''hold such status'' for clarity.

PUB. L. 104–287

This amends 49:30144(a)(1)(A) to correct an erroneous cross-reference.

REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in subsec. (a)(1)(A), is title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, as amended, which is classified principally to subchapter XVIII (§ 288 et seq.) of chapter 7 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 288 of Title 22 and Tables.

AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104–287 substituted ''International Organizations'' for ''International Organization''.

§ 30145. Importing motor vehicles or equipment requiring further manufacturing

Section 30112(a) of this title does not apply to a motor vehicle or motor vehicle equipment if the vehicle or equipment—

(1) requires further manufacturing to perform its intended function as decided under regulations prescribed by the Secretary of Transportation; and

(2) is accompanied at the time of importation by a written statement issued by the manufacturer indicating the applicable motor vehicle safety standard prescribed under this chapter with which it does not comply.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 964.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30145	15:1397(e).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(e); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2822.

In clause (2), the word ''importation'' is substituted for ''entry'' for clarity and consistency in this chapter. The words ''of the incomplete motor vehicle or item of equipment'' are omitted as unnecessary because of the restatement. The words ''prescribed under this chapter'' are substituted for ''Federal'' for consistency in this chapter.

§ 30146. Release of motor vehicles and bonds

(a) COMPLIANCE CERTIFICATION AND BOND.—(1) Except as provided in subsections (c) and (d) of this section, an importer registered under section 30141(c) of this title may license or register an imported motor vehicle for use on public streets, roads, or highways, or release custody of a motor vehicle imported by the registered importer or imported by an individual under section 30142 of this title and altered by the registered importer to meet applicable motor vehicle safety standards prescribed under this chapter to a person for license or registration for use on public streets, roads, or highways, only after 30 days after the registered importer certifies to the Secretary of Transportation, in the way the Secretary prescribes, that the motor vehicle complies with each standard prescribed in the year the vehicle was manufactured and that applies in that year to that vehicle. A vehicle may not be released if the Secretary gives written notice before the end of the 30-day period that the Secretary will inspect the vehicle under subsection (c) of this section.

(2) The Secretaries of Transportation and the Treasury shall prescribe regulations—

(A) ensuring the release of a motor vehicle and bond required under section 30141(d) of this title at the end of the 30-day period, unless the Secretary of Transportation issues a notice of an inspection under subsection (c) of this section; and

(B) providing that the Secretary of Transportation shall release the vehicle and bond promptly after an inspection under subsection (c) of this section showing compliance with the standards applicable to the vehicle.

(3) Each registered importer shall include on each motor vehicle released under this subsection a label prescribed by the Secretary of Transportation identifying the importer and stating that the vehicle has been altered by the importer to comply with the standards applicable to the vehicle.

(b) RELIANCE ON MANUFACTURER'S CERTIFICATION.—In making a certification under subsection (a)(1) of this section, the registered importer may rely on the manufacturer's certification for the model to which the motor vehicle involved is substantially similar if the importer certifies that any alteration made by the importer did not affect the compliance of the safety features of the vehicle and the importer keeps records verifying the certification for the period the Secretary of Transportation prescribes.

(c) EVIDENCE OF COMPLIANCE.—(1) The Secretary of Transportation may require that the certification under subsection (a)(1) of this section be accompanied by evidence of compliance the Secretary considers appropriate or may inspect the certified motor vehicle, or both. If the Secretary gives notice of an inspection, an importer may release the vehicle only after—

(A) an inspection showing the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter for which the inspection was made; and

(B) release of the vehicle by the Secretary.

(2) The Secretary of Transportation shall inspect periodically a representative number of motor vehicles for which certifications have been filed under subsection (a)(1) of this section. In carrying out a motor vehicle testing program under this chapter, the Secretary shall include a representative number of motor vehicles for which certifications have been filed under subsection (a)(1).

(d) CHALLENGING THE CERTIFICATION.—A motor vehicle or bond may not be released under subsection (a) of this section if the Secretary of Transportation, not later than 30 days after receiving a certification under subsection (a)(1) of this section, gives written notice that the Secretary believes or has reason to believe that the certification is false or contains a mispresentation.[1] The vehicle and bond may be released only after the Secretary is satisfied with the certification and any modification of the certification.

(e) BOND RELEASE.—A release of a bond required under section 30141(d) of this title is deemed an acceptance of a certification or completion of an inspection under this section but is not a decision by the Secretary of Transportation under section 30118(a) or (b) of this title of compliance with applicable motor vehicle safety standards prescribed under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 964.)

[1] So in original. Probably should be "misrepresentation."

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30146(a)	15:1397(c)(3)(E)(i) (1st, 3d, last sentences), (vii).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(c)(3)(E); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2820.
30146(b)	15:1397(c)(3)(E)(ii).	
30146(c)	15:1397(c)(3)(E)(i) (2d sentence), (iii), (iv).	
30146(d)	15:1397(c)(3)(E)(vi).	
30146(e)	15:1397(c)(3)(E)(v).	

In subsection (a)(1), the words "Except as provided in subsections (c) and (d) of this section" are added because of the restatement.

In subsection (a)(2)(B), the words "showing compliance with the standards" are substituted for "showing no such failure to comply" for clarity.

§ 30147. Responsibility for defects and noncompliance

(a) DEEMING DEFECT OR NONCOMPLIANCE TO CERTAIN VEHICLES AND IMPORTER AS MANUFACTURER.—(1) In carrying out sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) for a defect or noncompliance with an applicable motor vehicle safety standard prescribed under this chapter for a motor vehicle originally manufactured for import into the United States, an imported motor vehicle having a valid certification under section 30146(a)(1) of this title and decided to be substantially similar to that motor vehicle shall be deemed as having the same defect or as not complying with the same standard unless the manufacturer or importer registered under section 30141(c) of this title demonstrates otherwise to the Secretary of Transportation; and

(B) the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual under section 30142 of this title.

(2) The Secretary shall publish in the Federal Register notice of any defect or noncompliance under paragraph (1)(A) of this subsection.

(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—The Secretary shall require by regulation each registered importer (including any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under sections 30117(b), 30118–30121, and 30166(f) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30147(a)	15:1397(d)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 108(d); added Oct. 31, 1988, Pub. L. 100–562, § 2(b), 102 Stat. 2821.
30147(b)	15:1397(d)(2).	

In this section, the words "(relating to discovery, notification, and remedy of motor vehicle defects)" are omitted as surplus.

In subsection (a)(1)(A), the words "for a motor vehicle" are substituted for "in, or regarding, any motor vehicle" to eliminate unnecessary words.

In subsection (a)(1)(B), the word ''compliance'' is substituted for ''conformity'' for consistency in this chapter.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

§ 30161. Judicial review of standards

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

(d) CERTIFIED COPIES OF RECORDS OF PROCEEDINGS.—The Secretary shall give any interested person a certified copy of the transcript of the record in a proceeding under this section on request and payment of costs. A certified copy of the record of the proceeding is admissible in a proceeding arising out of a matter under this chapter, regardless of whether the proceeding under this section has begun or becomes final.

(e) FINALITY OF JUDGMENT AND SUPREME COURT REVIEW.—A judgment of a court under this section is final and may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30161(a)	15:1394(a)(1) (1st sentence), (3).	Sept. 9, 1966, Pub. L. 89–563, § 105(a)(1)–(5), (b), 80 Stat. 720, 721.
30161(b)	15:1394(a)(1) (2d, last sentences).	
30161(c)	15:1394(a)(2).	
30161(d)	15:1394(b).	
30161(e)	15:1394(a)(4), (5).	

In subsection (a), the words ''In a case of actual controversy as to the validity of'' and ''who will be . . . when it is effective'' are omitted as surplus. The words ''an order prescribing a motor vehicle safety standard under this chapter'' are substituted for ''any order under section 1392 of this title'' for consistency. The words ''apply for review'' are added for clarity. The words ''The petition must be filed'' are substituted for ''at any time'' for clarity. The text of 15:1394(a)(3) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words ''or other officer designated by him for that purpose'' are omitted as surplus because of 49:322(b). The words ''in which the order was prescribed'' are substituted for ''on which the Secretary based his order'' for consistency. The words ''as provided in section 2112 of title 28'' are omitted as surplus.

In subsection (c)(1), the words ''in such manner and upon such terms and conditions as to the court may seem proper'' are omitted as surplus. The words ''is satisfied'' are substituted for ''shows to the satisfaction of'' to eliminate unnecessary words. The words ''and to be adduced upon the hearing'' are omitted as unnecessary.

In subsection (c)(2), the words ''with the court'' are substituted for ''the return of'' for clarity.

In subsection (d), the words ''thereof'' and ''criminal, exclusion of imports, or other'' are omitted as surplus. The words ''under this section'' are substituted for ''with respect to the order'' for clarity. The word ''previously'' is omitted as surplus.

In subsection (e), the words ''under this section is final and may be reviewed only'' are substituted for ''affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review'' to eliminate unnecessary words. The text of 15:1394(a)(5) is omitted because of rule 43 of the Federal Rules of Appellate Procedure (28 App. U.S.C.).

§ 30162. Petitions by interested persons for standards and enforcement

(a) FILING.—Any interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding—

(1) to prescribe a motor vehicle safety standard under this chapter; or

(2) to decide whether to issue an order under section 30118(b) of this title.

(b) STATEMENT OF FACTS.—The petition must state facts that the person claims establish that a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) PROCEEDINGS.—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant the petition.

(d) ACTIONS OF SECRETARY.—The Secretary shall grant or deny a petition not later than 120 days after the petition is filed. If a petition is granted, the Secretary shall begin the proceeding promptly. If a petition is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30162(a)	15:1410a(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 124(a)–(d); added Oct. 27, 1974, Pub. L. 93–492, § 106, 88 Stat. 1481.
30162(b)	15:1410a(b).	
30162(c)	15:1410a(c).	
30162(d)	15:1410a(d).	

Subsection (a)(1) is substituted for ''the issuance of an order pursuant to section 1392 of this title'' for clarity and because of the restatement.

In subsection (b), the words ''a motor vehicle safety standard'' are added because of the restatement. The words ''referred to in subsection (a) of this section'' are added for clarity. The words ''of the substance'' are omitted as surplus.

In subsection (c), the words ''as he deems appropriate in order'' and ''or not'' are omitted as surplus.

In subsection (d), the words ''described in subsection (b) of this section'', ''either'', and ''requested in the petition'' are omitted as surplus.

§ 30163. Actions by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE.—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) PRIOR NOTICE.—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person's views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) VENUE.—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpena for a witness may be served in any judicial district.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30163(a)	15:1399(a) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, § 110(a), (c), 80 Stat. 723, 724; Oct. 27, 1974, Pub. L. 93–492, §§ 102(b)(2), 103(c), 88 Stat. 1477, 1478.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	15:1424(b) (related to injunctions).	Sept. 9, 1966, Pub. L. 89–563, § 204(b) (related to injunctions), 80 Stat. 729.
30163(b)	15:1399(a) (2d, last sentences).	
30163(c)	15:1399(c).	
30163(d)	15:1399(b).	Sept. 9, 1966, Pub. L. 89–563, § 110(b), (d) (related to § 110), 80 Stat. 723, 724.
30163(e)	15:1399(d) (related to 15:1399).	

In subsection (a), before clause (1), the text of 15:1424(b) (related to injunctions) is omitted because of the restatement. The words ''The Attorney General may bring a civil action'' are substituted for ''upon petition by . . . the Attorney General'' for consistency. The words ''the appropriate United States attorney or . . . on behalf of the United States'' are omitted as surplus. The words ''for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure'' are omitted as surplus. In clause (1), the words ''a regulation prescribed or order issued under this chapter'' are substituted for ''(or rules, regulations or orders thereunder)'' for clarity and consistency and because ''rule'' and ''regulation'' are synonymous. In clause (2), before subclause (A), the words ''that the vehicle or equipment'' are added for clarity. The words ''of such vehicle'' and ''purposes'' are omitted as surplus. In subclause (B), the words ''does not comply with'' are substituted for ''is determined . . . not to conform to'' for clarity and consistency.

In subsections (b), (c), and (e), the word ''civil'' is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b), the words ''comply with the applicable motor vehicle safety standard prescribed under this chapter'' are substituted for ''achieve compliance'', and the words ''a court'' are added, for clarity.

In subsection (c), the words ''any act or transaction constituting the'' are omitted as surplus. The word ''resides'' is substituted for ''is an inhabitant'' for consistency in the revised title. The words ''the action'' are substituted for ''such cases'' for consistency.

In subsection (d), the words ''the defendant may demand a jury trial'' are substituted for ''trial shall be by the court, or, upon demand of the accused, by a jury'' to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words ''who are required to attend a United States district court'' are omitted as surplus. The words ''be served in'' are substituted for ''run into'' for clarity.

§ 30164. Service of process

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent's office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 968.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30164(a)	15:1399(e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, § 110(e), 80 Stat. 724.
30164(b)	15:1399(e) (last sentence).	

In subsection (a), the words ''A manufacturer offering . . . shall'' are substituted for ''It shall be the duty of every manufacturer offering . . . to'' to eliminate unnecessary words. The words ''into the United States'', ''all . . . orders, decisions and requirements'', and ''for and on behalf of said manufacturer'' are omitted as surplus. The words ''The designation may be changed in the same way as originally made'' are substituted for ''which designation may from time to time be changed by like writing, similarly filed'' for clarity.

In subsection (b), the words ''An agent may be served'' are substituted for ''Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent'' to eliminate unnecessary words. The words ''Service on the agent is deemed to be service on the manufacturer'' are substituted for ''with like effects as if made personally upon said manufacturer'', and the words ''If a manufacturer does not designate an agent'' are substituted for ''and in default of such designation of such agent'', for clarity. The words ''of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subchapter or any standards prescribed pursuant to this subchapter'' and ''order, requirement or decision'' are omitted as surplus.

§ 30165. Civil penalty

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(d),[1] 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than $5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is $15,000,000.

(2) SCHOOL BUSES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be $10,000 in the case of—

(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

(ii) a violation of section 30112(a)(2) of this title.

(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is $15,000,000.

(3) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is $5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is $15,000,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

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

(c) CONSIDERATIONS.—In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpena for a witness may be served in any judicial district.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 968; Pub. L. 103–429, § 6(23), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 106–414, § 5(a), Nov. 1, 2000, 114 Stat. 1803; Pub. L. 109–59, title X, § 10309(c), Aug. 10, 2005, 119 Stat. 1942.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30165(a)	15:1398(a).	Sept. 9, 1966, Pub. L. 89–563, § 109(a), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93–492, § 103(b), 88 Stat. 1478.
	15:1424(b) (related to civil penalty).	Sept. 9, 1966, Pub. L. 89–563, §§ 109(b), 110(d) (related to § 109), 204(b) (related to civil penalty), 80 Stat. 723, 724, 729.
30165(b)	15:1398(b) (1st, last sentences).	
30165(c)	15:1398(b) (2d sentence).	
30165(d)	15:1399(d) (related to 15:1398).	

In subsection (a), the text of 15:1424(b) (related to civil penalty) is omitted because of the restatement. The words ''is liable to the United States Government for'' are substituted for ''shall be subject to'' for consistency. The words ''A separate violation occurs for'' are substituted for ''Such violation of a provision of section 1397 of this title, or regulations issued thereunder, shall constitute a separate violation with respect to'' to eliminate unnecessary words.

In subsection (b)(2), the words ''amount of a civil penalty imposed or compromised'' are substituted for ''amount of such penalty, when finally determined, or the amount agreed upon in compromise'' to eliminate unnecessary words.

In subsection (d), the words ''who are required to attend a United States district court'' are omitted as surplus. The words ''be served in'' are substituted for ''run into'' for clarity.

PUB. L. 103–429

This amends 49:30141(c)(4)(A) and 30165(a) to correct erroneous cross-references.

REFERENCES IN TEXT

Section 30123(d) of this title, referred to in subsec. (a)(1), was redesignated section 30123(a) of this title by

[1] See References in Text note below.

Pub. L. 105–178, title VII, § 7106(b), June 9, 1998, 112 Stat. 467.

AMENDMENTS

2005—Subsec. (a)(2), (3). Pub. L. 109–59, which directed amendment of section 30165(a), without specifying the title to be amended, by adding par. (2) and redesignating former par. (2) as (3), was executed to this section, to reflect the probable intent of Congress.

2000—Subsec. (a). Pub. L. 106–414 amended heading and text generally. Prior to amendment, text read as follows: ''A person that violates any of sections 30112, 30115, 30117–30122, 30123(d), 30125(c), 30127, 30141–30147, or 30166 of this title or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is $800,000.''

1994—Subsec. (a). Pub. L. 103–429 substituted ''any of sections 30112'' for ''section 30112'' and inserted ''any of'' before ''those sections'' in two places.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 30166. Inspections, investigations, and records

(a) DEFINITION.—In this section, ''motor vehicle accident'' means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) AUTHORITY TO INSPECT AND INVESTIGATE.—(1) The Secretary of Transportation may conduct an inspection or investigation—

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.—In carrying out this chapter, an officer or employee designated by the Secretary of Transportation—

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, or dealer to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter; and

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may—

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce;

(B) enter and inspect with reasonable promptness premises at which a vehicle or equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident.

(d) REASONABLE COMPENSATION.—When a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) RECORDS AND MAKING REPORTS.—The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable the Secretary to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor or dealer in addition to those imposed under subsection (f) of this section and section 30117(b) of this title or a regulation prescribed or order issued under subsection (f) or section 30117(b).

(f) PROVIDING COPIES OF COMMUNICATIONS ABOUT DEFECTS AND NONCOMPLIANCE.—A manufacturer shall give the Secretary of Transportation a true or representative copy of each communication to the manufacturer's dealers or to owners or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(g) ADMINISTRATIVE AUTHORITY ON REPORTS, ANSWERS, AND HEARINGS.—(1) In carrying out this chapter, the Secretary of Transportation may—

(A) require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath; and

(B) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(h) CIVIL ACTIONS TO ENFORCE AND VENUE.—A civil action to enforce a subpena or order under subsection (g) of this section may be brought in the United States district court for any judicial district in which the proceeding is conducted. The court may punish a failure to obey an order of the court to comply with a subpena or order as a contempt of court.

(i) GOVERNMENTAL COOPERATION.—The Secretary of Transportation may request a depart-

ment, agency, or instrumentality of the United States Government to provide records the Secretary considers necessary to carry out this chapter. The head of the department, agency, or instrumentality shall provide the record on request, may detail personnel on a reimbursable basis, and otherwise shall cooperate with the Secretary. This subsection does not affect a law limiting the authority of a department, agency, or instrumentality to provide information to another department, agency, or instrumentality.

(j) COOPERATION OF SECRETARY.—The Secretary of Transportation may advise, assist, and cooperate with departments, agencies, and instrumentalities of the Government, States, and other public and private agencies in developing a method for inspecting and testing to determine compliance with a motor vehicle safety standard.

(k) PROVIDING INFORMATION.—The Secretary of Transportation shall provide the Attorney General and, when appropriate, the Secretary of the Treasury, information obtained that indicates a violation of this chapter or a regulation prescribed or order issued under this chapter.

(*l*) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.

(m) EARLY WARNING REPORTING REQUIREMENTS.—

(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

(3) REPORTING ELEMENTS.—

(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

(A) SECRETARY'S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

(iii) the manner and form of reporting such information, including in electronic form.

(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or

motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.

(n) SALE OR LEASE OF DEFECTIVE OR NONCOMPLIANT TIRE.—

(1) IN GENERAL.—The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 969; Pub. L. 103–429, § 6(24), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–88, title III, § 308(j), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104–287, § 6(f)(3), Oct. 11, 1996, 110 Stat. 3399; Pub. L. 106–414, § 3(a)–(c), Nov. 1, 2000, 114 Stat. 1800–1802.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30166(a)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(B)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(B) (related to § 112(a)–(c)), (D) (related to § 158(a)(1)), (E) (related to § 112(a)–(c)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	15:1401(a)(3)(B).	Sept. 9, 1966, Pub. L. 89–563, § 112(a)–(c), 80 Stat. 725; restated Oct. 27, 1974, Pub. L. 93–492, § 104(a), 88 Stat. 1478.
30166(b)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (1st, last sentences)).	
	15:1401(a)(1) (1st, last sentences).	
30166(c)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(2), (b) (1st sentence 61st–last words), (c)(2)).	
	15:1401(a)(2), (b) (1st sentence 61st–last words), (c)(2).	
30166(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(A)).	
	15:1401(a)(3)(A).	
30166(e)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(b) (1st sentence 1st–60th words, last sentence)).	
	15:1401(b) (1st sentence 1st–60th words, last sentence).	
30166(f)	15:1397(a)(1)(D) (related to 15:1418(a)(1)).	
	15:1418(a)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 158(a)(1); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1475.
30166(g)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(1), (3), (5)).	
	15:1401(c)(1), (3), (5).	
30166(h)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(4)).	
	15:1401(c)(4).	
30166(i)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(6)).	
	15:1401(c)(6).	
30166(j)	15:1396 (related to inspecting and testing).	Sept. 9, 1966, Pub. L. 89–563, § 107 (related to inspecting and testing), 80 Stat. 721.
30166(k)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (2d sentence)).	
	15:1401(a)(1) (2d sentence).	

In this section, the words ''regulation prescribed or order issued under this chapter'' are substituted for ''rules, regulations, or orders issued thereunder'' and ''regulations and orders promulgated thereunder'' for consistency and because ''rule'' and ''regulation'' are synonymous. The text of 15:1397(a)(1)(B) and (E) (as 1397(a)(1)(B), (E) relates to 15:1401) is omitted as surplus.

In subsection (a), the words ''As used'' are omitted as surplus. The word ''use'' is omitted as being included in ''operation''.

In subsection (b)(1)(A), the words ''this chapter'' are substituted for ''this subchapter'' because of the restatement.

In subsection (b)(1)(B), the words ''the facts, circumstances, conditions, and causes of'' are omitted as surplus. The words ''designed to carry out'' are substituted for ''which is for the purposes of carrying out'' to eliminate unnecessary words.

In subsection (b)(2), the words ''making'', ''appropriate'', and ''consistent with the purposes of this subsection'' are omitted as surplus.

In subsection (c), before clause (1), the words ''In carrying out this chapter'' are substituted for ''For purposes of carrying out paragraph (1)'' in 15:1401(a)(2) and ''In order to carry out the provisions of this subchapter'' in 15:1401(c)(2) for clarity and consistency in this chapter. The words ''an officer or employee designated by the Secretary of Transportation'' are substituted for ''officers or employees duly designated by the Secretary'' in 15:1401(a)(2), ''an officer or employee duly designated by the Secretary'' in 15:1401(b), and ''his duly authorized agent'' in 15:1401(c)(2) for consistency. In clause (1), the words ''may inspect and copy'' are substituted for ''shall . . . have access to, and for the purposes of examination the right to copy'' in 15:1401(c)(2) to eliminate unnecessary words. The words ''of any person having materials or information . . . any function of the Secretary under'' are omitted as surplus. In clause (2), the word ''may'' is substituted for ''permit such officer or employee to'' in 15:1401(b) because of the restatement. The words ''appropriate'' and ''relevant'' are omitted as surplus. In clause (3)(A)–(C), the words ''inspect with reasonable promptness'' are substituted for 15:1401(a)(2) (last sentence) to eliminate unnecessary words and for consistency. In clause (3)(A), the word ''premises'' is substituted for ''factory, warehouse, or establishment'' for consistency. In clause (3)(D), the words ''not more than'' are substituted for ''a period not to exceed'' for consistency.

In subsection (d), the words ''for the purpose of inspection'' and ''the authority of'' are omitted as surplus. The words ''is inspected or temporarily impounded under subsection (c)(3) of this section'' are substituted for ''Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection'' for clarity and to correct the cross-reference in the source provision. The words ''to its owner'' are omitted as surplus.

In subsection (e), the words ''establish and'' are omitted as surplus. The words ''This subsection does not impose'' are substituted for ''Nothing in this subsection shall be construed as imposing'' for consistency and to eliminate unnecessary words.

In subsection (f), the words ''notices, bulletins, and other'' are omitted as surplus. The words ''with a motor vehicle safety standard prescribed under this chapter'' are added for clarity. The text of 15:1397(a)(1)(D) (related to 15:1418(a)(1)) is omitted as surplus.

In subsection (g)(1), before clause (A), the words ''or on the authorization of the Secretary, any officer or employee of the Department of Transportation'' are omitted as surplus because of 49:322(b). In clause (A), the words ''in writing'', ''in such form as the Secretary may prescribe'', ''relating to any function of the Secretary under this subchapter'', and ''shall be filed with the Secretary within such reasonable period as the Secretary may prescribe'' are omitted as surplus. In clause (B), the words ''sit and act at such times and places'' are omitted as being included in ''conduct hearings''. The word ''records'' is substituted for ''such books, papers, correspondence, memorandums, contracts, agreements, or other records'' for consistency in the revised title and with other titles of the United States Code.

In subsection (h), the words ''A civil action to enforce a subpena or order . . . may be brought in the United States district court for the judicial district in which the proceeding is conducted'' are substituted for ''any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee . . . issue an order requiring compliance therewith'' for clarity and to eliminate unnecessary words. The words ''an order of the court to comply with a subpena or order'' are substituted for ''such order of the court'' for clarity.

In subsection (i), the words ''United States'' are substituted for ''Federal'' for consistency. The words ''to provide'' are substituted for ''from'' because of the restatement. The words ''his functions under'' are omitted as surplus. The words ''head of the'' are added for consistency. The words ''to the Department of Transportation . . . made by the Secretary'' are omitted as surplus. The words ''detail personnel on a reimbursable basis'' are substituted for 15:1401(c)(6)(B) to eliminate unnecessary words and because of the restatement. The word ''otherwise'' is added for clarity. The words ''be deemed to'' and ''provision of'' are omitted as surplus.

In subsection (j), the words ''departments, agencies, and instrumentalities of the Government, States, and other public and private agencies'' are substituted for ''other Federal departments and agencies, and State and other interested public and private agencies'' for consistency.

In subsection (k), the words ''for appropriate action'' are omitted as surplus.

PUB. L. 103–429

This amends 49:30166(h) to clarify the restatement of 15:1401(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 970).

REFERENCES IN TEXT

The date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, referred to in subsecs. (m)(1) and (n)(1), is the date of enactment of Pub. L. 106–414, which was approved Nov. 1, 2000.

AMENDMENTS

2000—Subsecs. (*l*) to (n). Pub. L. 106–414 added subsecs. (*l*) to (n).

1996—Subsec. (d). Pub. L. 104–287 made technical amendment to directory language of Pub. L. 104–88, § 308(j). See 1995 Amendment note below.

1995—Subsec. (d). Pub. L. 104–88, § 308(j), as amended by Pub. L. 104–287, substituted ''subchapter I of chapter 135'' for ''subchapter II of chapter 105''.

1994—Subsec. (h). Pub. L. 103–429 substituted ''any judicial district'' for ''the judicial district''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(f)(3) of Pub. L. 104–287 provided that the amendment made by that section is effective Dec. 29, 1995.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 30167. Disclosure of information by the Secretary of Transportation

(a) CONFIDENTIALITY OF INFORMATION.—Information obtained under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only in the following ways:

(1) to other officers and employees carrying out this chapter.

(2) when relevant to a proceeding under this chapter.

(3) to the public if the confidentiality of the information is preserved.

(4) to the public when the Secretary of Transportation decides that disclosure is necessary to carry out section 30101 of this title.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section,

the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118–30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER'S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer's cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer's statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 970.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30167(a)	15:1397(a)(1)(B) (related to 15:1401(e) (1st sentence)), (D) (related to 15:1418(a)(2)(B)), (E) (related to 15:1401(e) (1st sentence)).	Sept. 9, 1966, Pub. L. 89–563, § 108(a)(1)(B) (related to § 112(e)), (D) (related to § 158(a)(2)), (E) (related to § 112(e)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, § 103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478.
	15:1401(e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, § 112(e), 80 Stat. 725; Oct. 27, 1974, Pub. L. 93–492, § 104(b), 88 Stat. 1480.
	15:1402(b)(2) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 113; added Oct. 27, 1974, Pub. L. 93–492, § 105, 88 Stat. 1480.
	15:1418(a)(2)(B).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, § 158(a)(2); added Oct. 27, 1974, Pub. L. 93–492, § 102(a), 88 Stat. 1476.
30167(b)	15:1397(a)(1)(D) (related to 15:1418(a)(2)(A), (C)).	
	15:1418(a)(2)(A), (C).	
30167(c)	15:1402(a), (b)(1), (c)–(e).	
30167(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(e) (last sentence)).	
	15:1401(e) (last sentence).	
	15:1402(b)(2) (last sentence).	

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(e)), (D) (related to 15:1418(a)(2)), and (E) (related to 15:1401(e)) is omitted as surplus.

In subsection (a), before clause (1), the words ''Except as otherwise provided in section 1418(a)(2) and section 1402(b) of this title'' in 15:1401(e) (1st sentence) are omitted, and the words ''Information obtained under this chapter related to a confidential matter'' are substituted for ''all information reported to or otherwise obtained by the Secretary or his representative pursuant to this subchapter which information contains or relates to a trade secret or other matter'' in 15:1401(e) (1st sentence) and ''described in subparagraph (A)'' in 15:1418(a)(2)(B), because of the restatement. The words ''shall be considered confidential for the purpose of that section'' are omitted as surplus. The words ''may be disclosed only in the following ways'' are substituted for ''except that such information may be disclosed'' in 15:1401(e) (1st sentence) and 15:1402(b)(2) (1st sentence) and ''and shall not be disclosed; unless'' in 15:1418(a)(2)(B) to eliminate unnecessary words. Clause (3) is substituted for 15:1402(b)(2) (1st sentence words before 2d comma) to eliminate unnecessary words.

In subsection (b), the words ''Subject to'' are substituted for ''Except as provided in'' for consistency. The words ''to the public so much of any'' and ''which is'' are omitted as surplus. The words ''which relates to motor vehicle safety'' and ''with an applicable Federal motor vehicle safety standard'' are omitted because of the restatement. The words ''the purposes of'' and ''and not in lieu of'' are omitted as surplus.

In subsection (c), the words ''For purposes of this section, the term 'cost information' means'' and ''such cost information'' are omitted because of the restatement. The words ''alleged'', ''both'', and ''resulting from action by the Secretary, in such form'' are omitted as surplus. The words ''Such term includes'' are omitted because of the restatement. The words ''to evaluate'' are substituted for ''to make an informed judgment'' to eliminate unnecessary words and for consistency in the subsection. The words ''(in such detail as the Secretary may by regulation or order prescribe)'' are omitted as surplus because of 49:322(a). The word ''thereafter'' is omitted as surplus. The word ''evaluate'' is substituted for ''prepare an evaluation of'' to eliminate unnecessary words. The words ''The Secretary'' are added for clarity. The text of 15:1402(d) is omitted as surplus because of 49:322(a). The text of 15:1402(e) is omitted as surplus because of the restatement.

In subsection (d), the words ''by the Secretary or any officer or employee under his control'' and ''duly'' are omitted as surplus. The words ''to have the information'' are added for clarity.

§ 30168. Research, testing, development, and training

(a) GENERAL AUTHORITY.—(1) The Secretary of Transportation shall conduct research, testing, development, and training necessary to carry out this chapter. The research, development, testing, and training shall include—

(A) collecting information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

(i) accidents involving motor vehicles; and

(ii) the occurrence of death or personal injury resulting from those accidents;

(B) obtaining experimental and other motor vehicles and motor vehicle equipment for research or testing; and

(C) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and crediting the proceeds to current appropriations available to carry out this chapter.

(2) The Secretary may carry out this subsection through grants to States, interstate authorities, and nonprofit institutions.

(b) USE OF PUBLIC AGENCIES.—In carrying out this chapter, the Secretary shall use the services, research, and testing facilities of public agencies to the maximum extent practicable to avoid duplication.

(c) FACILITIES.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and

motor vehicle safety. An expenditure of more than $100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on Commerce and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include—

(1) a brief description of the facility being planned, designed, or built;

(2) the location of the facility;

(3) an estimate of the maximum cost of the facility;

(4) a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and

(5) a justification of the need for the facility.

(d) INCREASING COSTS OF APPROVED FACILITIES.—The estimated maximum cost of a facility approved under subsection (c) of this section may be increased by an amount equal to the percentage increase in construction costs from the date the prospectus is submitted to Congress. However, the increase in the cost of the facility may not be more than 10 percent of the estimated maximum cost included in the prospectus. The Secretary shall decide what increase in construction costs has occurred.

(e) AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS.—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. However, the owner of a background patent may not be deprived of a right under the patent.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 971; Pub. L. 104–287, § 5(58), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30168(a)	15:1395(a), (b).	Sept. 9, 1966, Pub. L. 89–563, §§ 106, 118, 80 Stat. 721, 728.
30168(b)	15:1406.	
30168(c)	15:1431(a).	Sept. 9, 1966, Pub. L. 89–563, § 301, 80 Stat. 729; restated May 22, 1970, Pub. L. 91–265, § 7, 84 Stat. 263.
30168(d)	15:1431(b).	
30168(e)	15:1395(c).	

In subsection (a)(1), before clause (A), the words ''the purposes of'' and ''but not limited to'' are omitted as surplus. In clause (A), before subclause (i), the words ''from any source'' are omitted as surplus. In clause (B), the words ''(by negotiation or otherwise)'' and ''purposes'' are omitted as surplus. In clause (C), the word ''crediting'' is substituted for ''reimbursing'' because it is more appropriate. The words ''of such sale or disposal'' and ''the purposes of'' are omitted as surplus.

In subsection (a)(2), the words ''conduct research, testing, development, and training as authorized to be . . . for the conduct of such research, testing, development, and training'' are omitted as surplus. The word ''authorities'' is substituted for ''agencies'' for consistency.

In subsection (b), the words ''in order'' are omitted as surplus.

In subsection (c), before clause (1), the word ''suitable'' is omitted as surplus. The word ''testing'' is substituted for ''compliance and other testing'' to eliminate unnecessary words. The words ''An expenditure of more than $100,000 . . . may be made only'' are substituted for ''except that no appropriation shall be made . . . involving an expenditure in excess of $100,000'' as being more precise and to eliminate unnecessary words. The words ''substantially similar resolutions'' are substituted for ''resolutions adopted in substantially the same form'' to eliminate unnecessary words. The words ''Energy and Commerce'' are substituted for ''Interstate and Foreign Commerce'', and the words ''Public Works and Transportation'' are substituted for ''Public Works'', to conform to the amendments made to House Rule X changing the names of those committees. The words ''Commerce, Science, and Transportation'' are substituted for ''Commerce'', and the words ''Environment and Public Works'' are substituted for ''Public Works'', to conform to the amendments made to Senate Rule XXV changing the names of those committees. The words ''To obtain that'' are substituted for ''For the purpose of securing consideration of such'' to eliminate unnecessary words. The words ''The prospectus shall include'' are substituted for ''including'' for clarity. The words ''(but not limited to)'' are omitted as surplus. In clause (5), the words ''statement of'' are omitted as surplus.

In subsection (d), the words ''if any'' are omitted as surplus. The words ''in the cost of the facility'' are substituted for ''authorized by this subsection'', and the words ''The Secretary shall decide what increase in construction costs has occurred'' are substituted for ''as determined by the Secretary'', for clarity.

In subsection (e), the words ''United States Government'' are substituted for ''Federal'' for consistency. The words ''arrangement for the activity'' are substituted for ''contract, grant, or other arrangement for such research or development activity'', and the words ''patents, and developments'' are substituted for ''uses, processes, patents, and other developments'', to eliminate unnecessary words. The words ''encouraging motor vehicle safety'', ''effective'', ''fully and freely'', and ''general'' are omitted as surplus. The word ''However'' is added for clarity. The words ''may not be'' are substituted for ''Nothing herein shall be construed to'' for consistency. The words ''which he may have'' are omitted as surplus.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–287 substituted ''Committees on Commerce and Transportation and Infrastructure'' for ''Committees on Energy and Commerce and Public Works and Transportation''.

§ 30169. Annual reports

(a) GENERAL REPORT.—The Secretary of Transportation shall submit to the President to submit to Congress on July 1 of each year a report on the administration of this chapter for the prior calendar year. The report shall include—

(1) a thorough statistical compilation of accidents and injuries;

(2) motor vehicle safety standards in effect or prescribed under this chapter;

(3) the degree of observance of the standards;

(4) a summary of current research grants and contracts and a description of the problems to be considered under those grants and contracts;

(5) an analysis and evaluation of research activities completed and technological progress achieved;

(6) enforcement actions;

(7) the extent to which technical information was given the scientific community and consumer-oriented information was made available to the public; and

(8) recommendations for legislation needed to promote cooperation among the States in improving traffic safety and strengthening the national traffic safety program.

(b) REPORT ON IMPORTING MOTOR VEHICLES.—Not later than 18 months after regulations are first prescribed under section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, the Secretary shall submit to Congress a report of the actions taken to carry out subchapter III of this chapter and the effectiveness of those actions, including any testing by the Secretary under section 30146(c)(2) of this title. After the first report, the Secretary shall submit a report to Congress under this subsection not later than July 31 of each year.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 972.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30169(a)	15:1408.	Sept. 9, 1966, Pub. L. 89–563, § 120, 80 Stat. 728; May 22, 1970, Pub. L. 91–265, § 5, 84 Stat. 263; Oct. 27, 1974, Pub. L. 93–492, § 110(b), 88 Stat. 1484.
30169(b)	15:1397 (note).	Oct. 31, 1988, Pub. L. 100–562, § 2(e)(4), 102 Stat. 2825.

In subsection (a), before clause (1), the words ''prepare and'', ''comprehensive'', and ''but not be restricted to'' are omitted as unnecessary. In clause (1), the words ''occurring in such year'' are omitted as surplus. In clause (2), the words ''in such year'' are omitted as surplus. The words ''under this chapter'' are substituted for ''Federal'' for consistency in this chapter. In clause (3), the words ''applicable Federal motor vehicle'' are omitted as surplus. In clause (4), the word ''all'' is omitted as surplus. In clause (5), the words ''including relevant policy recommendations'' and ''during such year'' are omitted as surplus. In clause (6), the words ''a statement of . . . including judicial decisions, settlements, or pending litigation during such year'' are omitted as surplus. In clause (7), the word ''motoring'' is omitted as surplus. In clause (8), the words ''The report required by subsection (a) of this section shall contain such'' are omitted because of the restatement. The words ''additional . . . as the Secretary deems'' and ''several'' are omitted as surplus.

REFERENCES IN TEXT

Section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, referred to in subsec. (b), is section 2(e)(1)(B) of Pub. L. 100–562, which was set out as a note under section 1397 of Title 15, Commerce and Trade, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 1st item on page 135 and the 2nd item on page 134 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b) of this section), see section 3003 of Pub. L. 104–66, set out as a note under section 1113 of Title 31, Money and Finance.

§ 30170. Criminal Penalties

(a) CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.—

(1) GENERAL RULE.—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual (as defined in section 1365(g)(3)[1] of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

(2) SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.—

(A) CORRECTION.—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if: (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury; and (2) the person corrects any improper reports or failure to report within a reasonable time.

(B) REASONABLE TIME AND SUFFICIENCY OF CORRECTION.—The Secretary shall establish by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.

(Added Pub. L. 106–414, § 5(b)(1), Nov. 1, 2000, 114 Stat. 1803.)

REFERENCES IN TEXT

Section 1365(g)(3) of title 18, referred to in subsec. (a)(1), was redesignated section 1365(h)(3) of title 18 by Pub. L. 107–307, § 2(1), Dec. 2, 2002, 116 Stat. 2445.

The date of the enactment of this section, referred to in subsec. (a)(2)(B), is the date of enactment of Pub. L. 106–414, which was approved Nov. 1, 2000.

CHAPTER 303—NATIONAL DRIVER REGISTER

Sec.
30301. Definitions.
30302. National Driver Register.
30303. State participation.
30304. Reports by chief driver licensing officials.
30305. Access to Register information.
30306. National Driver Register Advisory Committee.
30307. Criminal penalties.
30308. Authorization of appropriations.

§ 30301. Definitions

In this chapter—

(1) ''alcohol'' has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

[1] See References in Text note below.

(2) ''chief driver licensing official'' means the official in a State who is authorized to—

(A) maintain a record about a motor vehicle operator's license issued by the State; and

(B) issue, deny, revoke, suspend, or cancel a motor vehicle operator's license issued by the State.

(3) ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(4) ''motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle operated only on a rail line.

(5) ''motor vehicle operator's license'' means a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways.

(6) ''participating State'' means a State that has notified the Secretary under section 30303 of this title of its participation in the National Driver Register.

(7) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) ''State of record'' means a State that has given the Secretary a report under section 30304 of this title about an individual who is the subject of a request for information made under section 30305 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 973.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30301	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 202, 96 Stat. 1740.

In clauses (4) and (5), the words ''public streets, roads, or highways'' are substituted for ''highway'' and '' 'highway' means any road or street'' for consistency in the revised title.

In clause (4), the words ''rail line'' are substituted for ''rail or rails'' for consistency in the revised title.

The definitions of ''Secretary'', ''Register'', and ''Register system'' are omitted as surplus because the complete name of the Secretary of Transportation and the National Driver Register are used the first time the terms appear in a section.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS FROM CERTAIN DISCLOSURES OF INFORMATION

Pub. L. 109–162, title VIII, § 827, Jan. 5, 2006, 119 Stat. 3066, provided that: ''In developing regulations or guidance with regard to identification documents, including driver's licenses, the Secretary of Homeland Security, in consultation with the Administrator of Social Security, shall consider and address the needs of victims, including victims of battery, extreme cruelty, domestic violence, dating violence, sexual assault, stalking or trafficking, who are entitled to enroll in State address confidentiality programs, whose addresses are entitled to be suppressed under State or Federal law or suppressed by a court order, or who are protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).''

IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

Pub. L. 110–177, title V, § 508, Jan. 7, 2008, 121 Stat. 2543, provided that:

''(a) MINIMUM DOCUMENT REQUIREMENTS.—

''(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005 [div. B of Pub. L. 109–13] (49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

''(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

''(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

''(B) In the case of a judge of a Federal court, the address of the courthouse.

''(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.''

Pub. L. 109–13, div. B, title II, May 11, 2005, 119 Stat. 311, provided that:

''SEC. 201. DEFINITIONS.

''In this title, the following definitions apply:

''(1) DRIVER'S LICENSE.—The term 'driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

''(2) IDENTIFICATION CARD.—The term 'identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

''(3) OFFICIAL PURPOSE.—The term 'official purpose' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(5) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

''SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

''(a) MINIMUM STANDARDS FOR FEDERAL USE.—

''(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this division [May 11, 2005], a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

''(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

''(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include,

at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

''(1) The person's full legal name.

''(2) The person's date of birth.

''(3) The person's gender.

''(4) The person's driver's license or identification card number.

''(5) A digital photograph of the person.

''(6) The person's address of principle residence.

''(7) The person's signature.

''(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

''(9) A common machine-readable technology, with defined minimum data elements.

''(c) MINIMUM ISSUANCE STANDARDS.—

''(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

''(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

''(B) Documentation showing the person's date of birth.

''(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

''(D) Documentation showing the person's name and address of principal residence.

''(2) SPECIAL REQUIREMENTS.—

''(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

''(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

''(i) is a citizen or national of the United States;

''(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

''(iii) has conditional permanent resident status in the United States;

''(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

''(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

''(vi) has a pending application for asylum in the United States;

''(vii) has a pending or approved application for temporary protected status in the United States;

''(viii) has approved deferred action status; or

''(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

''(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

''(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

''(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

''(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

''(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

''(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

''(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

''(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

''(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [Pub. L. 104–208, div. C, 8 U.S.C. 1324a note] (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

''(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

''(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

''(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

''(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

''(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

''(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

''(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

''(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

''(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

''(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

''(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

''(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card—

''(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

''(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

''(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

''(13) Maintain a State motor vehicle database that contains, at a minimum—

''(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

''(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

''SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

''(a) CRIMINAL PENALTY.—[Amended section 1028 of Title 18, Crimes and Criminal Procedure.]

''(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

''(2) FALSE DEFINED.—In this subsection, the term 'false' has the same meaning such term has under section 1028(d) of title 18, United States Code.

''SEC. 204. GRANTS TO STATES.

''(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

''SEC. 205. AUTHORITY.

''(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

''(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

''SEC. 206. REPEAL.

''[Repealed section 7212 of Pub. L. 108–458, set out below.]

''SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

''Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.''

Pub. L. 108–458, title VII, § 7212, Dec. 17, 2004, 118 Stat. 3827, which prohibited acceptance by a Federal agency, for any official purpose, of a driver's license or personal identification card issued by a State more than 2 years after the promulgation of minimum standards unless the driver's license or personal identification card conformed to such minimum standards, and directed the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to establish such standards not later than 18 months after Dec. 17, 2004, was repealed by Pub. L. 109–13, div. B, title II, § 206, May 11, 2005, 119 Stat. 316.

EVALUATION AND ASSESSMENT OF ALTERNATIVES

Pub. L. 105–178, title II, § 2006(c), June 9, 1998, 112 Stat. 336, provided that:

''(1) EVALUATION.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

''(2) TECHNOLOGY ASSESSMENT.—The Secretary, in conjunction with the American Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

''(3) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (2) $250,000 in the aggregate for fiscal years beginning after September 30, 1998.''

§ 30302. National Driver Register

(a) ESTABLISHMENT AND CONTENTS.—The Secretary of Transportation shall establish as soon as practicable and maintain a National Driver Register to assist chief driver licensing officials of participating States in exchanging information about the motor vehicle driving records of individuals. The Register shall contain an index of the information reported to the Secretary under section 30304 of this title. The Register shall enable the Secretary (electronically or, until all States can participate electronically, by United States mail)—

(1) to receive information submitted under section 30304 of this title by the chief driver licensing official of a State of record;

(2) to receive a request for information made by the chief driver licensing official of a participating State under section 30305 of this title;

(3) to refer the request to the chief driver licensing official of a State of record; and

(4) in response to the request, to relay information provided by a chief driver licensing official of a State of record to the chief driver licensing official of a participating State, without interception of the information.

(b) ACCURACY OF INFORMATION.—The Secretary is not responsible for the accuracy of information relayed to the chief driver licensing official of a participating State. However, the Secretary shall maintain the Register in a way that ensures against inadvertent alteration of information during a relay.

(c) TRANSITION FROM PRIOR REGISTER.—(1) The Secretary shall provide by regulation for the orderly transition from the register maintained under the Act of July 14, 1960 (Public Law 86–660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), to the Register maintained under this chapter.

(2)(A) The Secretary shall delete from the Register a report or information that was compiled under the Act of July 14, 1960 (Public Law 86–660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), and transferred to the Register, after the earlier of—

(i) the date the State of record removes it from the State's file;

(ii) 7 years after the date the report or information is entered in the Register; or

(iii) the date a fully electronic Register system is established.

(B) The report or information shall be disposed of under chapter 33 of title 44.

(3) If the chief driver licensing official of a participating State finds that information provided for inclusion in the Register is erroneous or is related to a conviction of a traffic offense that subsequently is reversed, the official immediately shall notify the Secretary. The Secretary shall provide for the immediate deletion of the information from the Register.

(d) ASSIGNMENT OF PERSONNEL.—In carrying out this chapter, the Secretary shall assign personnel necessary to ensure the effective operation of the Register.

(e) TRANSFER OF SELECTED FUNCTIONS TO NON-FEDERAL MANAGEMENT.—

(1) AGREEMENT.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

(2) REQUIRED DEMONSTRATION.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's ''Problem Driver Pointer System'' (the system used by the Register to effect the exchange of motor vehicle driving records) and that the system is functioning properly.

(3) TRANSITION PERIOD.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

(4) FEES.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 973; Pub. L. 105–178, title II, § 2006(a), June 9, 1998, 112 Stat. 335.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30302	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 203, 96 Stat. 1741.

In subsection (a), before clause (1), the words ''after the date of enactment of this title [Oct. 25, 1982]'' are omitted as obsolete.

In subsection (c)(1), the words ''The Secretary shall provide by regulation'' are substituted for ''The Secretary shall, within eighteen months after the date of enactment of this title [Oct. 25, 1982], promulgate a final rule which provides'' to eliminate executed language, for consistency in the revised title, and because ''rule'' and ''regulation'' are synonymous.

The text of section 203(e) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1742) is omitted as unnecessary because of 49:322(a).

REFERENCES IN TEXT

Act of July 14, 1960, referred to in subsec. (c)(1), (2)(A), is set out below.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105–178 added subsec. (e).

REGISTER OF REVOCATIONS OF MOTOR VEHICLE OPERATOR'S LICENSES

Pub. L. 86–660, July 14, 1960, 74 Stat. 526, as amended by Pub. L. 87–359, Oct. 4, 1961, 75 Stat. 779; Pub. L. 89–563, title IV, § 401, Sept. 9, 1966, 80 Stat. 730, provided: ''That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State, or political subdivision thereof, as an individual with respect to whom such State or political subdivision has denied, terminated, or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual's license or privilege to operate a motor vehicle.

''SEC. 2. Only at the request of a State, a political subdivision thereof, or a Federal department or agency, shall the Secretary furnish information contained in the register established under the first section of this Act, and such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

''SEC. 3. As used in this Act, the term 'State' includes each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and American Samoa.''

§ 30303. State participation

(a) NOTIFICATION.—A State may become a participating State under this chapter by notifying the Secretary of Transportation of its intention to be bound by section 30304 of this title.

(b) WITHDRAWAL.—A participating State may end its status as a participating State by notifying the Secretary of its withdrawal from participation in the National Driver Register.

(c) FORM AND WAY OF NOTIFICATION.—Notification by a State under this section shall be made in the form and way the Secretary prescribes by regulation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 974.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30303	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 204, 96 Stat. 1742.

In subsection (c), the words ''in the form and way'' are substituted for ''in such form, and according to such procedures'' to eliminate unnecessary words.

§ 30304. Reports by chief driver licensing officials

(a) INDIVIDUALS COVERED.—As soon as practicable, the chief driver licensing official of each participating State shall submit to the Secretary of Transportation a report containing the information specified by subsection (b) of this section for each individual—

(1) who is denied a motor vehicle operator's license by that State for cause;

(2) whose motor vehicle operator's license is revoked, suspended, or canceled by that State for cause; or

(3) who is convicted under the laws of that State of any of the following motor vehicle-related offenses or comparable offenses:

(A) operating a motor vehicle while under the influence of, or impaired by, alcohol or a controlled substance.

(B) a traffic violation arising in connection with a fatal traffic accident, reckless driving, or racing on the highways.

(C) failing to give aid or provide identification when involved in an accident resulting in death or personal injury.

(D) perjury or knowingly making a false affidavit or statement to officials about activities governed by a law or regulation on the operation of a motor vehicle.

(b) CONTENTS.—(1) Except as provided in paragraph (2) of this subsection, a report under subsection (a) of this section shall contain—

(A) the individual's legal name, date of birth, sex, and, at the Secretary's discretion, height, weight, and eye and hair color;

(B) the name of the State providing the information; and

(C) the social security account number if used by the State for driver record or motor vehicle license purposes, and the motor vehicle operator's license number if different from the social security account number.

(2) A report under subsection (a) of this section about an event that occurs during the 2-year period before the State becomes a participating State is sufficient if the report contains all of the information that is available to the chief driver licensing official when the State becomes a participating State.

(c) TIME FOR FILING.—If a report under subsection (a) of this section is about an event that occurs—

(1) during the 2-year period before the State becomes a participating State, the report shall be submitted not later than 6 months after the State becomes a participating State; or

(2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) EVENTS OCCURRING BEFORE PARTICIPATION.—This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 975; Pub. L. 106–159, title II, § 204, Dec. 9, 1999, 113 Stat. 1762.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30304	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 205, 96 Stat. 1742.

In subsection (a), before clause (1), the words ''after the date of enactment of this title [Oct. 25, 1982]'' are omitted as obsolete.

In subsection (b)(1)(A), the words ''(including day, month, and year)'' are omitted as surplus.

In subsection (b)(2), the words ''A report under subsection (a) of this section'' are substituted for ''any report concerning an occurrence specified in subsection (a)(1), (2), or (3) of this section'' to eliminate unnecessary words.

In subsection (c), before clause (1), the words ''required to be transmitted by a chief driver licensing official of a State'' are omitted as surplus. In clause (1), the words ''specified in subsection (a)(1), (2), or (3) of this section'' are omitted as surplus. In clause (2), the words ''the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report'' are substituted for ''receipt by a State motor vehicle department of any information specified in subsection (b)(1), (2), or (3) of this section which is the subject of such report'' because of the restatement.

AMENDMENTS

1999—Subsec. (e). Pub. L. 106–159 added subsec. (e).

§ 30305. Access to Register information

(a) REFERRALS OF INFORMATION REQUESTS.—(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the information. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) REQUESTS TO OBTAIN INFORMATION.—(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an ac-

cident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate

the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.

(10) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(11) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section—

(A) to learn whether information about the individual is being provided;

(B) to verify the accuracy of the information; or

(C) to obtain a certified copy of the information.

(12) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

(c) RELATIONSHIP TO OTHER LAWS.—A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that—

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) AVAILABILITY OF INFORMATION PROVIDED UNDER PRIOR LAW.—Information provided by a State under the Act of July 14, 1960 (Public Law 86–660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 976; Pub. L. 104–264, title V, § 502(b), Oct. 9, 1996, 110 Stat. 3262; Pub. L. 104–324, title II, § 207(b), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105–102, § 2(18), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105–178, title II, § 2006(b), June 9, 1998, 112 Stat. 335; Pub. L. 108–375, div. A, title X, § 1061, Oct. 28, 2004, 118 Stat. 2056.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30305	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 206, 96 Stat. 1743; Dec. 30, 1987, Pub. L. 100–223, § 305, 101 Stat. 1525; June 22, 1988, Pub. L. 100–342, § 4(b), 102 Stat. 626; Aug. 18, 1990, Pub. L. 101–380, § 4105(a), 104 Stat. 512.

In subsection (a)(1), the words ''on and after the date of enactment of this title [Oct. 25, 1982]'' are omitted as obsolete.

In subsection (b)(1), the word ''Administrator'' is substituted for ''Bureau of Motor Carrier Safety'' for consistency.

Subsection (d) is substituted for the last 2 sentences (added twice by mistake) in paragraphs (1) and (2) and for the last sentence in paragraphs (3), (4), and (7)(C) of section 206(b) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1744) for clarity and to avoid repeating the provision unnecessarily.

PUB. L. 105–102, § 2(18)(A)

This amends 49:30305(b)(8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), to correct an erroneous cross-reference.

PUB. L. 105–102, § 2(18)(B)

This amends 49:30305(b) to redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9), because section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), redesignated paragraph (7) as paragraph (8) but did not redesignate paragraph (8) as paragraph (9).

REFERENCES IN TEXT

Executive Order No. 12968, referred to in subsec. (b)(9), is set out as a note under section 435 of Title 50, War and National Defense.

Executive Order No. 10450, referred to in subsec. (b)(9), is set out as a note under section 7311 of Title 5, Government Organization and Employees.

Act of July 14, 1960, referred to in subsec. (d), is set out as a note under section 30302 of this title.

AMENDMENTS

2004—Subsec. (b)(9) to (12). Pub. L. 108–375 added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

1998—Subsec. (b)(2). Pub. L. 105–178, § 2006(b)(1)(A), inserted before period at end '', unless the information is about a revocation or suspension still in effect on the date of the request''.

Subsec. (b)(6). Pub. L. 105–178, § 2006(b)(2)(B), added par. (6). Former par. (6) redesignated (10).

Subsec. (b)(8). Pub. L. 105–178, § 2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105–102, § 2(18)(B). See 1997 Amendment note below.

Pub. L. 105–178, § 2006(b)(1)(B)(ii), realigned margins.

Pub. L. 105–178, § 2006(b)(1)(B)(i), directed amendment identical to that made by Pub. L. 105–102, § 2(18)(A). See 1997 Amendment note below.

Subsec. (b)(9). Pub. L. 105–178, § 2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105–102, § 2(18)(B). See 1997 Amendment note below.

Subsec. (b)(10). Pub. L. 105–178, § 2006(b)(2)(A), redesignated par. (6) as (10) and transferred it to appear after par. (9).

Subsec. (b)(11). Pub. L. 105–178, § 2006(b)(2)(C), added par. (11).

1997—Subsec. (b)(8). Pub. L. 105–102, § 2(18)(B), redesignated par. (8), relating to request, as (9).

Pub. L. 105–102, § 2(18)(A), in par. (8), relating to individual seeking employment as pilot, substituted ''subsection (a) of this section'' for ''paragraph (2)''.

Subsec. (b)(9). Pub. L. 105–102, § 2(18)(B), redesignated par. (8), relating to request, as (9).

1996—Subsec. (b)(7). Pub. L. 104–324, § 207(b), added par. (7). Former par. (7), relating to individual seeking employment as pilot, redesignated (8).

Pub. L. 104–264, § 502(b), added par. (7). Former par. (7), relating to request, redesignated (8).

Subsec. (b)(8). Pub. L. 104–324, § 207(b), redesignated par. (7), relating to individual seeking employment as pilot, as (8).

Pub. L. 104–264, § 502(b), redesignated par. (7), relating to request, as (8).

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104–264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as a note under section 106 of this title.

Section 502(d) of Pub. L. 104–264 provided that: ''The amendments made by this section [amending this section and sections 44936 and 46301 of this title] shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following the date of the enactment of this Act [Oct. 9, 1996].''

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 30306. National Driver Register Advisory Committee

(a) ORGANIZATION.—There is a National Driver Register Advisory Committee.

(b) DUTIES.—The Committee shall advise the Secretary of Transportation on—

(1) the efficiency of the maintenance and operation of the National Driver Register; and

(2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) COMPOSITION AND APPOINTMENT.—The Committee is composed of 15 members appointed by the Secretary as follows:

(1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.

(2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.

(3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) TERMS.—(1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.

(2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) PAY AND EXPENSES.—Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) MEETINGS, CHAIRMAN, VICE CHAIRMAN, AND QUORUM.—(1) The Committee shall meet at least once a year.

(2) The Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members are a quorum.

(4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) PERSONNEL AND SERVICES.—The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) REPORTS.—At least once a year, the Committee shall submit to the Secretary a report on the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) RELATIONSHIP TO OTHER LAWS.—The Committee is exempt from sections 10(e) and (f) and 14 of the Federal Advisory Committee Act (5 App. U.S.C.).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 978.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30306	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 209, 96 Stat. 1746.

In subsection (a), the word ''hereby'' is omitted as surplus.

In subsection (c), the text of section 209(c)(2) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1746) is omitted as executed.

In subsection (g), the words ''The Secretary may provide the Committee'' are substituted for ''The Advisory Committee may receive from the Secretary'' for clarity.

In subsection (h), the cross-reference is used to avoid repeating the same language twice in this section.

REFERENCES IN TEXT

Sections 10 and 14 of the Federal Advisory Committee Act, referred to in subsec. (i), are sections 10 and 14 of Pub. L. 92–463, which are set out in the Appendix to Title 5, Government Organization and Employees.

§ 30307. Criminal penalties

(a) GENERAL PENALTY.—A person (except an individual described in section 30305(b)(6)[1] of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if—

(1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;

[1] See References in Text note below.

(2) disclosure of the information is not authorized by section 30305 of this title; and

(3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) INFORMATION PENALTY.—A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 979.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30307	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 208, 96 Stat. 1746; Dec. 30, 1987, Pub. L. 100–223, § 305(b)(1), 101 Stat. 1526.

In this section, the words ''fined under title 18'' are substituted for ''fined not more than $10,000'' for consistency with title 18.

In subsection (a), before clause (1), the reference to ''section 30305(b)(6) of this title'' is used to carry out the probable intent of Congress. Section 305(b)(1) of the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100–223, 101 Stat. 1526) amended section 206(b) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1744) by ''redesignating paragraphs (3) and (4), and any reference thereto, as paragraphs (4) and (5), respectively''. Because the reference to ''section 206(b)(4)'' in section 208 of the National Driver Register Act of 1982 appears to have been incorrect before that amendment, and would continue to be incorrect if the reference is redesignated as required by the amendment, a reference to section 30305(b)(6) is used in this section to carry out the probable intent of Congress.

REFERENCES IN TEXT

Section 30305(b) of this title, referred to in subsec. (a), was amended by Pub. L. 105–178, title II, § 2006(b)(2)(A), (B), June 9, 1998, 112 Stat. 336, which added a new par. (6) and redesignated former par. (6) as (10).

§ 30308. Authorization of appropriations

(a) GENERAL.—The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 $4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, 1994, $2,550,000 for each of fiscal years 1995, 1996, and 1997, and $1,855,000 for the period of October 1, 1997, through March 31, 1998, to carry out this chapter.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under this section remain available until expended.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 979; Pub. L. 103–331, title III, § 343, Sept. 30, 1994, 108 Stat. 2496; Pub. L. 103–429, § 6(25), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–59, title III, § 343, Nov. 28, 1995, 109 Stat. 610; Pub. L. 104–287, § 5(59), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105–18, title II, § 8004, June 12, 1997, 111 Stat. 195; Pub. L. 105–130, § 6(c), Dec. 1, 1997, 111 Stat. 2559.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30308	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, § 211, 96 Stat. 1747; Dec. 18, 1991, Pub. L. 102–240, § 2007, 105 Stat. 2080.

In subsection (a), the text of section 211(a) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1747) is omitted as executed. The words ''and the provisions of Public Law 86–660 (74 Stat. 526)'' and references to fiscal years 1983–1987 and 1992 are omitted as obsolete. The word ''section'' in the source provision is translated as if it were ''title'' to reflect the apparent intent of Congress.

PUB. L. 103–429

This amends 49:30308(b) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 979).

PUB. L. 104–287

This amends 49:30308 to correct a grammatical error.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–130 substituted ''1994,'' for ''1994, and'' and inserted ''and $1,855,000 for the period of October 1, 1997, through March 31, 1998,'' after ''1997,''.

Pub. L. 105–18 substituted '', 1996, and 1997'' for ''and 1996''.

1996—Subsec. (a). Pub. L. 104–287 inserted a comma after ''September 30, 1994''.

1995—Subsec. (a). Pub. L. 104–59 substituted ''and $2,550,000 for each of fiscal years 1995 and 1996'' for ''and $2,550,000 for fiscal year 1995''.

1994—Subsec. (a). Pub. L. 103–331 inserted ''and $2,550,000 for fiscal year 1995'' after ''1994''.

Subsec. (b). Pub. L. 103–429 substituted ''authorized'' for ''appropriated''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

CHAPTER 305—NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

Sec.
30501. Definitions.
30502. National Motor Vehicle Title Information System.
30503. State participation.
30504. Reporting requirements.
30505. Penalties and enforcement.

AMENDMENTS

1997—Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, amended directory language of Pub. L. 104–152. See 1996 Amendment note below.

1996—Pub. L. 104–152, § 2(c), July 2, 1996, 110 Stat. 1384, as amended by Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System'' in chapter heading and in item 30502.

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 979; Pub. L. 104–152, §§ 2(c), 3(a), July 2, 1996, 110 Stat. 1384; Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30501	15:2041.	Oct. 25, 1992, Pub. L. 102–519, § 201, 106 Stat. 3389.

In subsection (a)(2), the word ''showing'' is substituted for ''evidencing'' to use a more commonly understood term.

In subsection (a)(3), (5), and (8), the words ''individual or entity'' are substituted for ''individual, corporation, or other entity'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4) and (7), the words ''public streets, roads, and highways'' are substituted for ''roads or highways'' for clarity and consistency in the revised title.

In subsection (a)(6), the words ''National Automobile Title Information System'' are substituted for ''information system'' for clarity. The words ''no authorized or designated individual or entity'' are substituted for ''no such individual or entity is authorized'' for clarity

In subsection (a)(7), the word ''event'' is substituted for ''occurrence'' for clarity and consistency.

The text of 15:2041(9) is omitted because the complete title of the Secretary of Transportation is used the first time the term appears in a section.

AMENDMENTS

1997—Par. (6). Pub. L. 105–102 amended directory language of Pub. L. 104–152, § 2(c). See 1996 Amendment note below.

1996—Par. (6). Pub. L. 104–152, § 3(a), substituted ''Attorney General'' for ''Secretary of Transportation''.

Pub. L. 104–152, § 2(c), as amended by Pub. L. 105–102, § 3(b), substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System''.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(b) is effective July 2, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 980; Pub. L. 104–152, §§ 2(a), (c), 3, 4, July 2, 1996, 110 Stat. 1384; Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30502(a)	15:2042(a)(1).	Oct. 25, 1992, Pub. L. 102–519, § 202, 106 Stat. 3390.
30502(b)	15:2042(a)(2).	
30502(c)	15:2042(a)(3).	
30502(d)	15:2042(b).	
30502(e)	15:2042(c).	

In subsection (a)(1), the words ''January 31, 1996'' are substituted for ''January 1996'' for clarity. The words ''National Automobile Title Information System'' are substituted for ''National Motor Vehicle Title Information System'' for clarity and consistency because the defined term in the source provisions being restated is ''automobile''. The words ''individuals and entities referred to in subsection (e) of this section'' are substituted for ''States and others'', the words ''information maintained by the States related to automobile titling described in subsection (d) of this section'' are substituted for ''information maintained by other States pertaining to the titling of automobiles'', and the words ''existing information system'' are substituted for ''such system'', for clarity.

In subsection (a)(2), the words ''In cooperation with'' are substituted for ''working with'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b), the word ''agreement'' is substituted for ''contract through an agreement'' to eliminate unnecessary words. The word ''designating'' is substituted for ''redesignating'' for clarity.

In subsection (c), the words ''user fees'' are substituted for ''a system of user fees'' to eliminate unnecessary words. The words ''amounts from the United States Government'' are substituted for ''Federal funds'' for clarity and consistency in the revised titles and with other titles of the Code. The word ''pays'' are substituted for ''passed on'' for clarity. The word ''entity'' is substituted for ''State or other entity'' to eliminate unnecessary words.

In subsection (d)(4), the words ''the odometer mileage disclosure required'' are substituted for ''the odometer reading information'', and the words ''any later mileage information'' are substituted for ''any such later odometer information'', for consistency with section 32705 of the revised title.

In subsection (e)(2), the words ''The operator may release only the information necessary'' are substituted for ''Notwithstanding any provision of paragraphs (1) through (4), the operator shall release no information other than what is necessary'' to eliminate unnecessary words. The words ''social security account number'' are substituted for ''social security number'' for consistency with 42:405.

AMENDMENTS

1997—Pub. L. 105–102 amended directory language of Pub. L. 104–152, § 2(c). See 1996 Amendment notes below.

1996—Pub. L. 104–152, § 2(c), as amended by Pub. L. 105–102, substituted ''Motor Vehicle'' for ''Automobile'' in section catchline.

Subsecs. (a), (b). Pub. L. 104–152, § 3(a), which directed the amendment of this section by striking each reference to ''Secretary of Transportation'' or ''Secretary'' and inserting ''Attorney General'', and Pub. L. 104–152, § 3(b), which directed the striking of each reference to ''Attorney General'' and inserting ''Secretary of Transportation'', were executed simultaneously, to reflect the probable intent of Congress. See below.

Subsec. (a)(1). Pub. L. 104–152, § 3, substituted ''Attorney General shall'' for ''Secretary of Transportation shall'', ''Attorney General decides'' for ''Secretary decides'', ''permit the Attorney General'' for ''permit the Secretary'', and ''Attorney General, in consultation with the Secretary of Transportation'' for ''Secretary, in consultation with the Attorney General''.

Pub. L. 104–152, § 2(c), as amended by Pub. L. 105–102, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System'' in two places.

Pub. L. 104–152, § 2(a), substituted ''December 31, 1967'' for ''January 31, 1966''.

Subsec. (a)(2). Pub. L. 104–152, § 3, substituted ''Secretary of Transportation'' for ''Attorney General'' and ''Attorney General'' for ''Secretary''.

Subsec. (b). Pub. L. 104–152, § 3(a), substituted ''Attorney General'' for ''Secretary''.

Subsec. (f). Pub. L. 104–152, § 4, added subsec. (f).

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(b) is effective July 2, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

EFFECTIVENESS OF SYSTEM

Section 6(c) of Pub. L. 104–152 provided that: ''The information system established under section 30502 of title 49, United States Code, shall be effective as provided in the rules promulgated by the Attorney General.''

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 981; Pub. L. 104–152, §§ 2(b), (c), 3(a), 6(a), July 2, 1996, 110 Stat. 1384, 1385; Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30503(a)	15:2043(a)(1).	Oct. 25, 1992, Pub. L. 102–519, § 203, 106 Stat. 3391.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30503(b)	15:2043(a)(2).	
30503(c)	15:2043(b).	
30503(d)	15:2043(c).	

In subsection (a), the words ''for use in operating . . . established or designated'' are substituted for ''for use in establishing . . . established'' for clarity and for consistency with the source provisions restated in section 30502 of the revised title.

In subsection (b), before clause (1), the words ''The check'' are substituted for ''Such instant title verification check'' to eliminate unnecessary words. In subclauses (A) and (B), the words ''of the automobile'' are substituted for ''of the vehicle'' for consistency in the revised chapter.

In subsection (c)(1)(B), the words ''section 30502(d) of this title'' are substituted for ''subsection (b)'' to reflect the apparent intent of Congress.

In subsection (c)(2)(A), before subclause (i), the words ''is not more than the lesser of'' are substituted for ''does not exceed . . . whichever is lower'' for clarity. In subclause (i), the words ''paragraph (1)(B) of this subsection'' are substituted for ''subsection (d)(1)(B)'' to reflect the apparent intent of Congress.

In subsection (c)(2)(B), the word ''fair'' is omitted as being included in ''reasonable''.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–102 amended directory language of Pub. L. 104–152, § 2(c). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104–152, § 2(c), as amended by Pub. L. 105–102, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System''.

Subsec. (c)(1). Pub. L. 104–152, § 3(a), substituted ''Attorney General'' for ''Secretary of Transportation''.

Subsec. (c)(2). Pub. L. 104–152, § 6(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The Secretary may make grants to participating States to be used in making titling information maintained by those States available to the operator if—

''(A) the grant to a State is not more than the lesser of—

''(i) 25 percent of the cost of making titling information maintained by that State available to the operator as determined by the Secretary under paragraph (1)(B) of this subsection; or

''(ii) $300,000; and

''(B) the Secretary decides that the grants are reasonable and necessary to establish the System.''

Subsec. (d). Pub. L. 104–152, §§ 2(b), 3(a), substituted ''October 1, 1998'' for ''January 1, 1997'' and substituted ''Attorney General'' for ''Secretary'' in two places.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(b) is effective July 2, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

§ 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 opera-

tor 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 982; Pub. L. 104–152, §§ 2(c), 3(a), July 2, 1996, 110 Stat. 1384; Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30504(a)	15:2044(a).	Oct. 25, 1992, Pub. L. 102–519, § 204(a), (b), (d), 106 Stat. 3392, 3393.
30504(b)	15:2044(b).	
30504(c)	15:2044(d).	

In subsections (a)(1), before clause (A), the words ''Beginning at a time established by the Secretary of Transportation that is not sooner than the 3d month before the establishment or designation of'' are substituted for ''Beginning at a time determined by the Secretary, but no earlier than 3 months prior to the establishment of'' for clarity and consistency with the source provisions restated in section 30502 of the revised title. The words ''engaged in the business'' are substituted for ''in the business'' for consistency in the revised chapter. The words ''junk yard or salvage yard'' are substituted for ''automobile junk yard or automobile salvage yard'' because of the definitions of ''junk yard'' and ''salvage yard'' in section 30501 of the revised title. The words ''with the operator of the System'' are substituted for ''with the operator'' for clarity. In clauses (A), (C), and (D), the words ''each automobile'' are substituted for ''each vehicle'', and the words ''the automobile'' are substituted for ''the vehicle'', for consistency in the revised title.

In subsection (a)(2)(B), the word ''automobile'' is substituted for ''vehicle'' for consistency in the revised title.

In subsections (b), before clause (1), the words ''Beginning at a time established by the Secretary that is not sooner than the 3d month before the establishment or designation of'' are substituted for ''Beginning at a time determined by the Secretary, but no earlier than 3 months prior to the establishment of'' for clarity and consistency with the source provisions restated in section 30502 of the revised title. In clauses (1), (3), and (4), the words ''each automobile'' are substituted for ''each vehicle'', and the words ''the automobile'' are substituted for ''the vehicle'', for consistency in the revised title.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–102 amended directory language of Pub. L. 104–152, § 2(c). See 1996 Amendment note below.

1996—Subsec. (a)(1). Pub. L. 104–152, § 3(a), substituted ''Attorney General'' for ''Secretary of Transportation''.

Pub. L. 104–152, § 2(c), as amended by Pub. L. 105–102, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System''.

Subsecs. (b), (c). Pub. L. 104–152, § 3(a), substituted ''Attorney General'' for ''Secretary''.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105–102, § 3(b), Nov. 20, 1997, 111 Stat. 2215, provided that the amendment made by section 3(b) is effective July 2, 1996.

Amendment by Pub. L. 105–102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105–102, set out as a note under section 106 of this title.

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 983; Pub. L. 104–152, § 3(a), July 2, 1996, 110 Stat. 1384.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30505	15:2044(c).	Oct. 25, 1992, Pub. L. 102–519, §204(c), 106 Stat. 3393.

In subsection (a), the words ''An individual or entity violating this chapter is liable to the United States Government for a civil penalty of'' are substituted for ''Whoever violates this section may be assessed a civil penalty of not to exceed'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words ''individual or entity'' are substituted for ''person'' for clarity and consistency with the source provisions restated in the revised chapter.

In subsection (b)(1), the words ''The Secretary of Transportation shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty'' are substituted for ''Any such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General of the United States'' for clarity and consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words ''penalty imposed or compromised'' are substituted for ''such penalty, finally determined, or the amount agreed upon in compromise'', and the words ''liable for the penalty'' are substituted for ''charged'', for clarity and consistency in the revised title and other titles of the Code.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104–152 substituted ''Attorney General shall impose'' for ''Secretary of Transportation shall impose'', ''Attorney General may compromise'' for ''Secretary may compromise'', and ''Attorney General shall consider'' for ''Secretary shall consider''.

PART B—COMMERCIAL

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

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AMENDMENTS

2005—Pub. L. 109–59, title IV, §§4109(b)(2), 4110(b), 4111(b), 4116(e), 4117(b), 4118(b), 4119(b), Aug. 10, 2005, 119 Stat. 1721, 1722, 1724, 1728, 1729, 1732, 1733, substituted ''GENERAL AUTHORITY AND STATE GRANTS'' for ''STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'' in subchapter I heading, ''Border enforcement grants'' for ''Contract authority funding for information systems'' in item 31107, and ''Motor carrier research and technology program'' for ''Authorization of appropriations'' in item 31108 and added items 31109 and 31149 to 31151, subchapter IV heading, and item 31161.

1999—Pub. L. 106–159, title II, §211(b), Dec. 9, 1999, 113 Stat. 1766, added item 31148.

1998—Pub. L. 105–178, title IV, §§4002(b), 4004(d), 4008(c), (d), 4010, June 9, 1998, 112 Stat. 395, 400, 404, 407, inserted ''AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'' after ''GRANTS'' in subchapter I heading, added item 31100, substituted ''Information systems'' for ''Commercial motor vehicle information system program'' in item 31106 and ''Contract authority funding for information systems'' for ''Truck and bus accident grant program'' in item 31107, struck out items 31134 ''Commercial Motor Vehicle Safety Regulatory Review Panel'' and 31140 ''Submission of State laws and regulations for review'', subchapter IV heading ''MISCELLANEOUS'', and items 31161 ''Procedures to ensure timely correction of safety violations'' and 31162 ''Compliance review priority''.

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

AMENDMENTS

2005—Pub. L. 109–59, title IV, §4110(a)(1), Aug. 10, 2005, 119 Stat. 1721, substituted ''GENERAL AUTHORITY AND STATE GRANTS'' for ''STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'' in subchapter heading.

1998—Pub. L. 105–178, title IV, §4004(c), June 9, 1998, 112 Stat. 400, inserted ''AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS'' after ''GRANTS'' in subchapter heading.

§31100. Purpose

The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

(1) focusing resources on strategic safety investments to promote safe for-hire and private

transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

(5) advancing promising technologies and encouraging adoption of safe operational practices.

(Added Pub. L. 105–178, title IV, § 4002(a), June 9, 1998, 112 Stat. 395.)

TRUCKING SECURITY

Pub. L. 109–347, title VII, § 703, Oct. 13, 2006, 120 Stat. 1944, provided that:

''(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

''(b) COMMERCIAL DRIVER'S LICENSE ANTIFRAUD PROGRAMS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver's License Program (MH–2006–037).

''(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

''(1) GUIDELINES.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary [of Homeland Security], in consultation with the Secretary of Transportation, shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, on how to identify noncompliance with Federal laws uniquely applicable to commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic and communicate such noncompliance to the appropriate Federal authorities. Such guidelines shall be coordinated with the training and outreach activities of the Federal Motor Carrier Safety Administration under section 4139 of SAFETEA-LU (Public Law 109–59) [set out below].

''(2) VERIFICATION.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier's operating authority can be verified during a roadside inspection.''

OUTREACH AND EDUCATION

Pub. L. 109–59, title IV, § 4127, Aug. 10, 2005, 119 Stat. 1741, as amended by Pub. L. 111–147, title IV, § 422(g), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, § 2202(g), Dec. 22, 2010, 124 Stat. 3525, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

''(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

''(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

''(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

''(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner's constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

''(c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

''(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section. The final annual report shall be submitted not later than September 30, 2009.

''(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 to the Federal Motor Carrier Safety Administration, and $3,000,000 to the National Highway Traffic Safety Administration, for each of fiscal years 2006, 2007, 2008, 2009, 2010, and $425,545 to the Federal Motor Carrier Safety Administration, and $1,274,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on March 4, 2011, to carry out this section (other than subsection (f)).

''(f) STUDY.—The Comptroller General shall update the Government Accountability Office's evaluation of the 'Share the Road Safely' program to determine if it has achieved reductions in the number and severity of commercial motor vehicle crashes, including reductions in the number of deaths and the severity of injuries sustained in these crashes and shall report its updated evaluation to Congress no later than June 30, 2006.''

SAFETY DATA IMPROVEMENT PROGRAM

Pub. L. 109–59, title IV, § 4128, Aug. 10, 2005, 119 Stat. 1742, provided that:

''(a) IN GENERAL.—The Secretary [of Transportion] shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary.

''(b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

''(1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years;

''(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and

''(3) identified performance-based measures to determine progress toward those goals.

''(c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 80 percent of the cost of the activities for which the grant is made.

''(d) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.''

OPERATING AUTHORITY ENFORCEMENT ASSISTANCE FOR STATES

Pub. L. 109–59, title IV, §4139(a), Aug. 10, 2005, 119 Stat. 1745, provided that:

''(1) TRAINING AND OUTREACH.—Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Administrator of the Federal Motor Carrier Safety Administration shall conduct outreach and provide training as necessary to State personnel engaged in the enforcement of Federal motor carrier safety regulations to ensure their awareness of the process to be used for verification of the operating authority of motor carriers, including motor carriers of passengers, and to ensure proper enforcement when motor carriers are found to be in violation of operating authority requirements.

''(2) ASSESSMENT.—The Inspector General of the Department of Transportation may periodically assess the implementation and effectiveness of the training and outreach program.''

MOTOR CARRIER SAFETY ADVISORY COMMITTEE

Pub. L. 109–59, title IV, §4144, Aug. 10, 2005, 119 Stat. 1748, as amended by Pub. L. 111–147, title IV, §422(i), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(i), Dec. 22, 2010, 124 Stat. 3525, provided that:

''(a) ESTABLISHMENT AND DUTIES.—The Secretary [of Transportation] shall establish in the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. The committee shall—

''(1) provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration; and

''(2) provide advice and recommendations to the Administrator on motor carrier safety regulations.

''(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

''(1) IN GENERAL.—The committee shall be composed of not more than 20 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. The members shall include representatives of the motor carrier industry, safety advocates, and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the members of the advisory committee.

''(2) CHAIRMAN.—The Administrator shall designate the chairman of the committee.

''(3) PAY.—A member of the committee shall serve without pay; except that the Administrator may allow a member, when attending meetings of the committee or a subcommittee of the committee, expenses authorized under section 5703 of title 5, relating to per diem, travel, and transportation expenses.

''(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

''(d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall terminate on March 4, 2011.''

MOTOR CARRIER SAFETY STRATEGY

Pub. L. 106–159, title I, §104, Dec. 9, 1999, 113 Stat. 1754, provided that:

''(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

''(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

''(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

''(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

''(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

''(b) CONTENTS OF STRATEGY.—

''(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

''(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

''(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

''(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

''(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

''(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

''(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

''(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

''(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

''(d) ANNUAL PERFORMANCE.—

''(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

''(A) The Secretary and the Federal Motor Carrier Safety Administrator.

''(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

''(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

''(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

''(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

''(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

''(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

''(e) ACHIEVEMENT OF GOALS.—

''(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

''(2) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official's performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

''(f) EXPEDITING REGULATORY PROCEEDINGS.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

''(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

''(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.''

COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

Pub. L. 106–159, title I, § 105, Dec. 9, 1999, 113 Stat. 1756, provided that:

''(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

''(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

''(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

''(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.''

STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Pub. L. 106–159, title II, § 224, Dec. 9, 1999, 113 Stat. 1770, provided that:

''(a) OBJECTIVES.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

''(1) evaluate future crashes involving commercial motor vehicles;

''(2) monitor crash trends and identify causes and contributing factors; and

''(3) develop effective safety improvement policies and programs.

''(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

''(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

''(1) crash causation and prevention;

''(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

''(3) highways and noncommercial motor vehicles and drivers;

''(4) Federal and State highway and motor carrier safety programs;

''(5) research methods and statistical analysis; and

''(6) other relevant topics.

''(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

''(e) REPORTS.—

''(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

''(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

''(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178, 49 U.S.C. 31104 note] (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out this section.''

DATA COLLECTION AND ANALYSIS

Pub. L. 106–159, title II, § 225, Dec. 9, 1999, 113 Stat. 1771, provided that:

''(a) IN GENERAL.—In cooperation with the States, the Secretary shall carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

''(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

''(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

''(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

''(c) USE OF DATA.—The National Highway Traffic Safety Administration shall—

''(1) integrate the data, including driver citation and conviction information; and

''(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

''(d) REPORT.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

''(e) FUNDING.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 $5,000,000 per fiscal year shall be available only to carry out this section.

''(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—

''(1) IN GENERAL.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178, 49 U.S.C. 31104 note] (112 Stat. 395–398), as added by section 103(b)(1) of this Act, $5,000,000 per fiscal year shall be available only to carry out section 31106 of title 49, United States Code.

''(2) AMOUNTS AS ADDITIONAL.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.''

§ 31101. Definitions

In this subchapter—

(1) ''commercial motor vehicle'' means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) ''employee'' means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment by a commercial motor carrier; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(3) ''employer''—

(A) means a person engaged in a business affecting commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate the vehicle in commerce; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 984; Pub. L. 105–178, title IV, § 4003(a), June 9, 1998, 112 Stat. 395.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31101	49 App.:2301(1), (3)–(6).	Jan. 6, 1983, Pub. L. 97–424, § 401(1), (3)–(6), 96 Stat. 2154, 2155.
	49 App.:2301(2).	Jan. 6, 1983, Pub. L. 97–424, § 401(2), 96 Stat. 2154; Oct. 30, 1984, Pub. L. 98–554, § 228(a), (b), 98 Stat. 2852.

Before clause (1), the words ''unless the context otherwise requires'' are omitted as unnecessary. The text of 49 App.:2301(4) is omitted as unnecessary because of 1:1. The text of 49 App.:2301(5) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1), before subclause (A), the words ''(except in section 31106)'' are added because the source provisions being restated in section 31106 of the revised title contain a definition of ''commercial motor vehicle''.

In clause (4), the words ''the Commonwealth of'' are omitted for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1998—Par. (1)(A). Pub. L. 105–178, § 4003(a)(1), inserted ''or gross vehicle weight'' after ''rating'' and substituted ''10,001 pounds, whichever is greater'' for ''10,000 pounds''.

Par. (1)(C). Pub. L. 105–178, § 4003(a)(2), inserted ''and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103'' before period at end.

SAVINGS CLAUSE

Pub. L. 105–178, title IV, § 4003(h), June 9, 1998, 112 Stat. 398, provided that: ''Amendments made by this section [amending this section and sections 31102 to 31104 of this title] shall not affect any funds made available before the date of enactment of this Act [June 9, 1998].''

§ 31102. Grants to States

(a) GENERAL AUTHORITY.—Subject to this section and the availability of amounts, the Secretary of Transportation may make grants to States for the development or implementation of programs for improving motor carrier safety and the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders.

(b) STATE PLAN PROCEDURES AND CONTENTS.—(1) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to assume responsibility for improving motor carrier safety and to adopt and enforce regulations, standards, and orders of the Government on commercial motor vehicle safety, hazardous materials transportation safety, or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(B) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(C) contains satisfactory assurances the agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(D) contains satisfactory assurances the State will devote adequate amounts to the administration of the plan and enforcement of the regulations, standards, and orders;

(E) provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.[1]

(F) provides a right of entry and inspection to carry out the plan;

(G) provides that all reports required under this section be submitted to the agency and that the agency will make the reports available to the Secretary on request;

(H) provides that the agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations the Secretary prescribes;

(I) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable safety regulations, standards, and orders of the Government and the State;

(J) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standard through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

(K) ensures that activities described in subsection (c)(1) of this section, if financed with grants under subsection (a) of this section, will not diminish the effectiveness of the development and implementation of commercial motor vehicle safety programs described in subsection (a);

(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

(M) ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;

(N) ensures that information is exchanged among the States in a timely manner;

(O) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(P) provides satisfactory assurances that the State will promote activities in support of national priorities and performance goals, including—

(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;

(Q) provides that the State has established a program to ensure that—

(i) accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary; and

(ii) the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;

(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;

(S) ensures consistent, effective, and reasonable sanctions;

(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel;

(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to operate beyond the scope of such registration;

(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors; and

(X) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop.

(2) If the Secretary disapproves a plan under this subsection, the Secretary shall give the State a written explanation and allow the State to modify and resubmit the plan for approval.

(3) In estimating the average level of State expenditure under paragraph (1)(E) of this subsection, the Secretary—

[1] So in original. The period probably should be a semicolon.

(A) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

(B) shall require the State to exclude Government amounts and State matching amounts used to receive Government financing under subsection (a) of this section.

(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of motor carrier safety activities (including roadside safety inspections) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2003, 2004, and 2005; except that the State may not use more than 5 percent of the basic amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph unless the Secretary determines a higher percentage will result in significant increases in commercial motor vehicle safety.

(d) CONTINUOUS EVALUATION OF PLANS.—On the basis of reports submitted by a State motor vehicle safety agency of a State with a plan approved under this section and the Secretary's own investigations, the Secretary shall make a continuing evaluation of the way the State is carrying out the plan. If the Secretary finds, after notice and opportunity for comment, the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, the Secretary shall withdraw approval of the plan and notify the State. The plan stops being effective when the notice is received. A State adversely affected by the withdrawal may seek judicial review under chapter 7 of title 5. Notwithstanding the withdrawal, the State may retain jurisdiction in administrative or judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.

(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that—

(1) analyzes commercial motor vehicle safety trends among the States and documents the most effective commercial motor vehicle safety programs implemented with grants under this section; and

(2) describes the effect of activities carried out with grants made under this section on commercial motor vehicle safety.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 984; Pub. L. 104–88, title I, §104(a), Dec. 29, 1995, 109 Stat. 918; Pub. L. 105–178, title IV, §4003(b), (c), June 9, 1998, 112 Stat. 395, 396; Pub. L. 106–159, title II, §207, Dec. 9, 1999, 113 Stat. 1764; Pub. L. 109–59, title IV, §§4106, 4307(b), Aug. 10, 2005, 119 Stat. 1717, 1774.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31102(a)	49 App.:2302(a).	Jan. 6, 1983, Pub. L. 97–424, §402(a), (c), 96 Stat. 2155, 2156.
31102(b)	49 App.:2302(b), (d).	Jan. 6, 1983, Pub. L. 97–424, §402(b), (d), 96 Stat. 2155, 2156; Dec. 18, 1991, Pub. L. 102–240, §4002(a), (b), 105 Stat. 2140.
31102(c)	49 App.:2302(e).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, §402(e); added Dec. 18, 1991, Pub. L. 102–240, §4002(c), 105 Stat. 2142.
31102(d)	49 App.:2302(c).	

In this section, the word ''rules'' is omitted as being synonymous with ''regulations''.

In subsection (a), the words ''Subject to this section and the availability of amounts'' are substituted for ''Under the terms and conditions of this section, subject to the availability of funds'' to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the word ''prescribe'' is substituted for ''formulate'' for consistency in the revised title. Clause (D) is substituted for 49 App.:2302(d) to state the requirements of a plan in one place and to eliminate unnecessary words. In clause (K), the words ''into law and practice'' are omitted a unnecessary. In clause (O)(i), the words ''highways of the United States'' are substituted for ''our Nation's highways'' for consistency in the revised title and with other titles of the United States Code. In subclause (iii), the word ''especially'' is omitted as unnecessary.

In subsection (b)(3)(B), the words ''Government financing'' are substituted for ''Federal funding'' for clarity and consistency in the revised title.

In subsection (c), before clause (1), the words ''type of'' are omitted as unnecessary. In clause (1), the word ''leave'' is substituted for ''exit'' for clarity and consistency in the revised title.

In subsection (d), the words ''the regulations, standards, or orders'' are substituted for ''Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders'' for consistency and to eliminate unnecessary words. The last sentence is substituted for 49 App.:2302(c) (last sentence) for clarity.

AMENDMENTS

2005—Subsec. (b)(1)(A). Pub. L. 109–59, §4106(a)(1), added subpar. (A) and struck out former subpar. (A)

which read as follows: ''implements performance-based activities by fiscal year 2000;''.

Subsec. (b)(1)(E). Pub. L. 109–59, § 4106(a)(2), added subpar. (E) and struck out former subpar. (E) which read as follows: ''provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for its last 3 full fiscal years before December 18, 1991;''.

Subsec. (b)(1)(Q). Pub. L. 109–59, § 4106(a)(3), added subpar. (Q) and struck out former subpar. (Q) which read as follows: ''provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;''.

Subsec. (b)(1)(R). Pub. L. 109–59, § 4106(a)(4), aligned margins.

Subsec. (b)(1)(U) to (X). Pub. L. 109–59, § 4106(a)(5)–(7), added subpars. (U) to (X).

Subsec. (b)(3). Pub. L. 109–59, § 4307(b), substituted ''paragraph (1)(E)'' for ''paragraph (1)(D)'' in introductory provisions.

Subsec. (c). Pub. L. 109–59, § 4106(b)(1), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: ''A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

''(1) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States.

''(2) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle.

''(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles.''

Subsec. (e). Pub. L. 109–59, § 4106(b)(2), added subsec. (e).

1999—Subsec. (b)(1)(A). Pub. L. 106–159, § 207(1), realigned subpar. (A) margins.

Subsec. (b)(1)(R). Pub. L. 106–159, § 207(2), added subpar. (R) and struck out former subpar. (R) which read as follows: ''ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31138 and 31139, or regulations issued thereunder;''.

1998—Subsec. (a). Pub. L. 105–178, § 4003(b)(1), inserted ''improving motor carrier safety and'' after ''implementation of programs for'' and '', hazardous materials transportation safety,'' after ''commercial motor vehicle safety''.

Subsec. (b)(1). Pub. L. 105–178, § 4003(b)(2), in introductory provisions, substituted ''assume responsibility for improving motor carrier safety and to adopt and enforce'' for ''adopt and assume responsibility for enforcing'' and inserted '', hazardous materials transportation safety,'' after ''commercial motor vehicle safety''.

Subsec. (b)(1)(A) to (I). Pub. L. 105–178, § 4003(c)(6), (7), added subpar. (A) and redesignated former subpars. (A) to (H) as (B) to (I), respectively. Former subpar. (I) redesignated (J).

Subsec. (b)(1)(J). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (I) as (J). Former subpar. (J) redesignated (K).

Pub. L. 105–178, § 4003(c)(1), substituted ''subsection (c)(1)'' for ''subsection (c)''.

Subsec. (b)(1)(K) to (M). Pub. L. 105–178, § 4003(c)(6), redesignated subpars. (J) to (L) as (K) to (M), respectively. Former subpar. (M) redesignated (N).

Pub. L. 105–178, § 4003(c)(2), added subpars. (K) to (M) and struck out former subpars. (K) to (M) which read as follows:

''(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

''(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

''(M) ensures participation by the 48 contiguous States in SAFETYNET not later than January 1, 1994;''.

Subsec. (b)(1)(N). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (M) as (N). Former subpar. (N) redesignated (O).

Subsec. (b)(1)(O). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (N) as (O). Former subpar. (O) redesignated (P).

Pub. L. 105–178, § 4003(c)(3), inserted ''in support of national priorities and performance goals, including'' after ''activities'' in introductory provisions, substituted ''activities aimed at removing'' for ''to remove'' in cl. (i), substituted ''activities aimed at providing'' for ''to provide'' and inserted ''and'' after semicolon in cl. (ii), added cl. (iii), and struck out former cls. (iii) and (iv) which read as follows:

''(iii) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers' licenses; and

''(iv) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material;''.

Subsec. (b)(1)(P). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (O) as (P). Former subpar. (P) redesignated (Q).

Pub. L. 105–178, § 4003(c)(4), added subpar. (P) and struck out former subpar. (P) which read as follows: ''provides satisfactory assurances that the State will promote effective—

''(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

''(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous material transportation safety; and''.

Subsec. (b)(1)(Q). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (P) as (Q). Former subpar. (Q) redesignated (R).

Pub. L. 105–178, § 4003(c)(5)(A), substituted ''sections 31138 and 31139'' for ''sections 31140 and 31146''.

Subsec. (b)(1)(R). Pub. L. 105–178, § 4003(c)(6), redesignated subpar. (Q) as (R).

Subsec. (b)(1)(S), (T). Pub. L. 105–178, § 4003(c)(5)(B), (8), added subpars. (S) and (T).

1995—Subsec. (b)(1)(Q). Pub. L. 104–88 added subpar. (Q).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subtitle C (§§ 4301–4308) of title IV of Pub. L. 109–59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109–59, set out as a note under section 13902 of this title.

MAINTENANCE OF EFFORT

Pub. L. 106–159, title I, § 103(c), Dec. 9, 1999, 113 Stat. 1753, provided that: ''The Secretary may not make, from funds made available by or under this section [amending section 31107 of this title, enacting provisions set out as notes under this section and section 31104 of this title, and amending a provision set out as a note under section 104 of Title 23, Highways] (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such expenditures for fiscal years 1997, 1998, and 1999.''

STATE COMPLIANCE WITH CDL REQUIREMENTS

Pub. L. 106–159, title I, § 103(e), Dec. 9, 1999, 113 Stat. 1754, provided that:

''(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

''(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

''(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

''(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

''(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.''

EFFECTS OF MCSAP GRANT REDUCTIONS

Pub. L. 105–178, title IV, § 4032, June 9, 1998, 112 Stat. 419, provided that:

''(a) STUDY.—The Secretary [of Transportation] shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

''(1) national uniformity and the purposes of the motor carrier safety assistance program;

''(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

''(3) the safety impacts, costs, and benefits of full participation in the program.

''(b) REPORT.—Not later than 2 years after the date of the enactment of this Act [June 9, 1998], the Secretary shall submit to Congress a report on the results of the study.

''(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.''

§ 31103. United States Government's share of costs

(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial motor vehicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)(1)(E) of this title may not be included as part of the share not provided by the United States Government. Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for public education activities authorized by section 31104(f)(2).[1]

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105–178, title IV, § 4003(d), June 9, 1998, 112 Stat. 397; Pub. L. 109–59, title IV, § 4307(a), Aug. 10, 2005, 119 Stat. 1774.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31103	49 App.:2303.	Jan. 6, 1983, Pub. L. 97–424, § 403, 96 Stat. 2156; Dec. 18, 1991, Pub. L. 102–240, § 4002(d), 105 Stat. 2142.

The word ''rules'' is omitted as being synonymous with ''regulations''.

REFERENCES IN TEXT

Section 31104(f)(2), referred to in subsec. (b), was struck out by Pub. L. 110–244, title III, § 301(a), June 6, 2008, 122 Stat. 1616.

[1] See References in Text note below.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59 substituted ''31102(b)(1)(E)'' for ''31102(b)(1)(D)'' and inserted before last sentence ''Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States.''

1998—Pub. L. 105–178 designated existing provisions as subsec. (a), inserted subsec. heading, inserted ''improve commercial motor vehicle safety and'' after ''implementing programs to'', and added subsec. (b).

RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subtitle C (§§ 4301–4308) of title IV of Pub. L. 109–59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109–59, set out as a note under section 13902 of this title.

§ 31104. Availability of amounts

(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

(1) $188,480,000 for fiscal year 2005;
(2) $188,000,000 for fiscal year 2006;
(3) $197,000,000 for fiscal year 2007;
(4) $202,000,000 for fiscal year 2008;
(5) $209,000,000 for fiscal year 2009; and[1]
(6) $209,000,000 for fiscal year 2010; and
(7) $88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(c) REIMBURSEMENT FOR GOVERNMENT'S SHARE OF COSTS.—Amounts made available under subsection (a) of this section shall be used to reimburse States proportionately for the United States Government's share of costs incurred.

(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under section 31102 of this title is a contractual obligation of the Government for payment of the Government's share of costs incurred by the State in developing, implementing, or developing and implementing programs to enforce commercial motor vehicle regulations, standards, and orders.

(e) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary may deduct, from amounts made available under subsection (a) of this section for that fiscal year, not more than 1.25 percent of those amounts for administrative expenses incurred in carrying out section 31102 of this title in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Government employees and to develop related training materials in carrying out section 31102.

(f) ALLOCATION CRITERIA AND ELIGIBILITY.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(g) PAYMENT TO STATES FOR COSTS.—Each State shall submit vouchers for costs the State incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

(h) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

(i) ADMINISTRATIVE EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

(A) $254,849,000 for fiscal year 2005;
(B) $213,000,000 for fiscal year 2006;
(C) $223,000,000 for fiscal year 2007;
(D) $228,000,000 for fiscal year 2008;
(E) $234,000,000 for fiscal year 2009; and[1]
(F) ''(F)[2] $239,828,000 for fiscal year 2010; and
(G) ''(G)[2] $103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.

(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

(j) AVAILABILITY OF FUNDS; CONTRACT AUTHORITY.—

(1) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

[1] So in original. The word ''and'' probably should not appear.

[2] So in original.

(2) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.

(k) HIGH-PRIORITY ACTIVITIES.—

(1) CRITERIA.—The Secretary shall establish safety performance criteria to be used to distribute high priority program funds under this subsection.

(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to $15,000,000 for each of fiscal years 2006 through 2010 and $6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011 for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

(3) DESCRIPTION OF RECIPIENTS.—Amounts set aside under this subsection shall be allocated by the Secretary only to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(4) LIMITATION.—At least 90 percent of the amounts set aside for a fiscal year under this subsection shall be awarded in grants to State agencies and local government agencies.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105–130, §7, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105–178, title IV, §4003(e)–(g), June 9, 1998, 112 Stat. 397; Pub. L. 108–88, §7(b), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–202, §11(b), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108–224, §9(b), Apr. 30, 2004, 118 Stat. 638; Pub. L. 108–263, §9(b), June 30, 2004, 118 Stat. 709; Pub. L. 108–280, §9(b), July 30, 2004, 118 Stat. 886; Pub. L. 108–310, §7(b), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109–14, §6(b), May 31, 2005, 119 Stat. 330; Pub. L. 109–20, §6(b), July 1, 2005, 119 Stat. 352; Pub. L. 109–35, §6(b), July 20, 2005, 119 Stat. 385; Pub. L. 109–37, §6(b), July 22, 2005, 119 Stat. 400; Pub. L. 109–40, §6(b), July 28, 2005, 119 Stat. 417; Pub. L. 109–59, title IV, §§4101(a), (b), 4107(a), Aug. 10, 2005, 119 Stat. 1714, 1719; Pub. L. 110–244, title III, §301(a), June 6, 2008, 122 Stat. 1616; Pub. L. 111–147, title IV, §422(a), (b), (d), Mar. 18, 2010, 124 Stat. 86, 87; Pub. L. 111–322, title II, §2202(a), (b), (d), Dec. 22, 2010, 124 Stat. 3524, 3525.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31104(a)	49 App.:2304(a).	Jan. 6, 1983, Pub. L. 97–424, §404(a), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; Dec. 18, 1991, Pub. L. 102–240, §4002(e), 105 Stat. 2142.
31104(b)	49 App.:2304(c).	Jan. 6, 1983, Pub. L. 97–424, §404(c), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, §4002(f), 105 Stat. 2142.
	49 App.:2304(e).	Jan. 6, 1983, Pub. L. 97–424, §404(b), (d), (e), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186.
31104(c)	49 App.:2304(b).	
31104(d)	49 App.:2304(d).	
31104(e)	49 App.:2304(f)(1).	Jan. 6, 1983, Pub. L. 97–424, §404(f), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, §4002(g), 105 Stat. 2142.
31104(f)	49 App.:2304(f)(2).	
31104(g)(1) ..	49 App.:2304(g) (less last sentences of (5) and (6)).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2155, §404(g), (h); added Dec. 18, 1991, Pub. L. 102–240, §4002(h), (i), 105 Stat. 2143.
31104(g)(2) ..	49 App.:2304(g)(5) (last sentence).	
31104(g)(3) ..	49 App.:2304(g)(6) (last sentence).	
31104(h)	49 App.:2304(h).	
31104(i)	49 App.:2304 (note).	Dec. 18, 1991, Pub. L. 102–240, §4002(k), 105 Stat. 2144.
31104(j)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, §4002(*l*), 105 Stat. 2144.

In subsection (a), the text of 49 App.:2304(a)(1) and the references to fiscal years ending September 30, 1987–1992, are omitted as obsolete.

In subsection (b), the text of 49 App.:2304(e) is omitted as superseded by 49 App.:2304(c) restated by section 4002(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2142) and restated in this subsection.

In subsection (b)(2), the words ''Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991'' are substituted for ''Funds made available under this subchapter'' for clarity and because of the restatement.

In subsection (c), the words ''Funds authorized to be appropriated'' are omitted because of the omission of 49 App.:2304(a)(1) as obsolete.

In subsection (e), the words ''for administrative expenses incurred in carrying out section 31102 of this title'' are substituted for ''for administration of this section'' for clarity and consistency with the source provisions restated in this section and section 31102 of the revised title.

In subsection (i), before clause (1), the words ''Not later than 6 months after December 18, 1991'' are omitted as obsolete. The words ''for grants under section 31102(a) of this title'' are substituted for ''under the motor carrier safety assistance program'' for clarity and because of the restatement. The words ''In prescribing those regulations'' are substituted for ''In conducting such a revision'' because of the restatement.

In subsection (j), the words ''Not later than 9 months after December 18, 1991'' are omitted as obsolete. The word ''final'' is omitted as unnecessary. The words ''regulations to be enforced under section 31102(a) of this title'' are substituted for ''under the motor carrier safety assistance program'' for clarity and because of the restatement.

AMENDMENTS

2010—Subsec. (a)(6). Pub. L. 111–147, §422(a), added par. (6).

Subsec. (a)(7). Pub. L. 111–322, §2202(a), substituted ''$88,753,000 for the period beginning October 1, 2010, and

ending on March 4, 2011.'' for ''$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''

Pub. L. 111–147, § 422(a), added par. (7).

Subsec. (i)(1)(F). Pub. L. 111–147, § 422(b), added subpar. (F).

Subsec. (i)(1)(G). Pub. L. 111–322, § 2202(b), substituted ''$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.'' for ''$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''

Pub. L. 111–147, § 422(b), added subpar (G).

Subsec. (k)(2). Pub. L. 111–322, § 2202(d), substituted ''2010 and $6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011'' for ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010''.

Pub. L. 111–147, § 422(d), substituted ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' for ''2009''.

2008—Subsec. (f). Pub. L. 110–244 struck out par. (1) designation and heading before ''On October'' and struck out par. (2) which permitted the Secretary to designate certain allocated amounts for high-priority and border activities.

2005—Subsec. (a). Pub. L. 109–59, § 4101(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text contained pars. (1) to (8) making amounts available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 for fiscal years 1998 to 2004 and part of 2005.

Subsec. (a)(8). Pub. L. 109–40 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''Not more than $138,904,110 for the period of October 1, 2004, through July 27, 2005.''

Pub. L. 109–37 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''Not more than $136,589,041 for the period of October 1, 2004, through July 21, 2005.''

Pub. L. 109–35 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''Not more than $135,200,000 for the period of October 1, 2004, through July 19, 2005.''

Pub. L. 109–20 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''Not more than $126,402,740 for the period of October 1, 2004, through June 30, 2005.''

Pub. L. 109–14 amended par. (8) generally. Prior to amendment, par. (8) read as follows: ''Not more than $112,512,329 for the period of October 1, 2004, through May 31, 2005.''

Subsecs. (i), (j). Pub. L. 109–59, § 4101(b), added subsecs. (i) and (j).

Subsec. (k). Pub. L. 109–59, § 4107(a), added subsec. (k).

2004—Subsec. (a)(7). Pub. L. 108–280 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''Not more than $140,833,333 for the period of October 1, 2003, through July 31, 2004.''

Pub. L. 108–263 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''Not more than $126,519,126 for the period of October 1, 2003, through June 30, 2004.''

Pub. L. 108–224 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''Not more than $98,352,000 for the period of October 1, 2003, through April 30, 2004.''

Pub. L. 108–202 amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''Not more than $68,750,000 for the period of October 1, 2003, through February 29, 2004.''

Subsec. (a)(8). Pub. L. 108–310 added par. (8).

2003—Subsec. (a)(7). Pub. L. 108–88 added par. (7).

1998—Subsec. (a). Pub. L. 105–178, § 4003(e), amended heading and text of subsec. (a) generally, substituting provisions relating to appropriations for fiscal years 1998 to 2003 for provisions relating to appropriations for fiscal years ending Sept. 30, 1993 to 1997 and for period of Oct. 1, 1997 through Mar. 31, 1998.

Subsec. (b). Pub. L. 105–178, § 4003(f), struck out par. (1) designation and par. (2) which read as follows: ''Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.''

Subsec. (f). Pub. L. 105–178, § 4003(g)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: ''On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

''(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

''(2) for public education under subsection (g)(1)(G) of this section.''

Subsec. (g). Pub. L. 105–178, § 4003(g)(1), (2), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to specific allocations.

Subsec. (h). Pub. L. 105–178, § 4003(g)(4), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105–178, § 4003(g)(3), struck out heading and text of subsec. (i). Text read as follows: ''The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

''(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

''(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

''(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.''

Subsec. (j). Pub. L. 105–178, § 4003(g)(4), redesignated subsec. (j) as (h).

1997—Subsec. (a). Pub. L. 105–130 substituted ''Not more'' for ''not more'' in pars. (1) to (5) and added par. (6).

FUNDING

Pub. L. 109–59, title IV, § 4116(d), Aug. 10, 2005, 119 Stat. 1728, provided that: ''Amounts made available pursuant to section 31104(i) of title 49, United States Code, shall be used by the Secretary [of Transportation] to carry out section 31149 of title 49, United States Code.''

INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS

Pub. L. 105–178, title IV, § 4003(i), as added by Pub. L. 106–159, title I, § 103(b)(1), Dec. 9, 1999, 113 Stat. 1753, provided that: ''The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000.''

§ 31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discrimi-

nate against an employee regarding pay, terms, or privileges of employment, because—

(A)(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

(B) the employee refuses to operate a vehicle because—

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

(C) the employee accurately reports hours on duty pursuant to chapter 315;

(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

(iii) pay compensatory damages, including backpay with interest and compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(B) If the Secretary of Labor issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary of Labor may assess against the person against whom the order is issued the costs (including attorney fees) reasonably incurred by the complainant in bringing the complaint. The Secretary of Labor shall determine the costs that reasonably were incurred.

(C) Relief in any action under subsection (b) may include punitive damages in an amount not to exceed $250,000.

(c) DE NOVO REVIEW.—With respect to a complaint under paragraph (1),[1] if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(d) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hear-

[1] So in original. Probably should be "subsection (b)(1),".

ing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. Review shall conform to chapter 7 of title 5. The review shall be heard and decided expeditiously. An order of the Secretary of Labor subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

(e) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary of Labor shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DISCLOSURE OF IDENTITY.—

(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information about an alleged violation of this part, or a regulation prescribed or order issued under any of those provisions.

(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding motor carrier vehicle security problems, deficiencies, or vulnerabilities.

(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

(j) DEFINITION.—In this section, ''employee'' means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(1) directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier; and

(2) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 990; Pub. L. 110–53, title XV, § 1536, Aug. 3, 2007, 121 Stat. 464.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31105(a)	49 App.:2305(a), (b).	Jan. 6, 1983, Pub. L. 97–424, § 405(a)–(d), 96 Stat. 2157.
31105(b)	49 App.:2305(c).	
31105(c)	49 App.:2305(d).	
31105(d)	49 App.:2305(e).	Jan. 6, 1983, Pub. L. 97–424, § 405(e), 96 Stat. 2158; Nov. 8, 1984, Pub. L. 98–620, § 402(51), 98 Stat. 3361.

In subsection (a)(1), before clause (A), the words ''in any manner'' are omitted as surplus. The word ''conditions'' is omitted as included in ''terms''. In clauses (A) and (B), the word ''rule'' is omitted as being synonymous with ''regulation''. In clause (A), the word ''begun'' is substituted for ''instituted or caused to be instituted'' for consistency in the revised title and to eliminate unnecessary words. In clause (B), the words before subclause (i) are substituted for ''for refusing to operate a vehicle when'' and ''or because of'' for clarity and consistency. In subclause (ii), the words ''vehicle's unsafe condition'' are substituted for ''unsafe condition of such equipment'' for consistency.

Subsection (a)(2) is substituted for 49 App.:2305(b) (2d, last sentences) for clarity and to eliminate unnecessary words.

In subsection (b)(1), the words ''alleging such discharge, discipline, or discrimination'' are omitted as surplus.

In subsection (b)(2)(B), the words ''Not later than 30 days after the notice under subparagraph (A) of this paragraph'' are substituted for ''Thereafter'' and ''within thirty days'' for clarity.

In subsection (b)(2)(C), the words ''Before the final order is issued'' are substituted for ''In the interim'' for clarity.

Subsection (b)(3)(A) is substituted for 49 App.:2305(c)(2)(B) (1st sentence) for clarity and to eliminate unnecessary words. In clause (ii), the word ''conditions'' is omitted as included in ''terms''. The provision for back pay is moved from clause (ii) to clause (iii) for clarity.

In subsection (b)(3)(B), the words ''a sum equal to the aggregate amount of all'' and ''and expenses'' are omitted as surplus. The words ''in bringing the complaint'' are substituted for ''for, or in connection with, the bringing of the complaint upon which the order was issued'' to eliminate unnecessary words.

In subsection (c), the words ''or aggrieved'' and ''with respect to which the order was issued, allegedly'' are omitted as surplus. The words ''in accordance with the provisions of chapter 7 of title 5 and'' are omitted because 5:ch. 7 applies unless otherwise stated.

In subsection (d), the text of 49 App.:2305(e) (last sentence) is omitted as unnecessary.

AMENDMENTS

2007—Pub. L. 110–53 amended text of section generally. Prior to amendment, section related to, in subsec. (a), prohibition against discharge or discipline of, or discrimination against, an employee regarding pay, terms, or privileges of employment for certain actions, in subsec. (b), procedures for filing of complaint, in subsec. (c), judicial review and venue, and, in subsec. (d), civil action to enforce an order.

EMPLOYEE PROTECTIONS

Pub. L. 105–178, title IV, § 4023, June 9, 1998, 112 Stat. 415, provided that: ''Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation], in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions.''

§ 31106. Information systems

(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety regulatory and enforcement activities required under this title.

(2) NETWORK COORDINATION.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

(B) evaluate the safety fitness of motor carriers and drivers;

(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures;

(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate;

(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

(G) establish and implement a national motor carrier safety data correction system.

(4) STANDARDS.—To implement this section, the Secretary shall prescribe technical and operational standards to ensure—

(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

(C) the reliability and availability of the information to the Secretary and States.

(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the motor carrier information system authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4);

(B) possess or seek the authority to possess for a time period no longer than determined reasonable by the Secretary, to impose sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and

(C) establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order.

(4) GRANTS.—From the funds authorized by section 31104(i), the Secretary may make a grant in a fiscal year to a State to implement the performance and registration information system management requirements of this subsection.

(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the informa-

tion system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

(1) enhancing the exchange of driver licensing information among the States, the Federal Government, and foreign countries;

(2) providing information to the judicial system on commercial motor vehicle drivers;

(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

(4) developing appropriate strategies and countermeasures to improve driver safety.

(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 991; Pub. L. 105–178, title IV, § 4004(a), June 9, 1998, 112 Stat. 398; Pub. L. 109–59, title IV, §§ 4108(a), 4109(a), Aug. 10, 2005, 119 Stat. 1720.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31106(a)	49 App.:2306(f).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2155, § 407; added Dec. 18, 1991, Pub. L. 102–240, § 4003, 105 Stat. 2144.
31106(b)	49 App.:2306(a)(2)–(5).	
31106(c)	49 App.:2306(b).	
31106(d)	49 App.:2306(a)(1).	
31106(e)	49 App.:2306(c).	
31106(f)	49 App.:2306(d).	
31106(g)	49 App.:2306(e).	

In subsection (b)(2), the word ''schedule'' is substituted for ''system'' for clarity.

AMENDMENTS

2005—Subsec. (a)(3)(F), (G). Pub. L. 109–59, § 4108(a), added subpars. (F) and (G).

Subsec. (b)(2) to (4). Pub. L. 109–59, § 4109(a), added pars. (2) to (4) and struck out former pars. (2) to (4), which related to design of program with State licensing systems in par. (2), conditions of participation in par. (3), and funding for fiscal years 1998 to 2003 in par. (4).

1998—Pub. L. 105–178 amended section catchline and text generally, substituting, in subsec. (a), provisions relating to information systems and data analysis for provisions relating to definition of commercial motor vehicle, in subsec. (b), provisions relating to performance and registration information program for provisions relating to information system, in subsec. (c), provisions relating to commercial motor vehicle driver safety program for provisions relating to demonstration project, in subsec. (d), provisions relating to cooperative agreements, grants, and contracts for provisions relating to review of State systems, and in subsec. (e), provisions relating to information availability and privacy protection policy for provisions relating to regulations, and striking out subsecs. (f) and (g), which related to report to Congress and authorization of appropriations, respectively.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT

Pub. L. 109–59, title IV, § 4126, Aug. 10, 2005, 119 Stat. 1738, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall carry out a commercial vehicle information systems and networks program to—

''(1) improve the safety and productivity of commercial vehicles and drivers; and

''(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

''(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

''(c) CORE DEPLOYMENT GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.

''(2) AMOUNT OF GRANTS.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (112 Stat. 420) may not exceed $2,500,000.

''(3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.

''(d) EXPANDED DEPLOYMENT GRANTS.—

''(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks.

''(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection.

''(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States, but not to exceed $1,000,000 per State.

''(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

''(e) ELIGIBILITY.—To be eligible for a grant under this section, a State—

''(1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, re-

vised, upgraded, or built to accomplish deployment of core capabilities;

''(2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

''(A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

''(B) promote interoperability and efficiency to the extent practicable; and

''(3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of a project payable from all eligible Federal sources shall not exceed 80 percent.

''(g) DEFINITIONS.—In this section, the following definitions apply:

''(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'commercial vehicle information systems and networks' means the information systems and communications networks that provide the capability to—

''(A) improve the safety of commercial motor vehicle operations;

''(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

''(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

''(D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and

''(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

''(2) COMMERCIAL MOTOR VEHICLE OPERATIONS.—The term 'commercial motor vehicle operations'—

''(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

''(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

''(3) CORE DEPLOYMENT.—The term 'core deployment' means the deployment of systems in a State necessary to provide the State with the following capabilities:

''(A) Safety information exchange to—

''(i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State;

''(ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and

''(iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data.

''(B) Interstate credentials administration to—

''(i) perform end-to-end processing, including carrier application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits;

''(ii) connect to such plan and agreement clearinghouses; and

''(iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable.

''(C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspection site in the State and to replicate this screening at other sites in the State.

''(4) EXPANDED DEPLOYMENT.—The term 'expanded deployment' means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.''

§ 31107. Border enforcement grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to an entity or State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State or the Federal Government ending before October 1, 2005, whichever the State designates.

(c) GOVERNMENTS[1] SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.

(Added Pub. L. 109–59, title IV, § 4110(a)(2), Aug. 10, 2005, 119 Stat. 1721.)

PRIOR PROVISIONS

A prior section 31107, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 992; Pub. L. 105–178, title IV, § 4004(b), June 9, 1998, 112 Stat. 400; Pub. L. 106–159, title I, § 103(d), Dec. 9, 1999, 113 Stat. 1754; Pub. L. 108–88,

[1] So in original. Probably should be ''GOVERNMENT'S''.

§ 7(c)(1), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–202, § 11(c)(1), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108–224, § 9(c)(1), Apr. 30, 2004, 118 Stat. 638; Pub. L. 108–263, § 9(c)(1), June 30, 2004, 118 Stat. 709; Pub. L. 108–280, § 9(c)(1), July 30, 2004, 118 Stat. 886; Pub. L. 108–310, § 7(c)(1), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109–14, § 6(c)(1), May 31, 2005, 119 Stat. 330; Pub. L. 109–20, § 6(c)(1), July 1, 2005, 119 Stat. 352; Pub. L. 109–35, § 6(c)(1), July 20, 2005, 119 Stat. 385; Pub. L. 109–37, § 6(c)(1), July 22, 2005, 119 Stat. 400; Pub. L. 109–40, § 6(c)(1), July 28, 2005, 119 Stat. 417, related to contract authority funding for information systems, prior to repeal by Pub. L. 109–59, title IV, § 4110(a)(2), Aug. 10, 2005, 119 Stat. 1721.

§ 31108. Motor carrier research and technology program

(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier and motor coach research and technology program.

(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research and shall be coordinated with other research programs or projects ongoing or planned within the Department of Transportation, as appropriate.

(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

(C) improving the safety and efficiency of commercial motor vehicles through technological innovation and improvement;

(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

(E) increasing the safety and security of hazardous materials transportation.

(4) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

(6) PROCEDURES.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to, or entering into contracts and cooperative agreements with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

(B) Federal laboratories.

(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

(3) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent; except that, if there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 993; Pub. L. 109–59, title IV, § 4111(a), Aug. 10, 2005, 119 Stat. 1722.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31108	(uncodified).	Dec. 18, 1991, Pub. L. 102–240, § 4002(j), 105 Stat. 2144.

The words ''safety duties and powers'' are substituted for ''safety functions'' for clarity and consistency in

the revised title. The reference to fiscal year 1992 is omitted as obsolete.

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (b)(4), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2005—Pub. L. 109–59 amended section catchline and text generally. Prior to amendment, text read as follows: ''Not more than $_____ may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 19__, to carry out the safety duties and powers of the Federal Highway Administration.''

§31109. Performance and registration information system management

The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

(Added Pub. L. 109–59, title IV, §4109(b)(1), Aug. 10, 2005, 119 Stat. 1721.)

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

§31111. Length limitations

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AUTOMOBILE TRANSPORTER.—The term ''automobile transporter'' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.

(2) MAXI-CUBE VEHICLE.—The term ''maxi-cube vehicle'' means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.

(3) TRUCK TRACTOR.—The term ''truck tractor'' means—

(A) a non-property-carrying power unit that operates in combination with a semitrailer or trailer; or

(B) a power unit that carries as property only motor vehicles when operating in combination with a semitrailer in transporting motor vehicles.

(4) DRIVEAWAY SADDLEMOUNT VEHICLE TRANSPORTER COMBINATION.—The term ''driveaway saddlemount vehicle transporter combination'' means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it. Such combination may include one fullmount.

(b) GENERAL LIMITATIONS.—(1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that—

(A) imposes a vehicle length limitation of less than 45 feet on a bus, of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under subsection (e) of this section;

(B) imposes an overall length limitation on a commercial motor vehicle operating in a truck tractor-semitrailer or truck tractor-semitrailer-trailer combination;

(C) has the effect of prohibiting the use of a semitrailer or trailer of the same dimensions as those that were in actual and lawful use in that State on December 1, 1982;

(D) imposes a vehicle length limitation of not less than or more than 97 feet on all driveaway saddlemount vehicle transporter combinations;

(E) has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semitrailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State; or

(F) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.

(2) A length limitation prescribed or enforced by a State under paragraph (1)(A) of this subsection applies only to a semitrailer or trailer and not to a truck tractor.

(c) MAXI-CUBE AND VEHICLE COMBINATION LIMITATIONS.—A State may not prohibit a maxi-cube vehicle or a commercial motor vehicle combination consisting of a truck tractor and 2 trailing units on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary under subsection (e) of this section.

(d) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Length calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle. However, such a device may not have by its design or use the ability to carry cargo.

(e) QUALIFYING HIGHWAYS.—The Secretary by regulation shall designate as qualifying Federal-aid Primary System highways those highways of the Federal-aid Primary System in existence on June 1, 1991, that can accommodate safely the applicable vehicle lengths provided in this section.

(f) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and

Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from either or both provisions.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the Secretary shall exempt the segment from either or both of those provisions. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (e) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(g) ACCOMMODATING SPECIALIZED EQUIPMENT.—In prescribing regulations to carry out this section, the Secretary may make decisions necessary to accommodate specialized equipment, including automobile and vessel transporters and maxi-cube vehicles.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 993; Pub. L. 104–88, title I, § 104(b), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105–178, title IV, § 4005, June 9, 1998, 112 Stat. 400; Pub. L. 109–59, title IV, § 4141, Aug. 10, 2005, 119 Stat. 1746; Pub. L. 110–244, title III, § 301(r), June 6, 2008, 122 Stat. 1617.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31111(a)(1) ..	49 App.:2311(f)(2).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, § 411(f)(2); added Oct. 18, 1986, Pub. L. 99–500, § 101(*l*) [H.R. 5205, § 324(a)], 100 Stat. 1783–308, and Oct. 30, 1986, Pub. L. 99–591, § 101(*l*) [H.R. 5205, § 324(a)], 100 Stat. 3341–308; Dec. 22, 1987, Pub. L. 100–202, § 106, 101 Stat. 1329–433.
31111(a)(2) ..	49 App.:2311(f)(1).	Jan. 6, 1983, Pub. L. 97–424, § 411(f)(1), 96 Stat. 2160; Oct. 18, 1986, Pub. L. 99–500, § 101(*l*) [H.R. 5205, § 324(a)], 100 Stat. 1783–308; Oct. 30, 1986, Pub. L. 99–591, § 101(*l*) [H.R. 5205, § 324(a)], 100 Stat. 3341–308; Dec. 22, 1987, Pub. L. 100–202, § 106, 101 Stat. 1329–433.
31111(b)	49 App.:2311(a).	Jan. 6, 1983, Pub. L. 97–424, § 411(a), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, § 104(a), 98 Stat. 2831; Dec. 18, 1991, Pub. L. 102–240, § 4006(b)(1), 105 Stat. 2151.
	49 App.:2311(b).	Jan. 6, 1983, Pub. L. 97–424, § 411(b), (g), (h), 96 Stat. 2159, 2160.
31111(c)	49 App.:2311(c).	Jan. 6, 1983, Pub. L. 97–424, § 411(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, § 104(b), 98 Stat. 2831; Oct. 18, 1986, Pub. L. 99–500, § 101(*l*) [H.R. 5205, § 324(b)], 100 Stat. 1783–308; Oct. 30, 1986, Pub. L. 99–591, § 101(*l*) [H.R. 5205, § 324(b)], 100 Stat. 3341–308; Dec. 22, 1987, Pub. L. 100–202, § 106, 101 Stat. 1329–433.
31111(d)	49 App.:2311(h).	
31111(e)	49 App.:2311(e).	Jan. 6, 1983, Pub. L. 97–424, § 411(e), 96 Stat. 2160; Dec. 18, 1991, Pub. L. 102–240, § 4006(c), 105 Stat. 2151.
31111(f)	49 App.:2311(i).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, § 411(i); added Oct. 30, 1984, Pub. L. 98–554, § 102, 98 Stat. 2829.
31111(g)	49 App.:2311(d).	Jan. 6, 1983, Pub. L. 97–424, § 411(d), 96 Stat. 2160; Apr. 2, 1987, Pub. L. 100–17, § 133(a)(7), 101 Stat. 171; Nov. 5, 1990, Pub. L. 101–516, § 327(a), 104 Stat. 2182.
	49 App.:2311(g).	

In this section, the words "Dwight D. Eisenhower System of Interstate and Defense Highways" are substituted for "National System of Interstate and Defense Highways" because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

In subsection (a), the word "property" is substituted for "cargo" for consistency in the revised title.

Subsection (b)(1) is substituted for 49 App.:2311(a) and (b) (2d–last sentences) to eliminate unnecessary words and for consistency in the revised title and with other titles of the United States Code. Hyphens are used in describing the combinations "truck tractor-semitrailer" and "truck tractor-semitrailer-trailer" for consistency. In clause (D), the word "actually" is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2311(b) (1st sentence) because of the restatement.

In subsection (d), the words "such as rear view mirrors, turn signal lamps, marker lamps, steps and hand-

holds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices'' are omitted as unnecessary and because most items listed relate to width rather than length.

In subsection (e), the words ''by regulation'' are added for clarity. The words ''subject to the provisions of subsections (a) and (c) of this section'' are omitted as surplus. The text of 49 App.:2311(e)(2) and (3) is omitted as executed.

In subsection (f), the word ''commercial'' is added before ''motor vehicle'' for consistency.

In subsection (f)(4)(C), the reference to regulations prescribed under subsection (e) is substituted for the reference in the source to regulations issued under subsection (a) to be more precise. The word ''amendment'' is substituted for ''revision'' for consistency in the revised title.

Subsection (g) is substituted for 49 App.:2311(d) to eliminate unnecessary words. The Secretary's general authority to prescribe regulations is provided in 49:322(a). The word ''vessel'' is substituted for ''boat'' because of 1:3. The text of 49 App.:2311(g) is omitted as executed.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110–244, §301(r)(1), in heading, substituted ''Driveaway saddlemount'' for ''Drive-away saddlemount with fullmount'', and, in text, substituted ''driveaway saddlemount'' for ''drive-away saddlemount with fullmount'' and inserted at end ''Such combination may include one fullmount.''

Subsec. (b)(1)(D). Pub. L. 110–244, §301(r)(2), substituted ''all driveaway saddlemount'' for ''a driveaway saddlemount with fullmount''.

2005—Subsec. (a)(4). Pub. L. 109–59, §4141(a), added par. (4).

Subsec. (b)(1)(D) to (F). Pub. L. 109–59, §4141(b), added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

1998—Subsec. (a). Pub. L. 105–178, §4005(1), substituted ''section, the following definitions apply:'' for ''section—'' in introductory provisions.

Subsec. (a)(1). Pub. L. 105–178, §4005(5), added par. (1). Former par. (1) redesignated (2).

Pub. L. 105–178, §4005(2), inserted ''MAXI-CUBE VEHICLE.—The term'' after ''(1)''.

Subsec. (a)(2). Pub. L. 105–178, §4005(4), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 105–178, §4005(3), inserted ''TRUCK TRACTOR.—The term'' after ''(2)''.

Subsec. (a)(3). Pub. L. 105–178, §4005(4), redesignated par. (2) as (3).

1995—Subsec. (b)(1)(E). Pub. L. 104–88 added subpar. (E).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

§31112. Property-carrying unit limitation

(a) DEFINITIONS.—In this section—

(1) ''property-carrying unit'' means any part of a commercial motor vehicle combination (except the truck tractor) used to carry property, including a trailer, a semitrailer, or the property-carrying section of a single unit truck.

(2) the length of the property-carrying units of a commercial motor vehicle combination is the length measured from the front of the first property-carrying unit to the rear of the last property-carrying unit.

(b) GENERAL LIMITATIONS.—A State may not allow by any means the operation, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under section 31111(e) of this title, of any commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

(1) the maximum combination trailer, semitrailer, or other type of length limitation allowed by law or regulation of that State before June 2, 1991; or

(2) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State before June 2, 1991.

(c) SPECIAL RULES FOR WYOMING, OHIO, ALASKA, IOWA, AND NEBRASKA.—In addition to the vehicles allowed under subsection (b) of this section—

(1) Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if the vehicle configurations comply with the single axle, tandem axle, and bridge formula limits in section 127(a) of title 23 and are not more than 117,000 pounds gross vehicle weight;

(2) Ohio may allow the operation of commercial motor vehicle combinations with 3 property-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated in Ohio on the 1-mile segment of Ohio State Route 7 that begins at and is south of exit 16 of the Ohio Turnpike;

(3) Alaska may allow the operation of commercial motor vehicle combinations that were not in actual operation on June 1, 1991, but were in actual operation before July 6, 1991; and

(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991.

(5) Nebraska may allow the operation of a truck tractor and 2 trailers or semitrailers not in actual lawful operation on a regular or periodic basis on June 1, 1991, if the length of the property-carrying units does not exceed 81 feet 6 inches and such combination is used only to transport equipment utilized by custom harvesters under contract to agricultural producers to harvest one or more of wheat, soybeans, and milo during the harvest months for such crops, as defined by the State of Nebraska.

(d) ADDITIONAL LIMITATIONS.—(1) A commercial motor vehicle combination whose operation in a State is not prohibited under subsections (b) and (c) of this section may continue to operate in the State on highways described in subsection (b) only if at least in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-specific designations and all other restrictions in force in the State on June 1, 1991. However, subject to regulations prescribed by the Secretary under subsection (g)(2) of this section, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(2) This section does not prevent a State from further restricting in any way or prohibiting the operation of any commercial motor vehicle combination subject to this section, except that a restriction or prohibition shall be consistent with this section and sections 31113(a) and (b) and 31114 of this title.

(3) A State making a minor adjustment of a temporary and emergency nature as authorized by paragraph (1) of this subsection or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by paragraph (2) of this subsection shall advise the Secretary not later than 30 days after the action. The Secretary shall publish a notice of the action in the Federal Register.

(4)[1] Nebraska may continue to allow to be operated under paragraphs (b)(1) and (b)(2) of this section,[2] the State of Nebraska may allow longer combination vehicles that were not in actual operation on June 1, 1991 to be operated within its boundaries to transport sugar beets from the field where such sugar beets are harvested to storage, market, factory or stockpile or from stockpile to storage, market or factory. This provision shall expire on February 28, 1998.

(e) LIST OF STATE LENGTH LIMITATIONS.—(1) Not later than February 16, 1992, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in subsection (b) of this section. The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

(2) Not later than March 17, 1992, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under paragraph (1) of this subsection. The Secretary shall review for accuracy all information submitted by a State under paragraph (1) and shall solicit and consider public comment on the accuracy of the information.

(3) A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis before June 2, 1991.

(4) Except as revised under this paragraph or paragraph (5) of this subsection, the list shall be published as final in the Federal Register not later than June 15, 1992. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under paragraph (2) of this subsection. After publication of the final list, commercial motor vehicle combinations prohibited under subsection (b) of this section may not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways and other Federal-aid Primary System highways designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23.

(5) On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under paragraph (4) of this subsection. If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.

(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—This section may not be construed—

(1) to allow the operation on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways of a longer combination vehicle prohibited under section 127(d) of title 23;

(2) to affect in any way the operation of a commercial motor vehicle having only one property-carrying unit; or

(3) to affect in any way the operation in a State of a commercial motor vehicle with more than one property-carrying unit if the vehicle was in actual operation on a regular or periodic basis (including seasonal operation) in that State before June 2, 1991, that was authorized under State law or regulation or lawful State permit.

(g) REGULATIONS.—(1) In carrying out this section only, the Secretary shall define by regulation loads that cannot be dismantled easily or divided easily.

(2) Not later than June 15, 1992, the Secretary shall prescribe regulations establishing criteria for a State to follow in making minor adjustments under subsection (d) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 995; Pub. L. 104–59, title III, § 312(a)(3), Nov. 28, 1995, 109 Stat. 584; Pub. L. 104–205, title III, § 352, Sept. 30, 1996, 110 Stat. 2980; Pub. L. 105–66, title III, § 343, Oct. 27, 1997, 111 Stat. 1449; Pub. L. 109–59, title IV, § 4112, Aug. 10, 2005, 119 Stat. 1724.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31112(a)(1) ..	49 App.:2311(j)(7).	Jan 6, 1983, Pub. L. 97–424, 96 Stat. 2159, § 411(j); added Dec. 18, 1991, Pub. L. 102–240, § 4006(a), 105 Stat. 2148.
31112(a)(2) ..	49 App.:2311(j)(3).	
31112(b)	49 App.:2311(j)(1).	
31112(c)	49 App.:2311(j)(2).	

[1] See 1996 Amendment note below.

[2] So in original.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31112(d)	49 App.:2311(j)(4).	
31112(e)	49 App.:2311(j)(5).	
31112(f)	49 App.:2311(j)(6).	
31112(g)(1) ..	49 App.:2311(j)(9).	
31112(g)(2) ..	49 App.:2311(j)(8).	

In this section, the word ''property'' is substituted for ''cargo'', and the word ''law'' is substituted for ''statute'', for consistency in the revised title. The words ''Dwight D. Eisenhower System of Interstate and Defense Highways'' are substituted for ''National System of Interstate and Defense Highways'' because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

In subsections (b), before clause (1), and (g)(1), the words ''dismantled easily or divided easily'' are substituted for ''easily dismantled or divided'' for clarity.

In subsection (e)(4), the words ''Except as revised under this paragraph or paragraph (5) of this subsection'' are substituted for ''Except as modified pursuant to subparagraph (B) or (E) of this subsection'' for clarity.

AMENDMENTS

2005—Subsec. (c). Pub. L. 109–59, §4112(b), substituted ''Iowa, and Nebraska'' for ''and Iowa'' in heading.

Subsec. (c)(5). Pub. L. 109–59, §4112(a), added par. (5).

1997—Subsec. (d)(4). Pub. L. 105–66 substituted ''February 28, 1998'' for ''September 30, 1997''.

1996—Subsec. (d)(4). Pub. L. 104–205, which directed amendment of this section by adding a new subsection designated par. (4) without specifying where, was executed by adding par. (4) to subsec. (d) to reflect the probable intent of Congress.

1995—Subsec. (c). Pub. L. 104–59 substituted ''Alaska, and Iowa'' for ''and Alaska'' in heading and added par. (4).

§31113. Width limitations

(a) GENERAL LIMITATIONS.—(1) Except as provided in subsection (e) of this section, a State (except Hawaii) may not prescribe or enforce a regulation of commerce that imposes a vehicle width limitation of more or less than 102 inches on a commercial motor vehicle operating on—

(A) a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section);

(B) a qualifying Federal-aid highway designated by the Secretary of Transportation, with traffic lanes designed to be at least 12 feet wide; or

(C) a qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary decides the designation is consistent with highway safety.

(2) Notwithstanding paragraph (1) of this subsection, a State may continue to enforce a regulation of commerce in effect on April 6, 1983, that applies to a commercial motor vehicle of more than 102 inches in width, until the date on which the State prescribes a regulation of commerce that complies with this subsection.

(3) A Federal-aid highway (except an interstate highway) not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the chief executive officer of the State in which the highway is located.

(b) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Width calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle.

(c) SPECIAL USE PERMITS.—A State may grant a special use permit to a commercial motor vehicle that is more than 102 inches in width.

(d) STATE ENFORCEMENT.—Consistent with this section, a State may enforce a commercial motor vehicle width limitation of 102 inches on a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section) or other qualifying Federal-aid highway designated by the Secretary.

(e) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having the width provided in subsection (a) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having the width provided for in subsection (a) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a width provided in subsection (a) of this section, the Secretary shall exempt the segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress,

giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (a) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 997.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31113(a)	49 App.:2316(a), (f).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, § 416(a), (d), (f); added Apr. 5, 1983, Pub. L. 98–17, § 1(a), 97 Stat. 59; Oct. 30, 1984, Pub. L. 98–554, §§ 103(1), 104(d), (e), 105, 98 Stat. 2830, 2831.
31113(b)	49 App.:2316(b).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, § 416(b), (c); added Apr. 5, 1983, Pub. L. 98–17, § 1(a), 97 Stat. 59.
31113(c)	49 App.:2316(c).	
31113(d)	49 App.:2316(d).	
31113(e)	49 App.:2316(e).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, § 416(e); added Oct. 30, 1984, Pub. L. 98–554, § 103(2), 98 Stat. 2830.

In this section, the word ''commercial'' is added before ''motor vehicle'' for consistency. The words ''Dwight D. Eisenhower System of Interstate and Defense Highways'' are substituted for ''National System of Interstate and Defense Highways'' because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

In subsection (a)(1), before clause (A), the text of 49 App.:2316(f) is omitted as obsolete. The word ''prescribe'' is substituted for ''establish, maintain'' for consistency in the revised title and with other titles of the United States Code. The words ''a commercial motor vehicle operating on'' are added for clarity.

In subsection (b), the words ''or energy conservation'' are added for consistency with section 31111(d) of the revised title and because of the reference to ''efficient operation''.

In subsection (e)(4)(C), the word ''amendment'' is substituted for ''revision'' for consistency in the revised title.

§ 31114. Access to the Interstate System

(a) PROHIBITION ON DENYING ACCESS.—A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between—

(1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 31111(f) or 31113(e) of this title) and other qualifying Federal-aid Primary System highways designated by the Secretary of Transportation; and

(2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

(b) EXCEPTION.—This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31114(a)	49 App.:2312(a).	Jan. 6, 1983, Pub. L. 97–424, § 412, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98–554, §§ 104(c), 106, 98 Stat. 2831, 2832; Dec. 18, 1991, Pub. L. 102–240, § 4006(b)(2), 105 Stat. 2151.
31114(b)	49 App.:2312(b).	

In subsection (a), the words ''Dwight D. Eisenhower System of Interstate and Defense Highways'' are substituted for ''Interstate and Defense Highway System'' for consistency in the revised chapter.

§ 31115. Enforcement

On the request of the Secretary of Transportation, the Attorney General shall bring a civil action for appropriate injunctive relief to ensure compliance with this subchapter or subchapter I of this chapter. The action may be brought in a district court of the United States in any State in which the relief is required. On a proper showing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a State or person to comply with this subchapter, subchapter I, or a regulation prescribed under this subchapter or subchapter I.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31115	49 App.:2313.	Jan. 6, 1983, Pub. L. 97–424, § 413, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98–554, § 214, 98 Stat. 2844.

The words ''to assure compliance with the terms of this chapter'' and ''In any action under this section'' are omitted as surplus. The last sentence is substituted for 49 App.:2313 (last sentence) for clarity and to eliminate unnecessary words.

SUBCHAPTER III—SAFETY REGULATION

§ 31131. Purposes and findings

(a) PURPOSES.—The purposes of this subchapter are—

(1) to promote the safe operation of commercial motor vehicles;

(2) to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety; and

(3) to ensure increased compliance with traffic laws and with the commercial motor vehicle safety and health regulations and standards prescribed and orders issued under this chapter.

(b) FINDINGS.—Congress finds—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the United States Government in ensuring that commercial motor vehicle operations are conducted safely and healthfully.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31131(a)	49 App.:2501.	Oct. 30, 1984, Pub. L. 98–554, §§ 202, 203, 98 Stat. 2832.
31131(b)	49 App.:2502.	

In subsection (a)(3), the words ''this chapter'' are substituted for ''this Act'' because title II of the Act of October 30, 1984 (Public Law 98–554, 98 Stat. 2832), amended and enacted provisions restated in this chapter.

TRAFFIC LAW INITIATIVE

Pub. L. 106–159, title II, § 220, Dec. 9, 1999, 113 Stat. 1769, provided that:

''(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

''(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.''

§ 31132. Definitions

In this subchapter—

(1) ''commercial motor vehicle'' means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) is designed or used to transport more than 8 passengers (including the driver) for compensation;

(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) ''employee'' means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of the employment by the Government, a State, or a political subdivision of a State.

(3) ''employer''—

(A) means a person engaged in a business affecting interstate commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate it; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) ''interstate commerce'' means trade, traffic, or transportation in the United States between a place in a State and—

(A) a place outside that State (including a place outside the United States); or

(B) another place in the same State through another State or through a place outside the United States.

(5) ''intrastate commerce'' means trade, traffic, or transportation in a State that is not interstate commerce.

(6) ''medical examiner'' means an individual licensed, certified, or registered in accordance with regulations issued by the Federal Motor Carrier Safety Administration as a medical examiner.

(7) ''regulation'' includes a standard or order.

(8) ''State'' means a State of the United States, the District of Columbia, and, in sections 31136 and 31140–31142[1] of this title, a political subdivision of a State.

(9) ''State law'' includes a law enacted by a political subdivision of a State.

(10) ''State regulation'' includes a regulation prescribed by a political subdivision of a State.

(11) ''United States'' means the States of the United States and the District of Columbia.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1000; Pub. L. 104–88, title I, § 104(f), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105–178, title IV, § 4008(a), June 9, 1998, 112 Stat. 404; Pub. L. 109–59, title IV, § 4116(c), Aug. 10, 2005, 119 Stat. 1728.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31132	49 App.:2503.	Oct. 30, 1984, Pub. L. 98–554, § 204, 98 Stat. 2833.

The text of 49 App.:2503(6) is omitted as unnecessary because of 1:1. The text of 49 App.:2503(8) is omitted as surplus because the complete name of the Commercial Motor Vehicle Safety Regulatory Review Panel is used the first time the term appears in a section. The text of 49 App.:2503(9) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

REFERENCES IN TEXT

Section 31140 of this title, referred to in par. (8), was repealed by Pub. L. 105–178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404.

[1] See References in Text note below.

AMENDMENTS

2005—Pars. (6) to (11). Pub. L. 109–59 added par. (6) and redesignated former pars. (6) to (10) as (7) to (11), respectively.

1998—Par. (1)(A). Pub. L. 105–178, § 4008(a)(1), inserted ''or gross vehicle weight'' after ''rating'' and '', whichever is greater'' after ''pounds''.

Par. (1)(B). Pub. L. 105–178, § 4008(a)(2), which directed substitution of ''more than 8 passengers (including the driver) for compensation;'' for ''passengers'' and all that follows through semicolon at end, was executed by making the substitution for ''passengers for compensation, but excluding vehicles providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;'' to reflect the probable intent of Congress.

1995—Par. (1)(B) to (D). Pub. L. 104–88 added subpars. (B) and (C), redesignated former subpar. (C) as (D), and struck out former subpar. (B) which read as follows: ''is designed to transport more than 15 passengers including the driver; or''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

§ 31133. General powers of the Secretary of Transportation

(a) GENERAL.—In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may—

(1) conduct and make contracts for inspections and investigations;

(2) compile statistics;

(3) make reports;

(4) issue subpenas;

(5) require production of records and property;

(6) take depositions;

(7) hold hearings;

(8) prescribe recordkeeping and reporting requirements;

(9) conduct or make contracts for studies, development, testing, evaluation, and training; and

(10) perform other acts the Secretary considers appropriate.

(b) CONSULTATION.—In conducting inspections and investigations under subsection (a) of this section, the Secretary shall consult, as appropriate, with employers and employees and their authorized representatives and offer them a right of accompaniment.

(c) DELEGATION.—The Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 105–178, title IV, § 4006(a), June 9, 1998, 112 Stat. 401.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31133(a)	49 App.:2510(a), (b) (1st sentence).	Oct. 30, 1984, Pub. L. 98–554, § 211, 98 Stat. 2841.
31133(b)	49 App.:2510(c).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31133(c)	49 App.:2510(b) (last sentence).	

In subsection (a), the words before clause (1) are substituted for ''In carrying out the Secretary's functions under this chapter, the Secretary is authorized to'' and ''to carry out the provisions of this chapter, or regulations issued pursuant to section 2302 of this Appendix'' to eliminate unnecessary words. Clause (10) is substituted for ''perform such acts . . . as the Secretary determines necessary''. The text of 49 App.:2510(a) is omitted as covered by 49 App.:2510(b) (1st sentence).

In subsection (b), the words ''In conducting inspections and investigations'' are substituted for ''To carry out the Secretary's inspection and investigation functions'' to eliminate unnecessary words. The words ''or the Secretary's agent'' are omitted as unnecessary.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105–178 inserted ''and make contracts for'' after ''conduct''.

BORDER STAFFING STANDARDS

Pub. L. 106–159, title II, § 218, Dec. 9, 1999, 113 Stat. 1767, provided that:

''(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

''(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

''(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

''(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

''(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under [former] section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

''(2) ALLOCATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

''(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under [former] section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.''

[§ 31134. Repealed. Pub. L. 105–178, title IV, § 4008(c), June 9, 1998, 112 Stat. 404]

Section, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389, related to Commercial Motor Vehicle Safety Regulatory Review Panel.

§ 31135. Duties of employers and employees

(a) IN GENERAL.—Each employer and employee shall comply with regulations on commercial motor vehicle safety prescribed by the Secretary of Transportation under this subchapter that apply to the employer's or employee's conduct.

(b) PATTERN OF NONCOMPLIANCE.—If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier's registration under section 13905.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall by regulation establish standards to implement subsection (b).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTOR CARRIER.—The term ''motor carrier'' has the meaning such term has under section 13102.

(2) OFFICER.—The term ''officer'' means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1003; Pub. L. 109–59, title IV, § 4113(a), Aug. 10, 2005, 119 Stat. 1724.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31135	49 App.:2504.	Oct. 30, 1984, Pub. L. 98–554, § 205, 98 Stat. 2834.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (c), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2005—Pub. L. 109–59 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (d).

§ 31136. United States Government regulations

(a) MINIMUM SAFETY STANDARDS.—Subject to section 30103(a) of this title, the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that—

(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely;

(2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards and, after the national registry maintained by the Department of Transportation under section 31149(d) is established, are listed on such registry; and

(4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

(b) ELIMINATING AND AMENDING EXISTING REGULATIONS.—The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under section 5103 of this title until an equivalent or more stringent regulation has been prescribed under section 5103.

(c) PROCEDURES AND CONSIDERATIONS.—(1) A regulation under this section shall be prescribed under section 553 of title 5 (without regard to sections 556 and 557 of title 5).

(2) Before prescribing regulations under this section, the Secretary shall consider, to the extent practicable and consistent with the purposes of this chapter—

(A) costs and benefits; and

(B) State laws and regulations on commercial motor vehicle safety, to minimize their unnecessary preemption.

(d) EFFECT OF EXISTING REGULATIONS.—If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

(e) EXEMPTIONS.—The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.

(f) LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.—(1) The Secretary may not—

(A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or

(B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19, 1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

(A) paragraph (1) of this subsection;

(B) a minimum age requirement of the United States Government for operation of the vehicle; and

(C) a medical or physical condition that—

(i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;

(ii) existed on July 1, 1988;

(iii) has not substantially worsened; and

(iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1003; Pub. L. 104–59, title III, § 344, Nov. 28, 1995, 109 Stat. 610; Pub. L. 104–287, § 5(60), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105–178, title IV, § 4007(c), June 9, 1998, 112 Stat. 403; Pub. L. 109–59, title IV, § 4116(b), Aug. 10, 2005, 119 Stat. 1728.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31136(a)	49 App.:2505(a), (g).	Oct. 30, 1984, Pub. L. 98–554, § 206(a)–(g), 98 Stat. 2834.
31136(b)	49 App.:2505(b).	
31136(c)	49 App.:2505(c).	
31136(d)	49 App.:2505(d), (e).	
31136(e)	49 App.:2505(f).	
31136(f)	49 App.:2505(h).	Oct. 30, 1984, Pub. L. 98–554, § 206(h), 98 Stat. 2835; restated Nov. 18, 1988, Pub. L. 100–690, § 9102(a), 102 Stat. 4528.

In subsection (a), the text of 49 App.:2505(g) is omitted because 5:ch. 7 applies unless otherwise stated. Before clause (1), the words ''Not later than 18 months after October 30, 1984'' are omitted because the time period specified has expired. The words ''Subject to section 30103(a) of this title'' are added to alert the reader to that section.

In subsection (c)(1), the words ''except that the time periods specified in this subsection shall apply to the issuance of such regulations'' are omitted because the time periods referred to do not appear in subsection (c) as enacted. The reference was probably to the time periods in a prior version of subsection (c). See S. 2174, 98th Cong., 2d Sess., § 6(b) (as reported by the Committee on Commerce, Science, and Transportation of the Senate on May 2, 1984, in S. Rept. 98–424).

In subsection (d), the text of 49 App.:2505(d) is omitted as obsolete.

In subsection (f)(2)(C)(i), the words ''an operator'' are substituted for ''such person'' because only a natural person can have a medical or physical condition.

AMENDMENTS

2005—Subsec. (a)(3). Pub. L. 109–59 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and''.

1998—Subsec. (e). Pub. L. 105–178 amended heading and text of subsec. (e) generally. Prior to amendment, subsec. (e) consisted of pars. (1) to (3) relating to waivers.

1996—Subsec. (e)(2)(A), (J), (3). Pub. L. 104–287 substituted ''November 28, 1995'' for ''the date of the enactment of this paragraph''.

1995—Subsec. (e)(1) to (3). Pub. L. 104–59 designated existing text as par. (1) and inserted heading, and added pars. (2) and (3).

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective on the 365th day following Aug. 10, 2005, see section 4116(f) of Pub. L. 109–59, set out as an Effective Date note under section 31149 of this title.

HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES

Pub. L. 109–59, title IV, § 4133, Aug. 10, 2005, 119 Stat. 1744, provided that: ''Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.''

INTERSTATE VAN OPERATIONS

Pub. L. 109–59, title IV, § 4136, Aug. 10, 2005, 119 Stat. 1745, provided that: ''The Federal motor carrier safety regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.''

AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING

Pub. L. 106–159, title I, § 101(f), Dec. 9, 1999, 113 Stat. 1752, provided that: ''The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.''

CERTAIN EXEMPTIONS

Pub. L. 106–159, title II, § 229, as added and amended by Pub. L. 109–59, title IV, §§ 4115(a), (c), 4130–4132, 4147, Aug. 10, 2005, 119 Stat. 1726, 1743, 1744, 1749; Pub. L. 110–244, title III, § 301(i), June 6, 2008, 122 Stat. 1616, provided that:

''(a) EXEMPTIONS.—

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary [of Transportation] under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies.

''(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time. Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence [Aug. 10, 2005], no additional off-duty time shall be required in order to operate such vehicle.

''(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

''(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

''(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle.

''(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of two or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.

''(5) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

''(b) PREEMPTION.—Except as provided in subsection (a)(4), nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

''(c) REVIEW BY THE SECRETARY.—The Secretary [of Transportation] may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (1), (2), or (4)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

''(d) REPORT.—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

''(e) DEFINITIONS.—In this section, the following definitions apply:

''(1) 7 OR 8 CONSECUTIVE DAYS.—The term '7 or 8 consecutive days' means the period of 7 or 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

''(2) 24-HOUR PERIOD.—The term '24-hour period' means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

''(3) GROUND WATER WELL DRILLING RIG.—The term 'ground water well drilling rig' means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

''(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term 'transportation of construction materials and equipment' means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title 49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

''(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term 'eligible unit of local government' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

''(6) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' means any commercial motor vehicle—

''(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

''(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

''(C) except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects).

''(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term 'farm supplies for agricultural purposes' means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

''(f) EMERGENCY CONDITION REQUIRING IMMEDIATE RESPONSE.—

''(1) PROPANE OR PIPELINE EMERGENCY.—A regulation prescribed under section 31136 or 31502 of title 49, United States Code, shall not apply to a driver of a commercial motor vehicle which is used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency if such regulations would prevent the driver from responding to an emergency condition requiring immediate response.

''(2) DEFINITION.—An emergency condition requiring immediate response is any condition that, if left unattended, is reasonably likely to result in immediate serious bodily harm, death, or substantial damage to property. In the case of propane such conditions shall include (but are not limited to) the detection of gas odor, the activation of carbon monoxide alarms, the detection of carbon monoxide poisoning, and any real or suspected damage to a propane gas system following a severe storm or flooding. An 'emergency condition requiring an immediate response' does not include requests to re-fill empty gas tanks. In the case of pipelines such conditions include (but are not limited to) indication of an abnormal pressure event, leak, release or rupture.''

PROTECTION OF EXISTING EXEMPTIONS

Pub. L. 105–178, title IV, §4007(d), June 9, 1998, 112 Stat. 404, provided that: ''The amendments made by this section [amending this section and section 31315 of this title] shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of enactment of this Act [June 9, 1998] under chapter 313 or section 31136(e) of title 49, United States Code.''

APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES

Pub. L. 105–178, title IV, § 4008(b), June 9, 1998, 112 Stat. 404, provided that: ''Effective on the last day of the 1-year period beginning on the date of enactment of this Act [June 9, 1998], regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.''

IMPROVED INTERSTATE SCHOOL BUS SAFETY

Pub. L. 105–178, title IV, § 4024, June 9, 1998, 112 Stat. 416, as amended by Pub. L. 107–110, title X, § 1076(ii), Jan. 8, 2002, 115 Stat. 2094, provided that: ''Not later than 6 months after the date of enactment of this Act [June 9, 1998], the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801]).''

FEDERAL HIGHWAY ADMINISTRATION RULEMAKING

Pub. L. 104–88, title IV, § 408, Dec. 29, 1995, 109 Stat. 958, provided that:

''(a) ADVANCE NOTICE.—The Federal Highway Administration shall issue an advance notice of proposed rulemaking dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver alertness) not later than March 1, 1996.

''(b) RULEMAKING.—The Federal Highway Administration shall issue a notice of proposed rulemaking dealing with such issues within 1 year after issuance of the advance notice under subsection (a) is published and shall issue a final rule dealing with those issues within 2 years after the last day of such 1-year period.''

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

Pub. L. 104–59, title III, § 345, Nov. 28, 1995, 109 Stat. 613, which related to exemption from certain regulatory or statutory requirements for transportation of agricultural commodities and farm supplies, transportation and operation of ground water well drilling rigs, transportation of construction materials and equipment, utility service vehicles, and vehicles operated for snow or ice removal, was repealed by Pub. L. 109–59, title IV, § 4115(d), Aug. 10, 2005, 119 Stat. 1726. The text of former section 345 of Pub. L. 104–59 was inserted as part of section 229 of Pub. L. 106–159, as added by section 4115(a) of Pub. L. 109–59, and is set out above.

WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM

Pub. L. 104–59, title III, § 346, Nov. 28, 1995, 109 Stat. 615, as amended by Pub. L. 105–178, title I, § 1211(j), June 9, 1998, 112 Stat. 192; Pub. L. 105–206, title IX, § 9003(d)(3), July 22, 1998, 112 Stat. 839, provided that:

''(a) IN GENERAL.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

''(b) APPROVAL CRITERIA.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State's application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

''(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

''(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

''(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

''(4) the State will monitor the safety of home heating oil deliveries while participating in the program;

''(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

''(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

''(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

''(c) PARTICIPATION IN PROGRAM.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State's continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State's participation in the program for periods of up to 30 additional days during such heating season.

''(d) SUSPENSION FROM PROGRAM.—The Secretary may suspend a State's participation in the pilot program at any time if the Secretary finds—

''(1) that the State has not complied with any of the criteria for participation in the program under this section;

''(2) that a State's participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

''(3) the existence of an emergency.

''(e) REVIEW BY SECRETARY.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

''(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

''(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to

motor carriers delivering home heating oil during winter periods of peak demand.

''(f) DEFINITION.—In this section, the term '7 or 8 consecutive days' has the meaning such term has under section 345 of this Act [set out above].''

§31137. Monitoring device and brake maintenance regulations

(a) USE OF MONITORING DEVICES.—If the Secretary of Transportation prescribes a regulation about the use of monitoring devices on commercial motor vehicles to increase compliance by operators of the vehicles with hours of service regulations of the Secretary, the regulation shall ensure that the devices are not used to harass vehicle operators. However, the devices may be used to monitor productivity of the operators.

(b) BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.—Not later than December 31, 1990, the Secretary shall prescribe regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1004.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31137(a)	49 App.:2505 (note).	Nov. 18, 1988, Pub. L. 100–690, §9104(b), 102 Stat. 4529.
31137(b)	49 App.:2521.	Oct. 30, 1984, Pub. L. 98–554, 98 Stat. 2829, §231; added Nov. 18, 1988, Pub. L. 100–690, §9110, 102 Stat. 4531.

In subsection (b), the text of 49 App.:2521(a) is omitted as executed.

§31138. Minimum financial responsibility for transporting passengers

(a) GENERAL REQUIREMENT.—

(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(b) MINIMUM AMOUNTS.—The level of financial responsibility established under subsection (a) of this section for a motor vehicle with a seating capacity of—

(1) at least 16 passengers shall be at least $5,000,000; and

(2) not more than 15 passengers shall be at least $1,500,000.

(c) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance, including high self-retention.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(4) OTHER PERSONS.—The Secretary may require a person, other than a motor carrier (as defined in section 13102), transporting passengers by motor vehicle to file with the Secretary the evidence of financial responsibility specified in subsection (c)(1) in an amount not less than the greater of the amount required by subsection (b)(1) or the amount required for such person to transport passengers under the laws of the State or States in which the person is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the person for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both.

(d) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(e) NONAPPLICATION.—This section does not apply to a motor vehicle—

(1) transporting only school children and teachers to or from school;

(2) providing taxicab service (as defined in section 13102);

(3) carrying not more than 15 individuals in a single, daily round trip to and from work; or

(4) providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under section 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; except that, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1005; Pub. L. 104–88, title I, § 104(c), (d), Dec. 29, 1995, 109 Stat. 919; Pub. L. 107–298, § 3(b)(2), Nov. 26, 2002, 116 Stat. 2343; Pub. L. 109–59, title IV, §§ 4120(a), 4121, Aug. 10, 2005, 119 Stat. 1733, 1734; Pub. L. 110–244, title III, § 305(a), June 6, 2008, 122 Stat. 1619.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31138(a)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97–261, § 18(a), 96 Stat. 1121.
31138(b)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97–261, § 18(b), (c), 96 Stat. 1121.
31138(c)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97–261, § 18(d), 96 Stat. 1121; Oct. 30, 1984, Pub. L. 98–554, § 224, 98 Stat. 2847.
31138(d)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97–261, § 18(e), 96 Stat. 1122.
31138(e)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97–261, § 18(f), (g), 96 Stat. 1122.

In subsection (b), before clause (1), the text of section 18(b)(1) (words beginning with ''except'') and (2) (words beginning with ''except'') and (c) of the Bus Regulatory Reform Act of 1982 (Public Law 97–261, 96 Stat. 1121) is omitted as expired. The word ''minimal'' is omitted as surplus.

In subsection (c)(1), the words ''The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section'' are omitted as surplus.

In subsection (d)(4), the words ''The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection'' are substituted for ''Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States'' for consistency in the revised title.

In subsection (d)(5), the words ''when finally determined (or agreed upon in compromise)'' are omitted as surplus.

In subsection (e), before clause (1), the text of section 18(g) of the Bus Regulatory Reform Act of 1982 (Public Law 97–261, 96 Stat. 1122) is omitted as unnecessary because of the restatement.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–244, § 305(a)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: ''The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers by commercial motor vehicle in the United States between a place in a State and—

''(1) a place in another State;

''(2) another place in the same State through a place outside of that State; or

''(3) a place outside the United States.''

Subsec. (c)(4). Pub. L. 110–244, § 305(a)(2), struck out ''commercial'' before ''motor vehicle'' in two places.

2005—Subsec. (a). Pub. L. 109–59, § 4120(a)(1), struck out ''for compensation'' after ''passengers'' and inserted ''commercial'' before ''motor vehicle'' in introductory provisions.

Subsec. (c)(4). Pub. L. 109–59, § 4120(a)(2), added par. (4).

Subsec. (d)(5). Pub. L. 109–59, § 4121, substituted ''Highway Trust Fund (other than the Mass Transit Account)'' for ''Treasury as miscellaneous receipts''.

2002—Subsec. (e)(2). Pub. L. 107–298 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''providing taxicab service, having a seating capacity of not more than 6 passengers, and not being operated on a regular route or between specified places;''.

1995—Subsec. (c)(3). Pub. L. 104–88, § 104(c), added par. (3).

Subsec. (e)(4). Pub. L. 104–88, § 104(d), added par. (4).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

§ 31139. Minimum financial responsibility for transporting property

(a) DEFINITIONS.—In this section—

(1) ''farm vehicle'' means a vehicle—

(A) designed or adapted and used only for agriculture;

(B) operated by a motor private carrier (as defined in section 10102 of this title); and

(C) operated only incidentally on highways.

(2) ''interstate commerce'' includes transportation between a place in a State and a place outside the United States, to the extent the transportation is in the United States.

(3) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) GENERAL REQUIREMENT AND MINIMUM AMOUNT.—(1) The Secretary of Transportation

shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property by motor carrier or motor private carrier (as such terms are defined in section 13102 of this title) in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) The level of financial responsibility established under paragraph (1) of this subsection shall be at least $750,000.

(c) FILING OF EVIDENCE OF FINANCIAL RESPONSIBILITY.—The Secretary may require a motor private carrier (as defined in section 13102) to file with the Secretary the evidence of financial responsibility specified in subsection (b) in an amount not less than the greater of the minimum amount required by this section or the amount required for such motor private carrier to transport property under the laws of the State or States in which the motor private carrier is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the motor private carrier for bodily injury to, or death of, an individual resulting from negligent operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both.

(d) REQUIREMENTS FOR HAZARDOUS MATTER AND OIL.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation by motor vehicle in interstate or intrastate commerce of—

(A) hazardous material (as defined by the Secretary);

(B) oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency); or

(C) hazardous wastes (as defined by the Administrator).

(2)(A) Except as provided in subparagraph (B) of this paragraph, the level of financial responsibility established under paragraph (1) of this subsection shall be at least $5,000,000 for the transportation—

(i) of hazardous substances (as defined by the Administrator) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities of more than 3,500 water gallons;

(ii) in bulk of class A explosives, poison gas, liquefied gas, or compressed gas; or

(iii) of large quantities of radioactive material.

(B) The Secretary of Transportation by regulation may reduce the minimum level in subparagraph (A) of this paragraph (to an amount not less than $1,000,000) for transportation described in subparagraph (A) in any of the territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands if—

(i) the chief executive officer of the territory requests the reduction;

(ii) the reduction will prevent a serious disruption in transportation service and will not adversely affect public safety; and

(iii) insurance of $5,000,000 is not readily available.

(3) The level of financial responsibility established under paragraph (1) of this subsection for the transportation of a material, oil, substance, or waste not subject to paragraph (2) of this subsection shall be at least $1,000,000. However, if the Secretary of Transportation finds it will not adversely affect public safety, the Secretary by regulation may reduce the amount for—

(A) a class of vehicles transporting such a material, oil, substance, or waste in intrastate commerce (except in bulk); and

(B) a farm vehicle transporting such a material or substance in interstate commerce (except in bulk).

(e) FOREIGN MOTOR CARRIERS AND PRIVATE CARRIERS.—Regulations prescribed under this section may allow foreign motor carriers and foreign motor private carriers (as those terms are defined in section 10530 of this title) providing transportation of property under a certificate of registration issued under section 10530 to meet the minimum levels of financial responsibility under this section only when those carriers are providing transportation for property in the United States.

(f) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(D) qualification as a self-insurer.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(g) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determin-

ing the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(h) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

(1) class A or B explosives;

(2) poison gas; or

(3) a large quantity of radioactive material.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1006; Pub. L. 104–88, title I, § 104(e), Dec. 29, 1995, 109 Stat. 919; Pub. L. 109–59, title IV, §§ 4120(b), 4121, Aug. 10, 2005, 119 Stat. 1733, 1734; Pub. L. 110–244, title III, §§ 301(f), 305(b), June 6, 2008, 122 Stat. 1616, 1620.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31139(a)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(h), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, § 406(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, § 222(b), 98 Stat. 2847; Nov. 18, 1988, Pub. L. 100–690, § 9112, 102 Stat. 4534.
31139(b)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(a), 94 Stat. 820; Jan. 6, 1983, Pub. L. 97–424, § 406(a), 96 Stat. 2158.
31139(c)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(b), 94 Stat. 821; Jan. 6, 1983, Pub. L. 97–424, § 406(a), 96 Stat. 2158; Oct. 30, 1984, Pub. L. 98–554, § 222(a), 98 Stat. 2846; Nov. 16, 1990, Pub. L. 101–615, § 23, 104 Stat. 3272.
31139(d)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, 94 Stat. 793, § 30(g); added Nov. 18, 1988, Pub. L. 100–690, § 9112, 102 Stat. 4534.
31139(e)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(c), 94 Stat. 822; Jan. 6, 1983, Pub. L. 97–424, § 406(b), 96 Stat. 2158. July 1, 1980, Pub. L. 96–296, § 30(e), 94 Stat. 822.
31139(f)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(d), 94 Stat. 822.
31139(g)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(f), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, § 406(d), 96 Stat. 2159.

In subsection (a), before clause (1), the text of section 30(h)(3) of the Motor Carrier Act of 1980 (Public Law 96–296, 94 Stat. 823) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In clause (3), the words ''(including its use in the terms 'interstate' and 'intrastate')'' are omitted as surplus.

In subsections (b)(2) and (c)(2) and (3), the word ''minimal'' is omitted as surplus.

In subsection (b)(2), the words ''for any vehicle'' are omitted as surplus. The words beginning with ''except'' are omitted as expired. The text of section 30(a)(3) of the Act (Public Law 96–296, 94 Stat. 821) is omitted because the regulations have been issued. See 49 C.F.R. part 387.

In subsection (c)(2), the text of section 30(b)(2)(B) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired.

In subsection (c)(3), before clause (A), the text of section 30(b)(3)(A) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired. The text of section 30(b)(4) of the Act (Public Law 96–296, 94 Stat. 822) is omitted because the regulations have been issued. See 49 C.F.R. part 387. The words ''for any vehicle . . . in interstate or intrastate commerce'' are omitted as unnecessary because of the reference to paragraph (1).

In subsection (e)(1), the words ''The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section'' are omitted as surplus. The text of section 30(e) of the Act (Public Law 96–296, 94 Stat. 822) is omitted as executed.

In subsection (f)(4), the words ''The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection'' are substituted for ''Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States'' for consistency in the revised title.

In subsection (f)(5), the words ''when finally determined (or agreed upon in compromise)'' are omitted as surplus.

In subsection (g)(1) and (2), the words ''any quantity of'' are omitted as surplus.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–244, § 305(b)(1), in introductory provisions, substituted ''motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)'' for ''commercial motor vehicle''.

Subsec. (c). Pub. L. 110–244, § 305(b)(2), struck out ''commercial'' before ''motor vehicle''.

Subsec. (g)(5). Pub. L. 110–244, § 301(f), amended Pub. L. 109–59, § 4121. See 2005 Amendment note below.

2005—Subsec. (b)(1). Pub. L. 109–59, § 4120(b)(1), struck out ''for compensation'' after ''property'' and inserted ''commercial'' before ''motor vehicle'' in introductory provisions.

Subsecs. (c) to (f). Pub. L. 109–59, § 4120(b)(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109–59, § 4120(b)(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(5). Pub. L. 109–59, § 4121, as amended by Pub. L. 110–244, § 301(f), substituted ''Highway Trust Fund (other than the Mass Transit Account)'' for ''Treasury as miscellaneous receipts''.

Subsec. (h). Pub. L. 109–59, § 4120(b)(2), redesignated subsec. (g) as (h).

1995—Subsec. (e)(3). Pub. L. 104–88 added par. (3).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 301(f) of Pub. L. 110–244 effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

[§31140. Repealed. Pub. L. 105–178, title IV, §4008(d), June 9, 1998, 112 Stat. 404]

Section, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1008, related to submission of State laws and regulations for review by Secretary of Transportation and Commercial Motor Vehicle Safety Regulatory Review Panel.

§31141. Review and preemption of State laws and regulations

(a) PREEMPTION AFTER DECISION.—A State may not enforce a State law or regulation on commercial motor vehicle safety that the Secretary of Transportation decides under this section may not be enforced.

(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary immediately after the enactment or issuance.

(c) REVIEW AND DECISIONS BY SECRETARY.—

(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

(B) is less stringent than such regulation; or

(C) is additional to or more stringent than such regulation.

(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

(A) the State law or regulation has no safety benefit;

(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

(d) WAIVERS.—(1) A person (including a State) may petition the Secretary for a waiver of a decision of the Secretary that a State law or regulation may not be enforced under this section. The Secretary shall grant the waiver, as expeditiously as possible, if the person demonstrates to the satisfaction of the Secretary that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles.

(2) Before deciding whether to grant or deny a petition for a waiver under this subsection, the Secretary shall give the petitioner an opportunity for a hearing on the record.

(e) WRITTEN NOTICE OF DECISIONS.—Not later than 10 days after making a decision under subsection (c) of this section that a State law or regulation may not be enforced, the Secretary shall give written notice to the State of that decision.

(f) JUDICIAL REVIEW AND VENUE.—(1) Not later than 60 days after the Secretary makes a decision under subsection (c) of this section, or grants or denies a petition for a waiver under subsection (d) of this section, a person (including a State) adversely affected by the decision, grant, or denial may file a petition for judicial review. The petition may be filed in the court of appeals of the United States for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) The court has jurisdiction to review the decision, grant, or denial and to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5.

(3) A judgment of a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(4) The remedies provided for in this subsection are in addition to other remedies provided by law.

(g) INITIATING REVIEW PROCEEDINGS.—To review a State law or regulation on commercial motor vehicle safety under this section, the Secretary may initiate a regulatory proceeding on the Secretary's own initiative or on petition of an interested person (including a State).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1008; Pub. L. 105–178, title IV, §4008(e), June 9, 1998, 112 Stat. 404.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31141(a)	49 App.:2507(a).	Oct. 30, 1984, Pub. L. 98–554, §208(a)–(g), (i), 98 Stat. 2836, 2838.
31141(b)	49 App.:2507(b).	
31141(c)	49 App.:2507(c).	
31141(d)	49 App.:2507(d).	
31141(e)	49 App.:2507(e).	
31141(f)	49 App.:2507(f).	
31141(g)	49 App.:2507(g).	
31141(h)	49 App.:2507(h).	Oct. 30, 1984, Pub. L. 98–554, §208(h), 98 Stat. 2838; Nov. 18, 1988, Pub. L. 100–690, §9109, 102 Stat. 4530.
	49 App.:2507(i).	

In this section, language about whether a State law or regulation may be ''in effect'' is omitted as redundant to language about whether it may be ''enforced''. The words ''regulatory proceeding'' are substituted for ''rulemaking proceeding'' for consistency in the revised title and because ''rule'' is synonymous with ''regulation''.

In subsection (a), the words ''with respect to commercial motor vehicles'' are omitted as surplus.

In subsection (b)(1), the words ''Not later than 18 months after October 30, 1984, and . . . thereafter'' are omitted as obsolete.

In subsection (g)(1), the words ''court of appeals of the United States for the District of Columbia Circuit'' are substituted for ''United States court of appeals for the District of Columbia'' to be more precise.

In subsection (g)(2), the words ''Upon the filing of a petition under paragraph (1) of this subsection'' are omitted as surplus.

Subsection (g)(3) is substituted for 49 App.:2507(g)(3) for consistency in this part and to eliminate unnecessary words.

In subsection (h), the text of 49 App.:2507(h) and the words ''After the last day of the 48-month period beginning on October 30, 1984'' are omitted as obsolete.

AMENDMENTS

1998—Subsecs. (b), (c). Pub. L. 105–178, § 4008(e)(1), added subsecs. (b) and (c) and struck out headings and text of former subsecs. (b) and (c) which related to analysis and decisions by Commercial Motor Vehicle Safety Regulatory Review Panel and to review and decisions by Secretary, respectively.

Subsecs. (e) to (h). Pub. L. 105–178, § 4008(e)(2), (3), redesignated subsecs. (f) to (h) as (e) to (g), respectively, and struck out heading and text of former subsec. (e). Text read as follows: ''The Secretary may consolidate regulatory proceedings under this section if the Secretary decides that the consolidation will not adversely affect a party to a proceeding.''

§ 31142. Inspection of vehicles

(a) INSPECTION OF SAFETY EQUIPMENT.—On the instruction of an authorized enforcement official of a State or of the United States Government, a commercial motor vehicle is required to pass an inspection of all safety equipment required under the regulations issued under section 31136.

(b) INSPECTION OF VEHICLES AND RECORD RETENTION.—The Secretary of Transportation shall prescribe regulations on Government standards for inspection of commercial motor vehicles and retention by employers of records of an inspection. The standards shall provide for annual or more frequent inspections of a commercial motor vehicle unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. Regulations prescribed under this subsection are deemed to be regulations prescribed under section 31136 of this title.

(c) PREEMPTION.—(1) Except as provided in paragraph (2) of this subsection, this subchapter and section 31102 of this title do not—

(A) prevent a State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) prevent a State from enforcing a program for inspection of commercial motor vehicles that the Secretary decides is as effective as the Government standards prescribed under subsection (b) of this section;

(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or

(D) require a State that is enforcing a program described in clause (B) or (C) of this paragraph to enforce a Government standard prescribed under subsection (b) of this section or to adopt a provision on inspection of commercial motor vehicles in addition to that program to comply with the Government standards.

(2) The Government standards prescribed under subsection (b) of this section shall preempt a program of a State described in paragraph (1)(C) of this subsection as the program applies to the inspection of commercial motor vehicles in that State. The State may not enforce the program if the Secretary—

(A) decides, after notice and an opportunity for a hearing, that the State is not enforcing the program in a way that achieves the objectives of this section; and

(B) after making a decision under clause (A) of this paragraph, provides the State with a 6-month period to improve the enforcement of the program to achieve the objectives of this section.

(d) INSPECTION TO BE ACCEPTED AS ADEQUATE IN ALL STATES.—A periodic inspection of a commercial motor vehicle under the Government standards prescribed under subsection (b) of this section or a program described in subsection (c)(1)(B) or (C) of this section that is being enforced shall be recognized as adequate in every State for the period of the inspection. This subsection does not prohibit a State from making random inspections of commercial motor vehicles.

(e) EFFECT OF GOVERNMENT STANDARDS.—The Government standards prescribed under subsection (b) of this section may not be enforced as the standards apply to the inspection of commercial motor vehicles in a State enforcing a program described in subsection (c)(1)(B) or (C) of this section if the Secretary decides that it is in the public interest and consistent with public safety for the Government standards not to be enforced as they apply to that inspection.

(f) APPLICATION OF STATE REGULATIONS TO GOVERNMENT-LEASED VEHICLES AND OPERATORS.—A State receiving financial assistance under section 31102 of this title in a fiscal year may enforce in that fiscal year a regulation on commercial motor vehicle safety adopted by the State as the regulation applies to commercial motor vehicles and operators leased to the Government.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1010; Pub. L. 105–178, title IV, § 4008(f), (g), June 9, 1998, 112 Stat. 405.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31142(a)	49 App.:2509(a).	Oct. 30, 1984, Pub. L. 98–554, § 210(a)–(f), 98 Stat. 2839.
31142(b)	49 App.:2509(b), (c).	
31142(c)	49 App.:2509(d).	
31142(d)	49 App.:2509(e).	
31142(e)	49 App.:2509(f).	
31142(f)	49 App.:2509(g).	Oct. 30, 1984, Pub. L. 98–554, 98 Stat. 2829, § 210(g); added Nov. 16, 1990, Pub. L. 101–615, § 24, 104 Stat. 3273.

In this section, language about whether a State law or regulation may be ''in effect'' is omitted as redundant to language about whether it may be ''enforced''.

In subsection (b), the words ''shall prescribe regulations on'' are substituted for ''shall, by rule, establish'' for consistency in the revised title and with other titles of the United States Code and because ''rule'' is synonymous with ''regulation''. The words ''For purposes of this chapter'' are omitted as unnecessary. The text of 49 App.:2509(c) is omitted as executed.

In subsection (c)(1), before clause (A), the words ''this subchapter and section 31102 of this title do not'' are substituted for ''nothing in section 2302 of this Appendix or section 2507 of this Appendix or any other provision of this chapter shall be construed as'' to eliminate unnecessary words.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, § 4008(f), substituted ''the regulations issued under section 31136'' for ''part 393 of title 49, Code of Federal Regulations''.

Subsec. (c)(1)(C). Pub. L. 105–178, § 4008(g), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: ''prevent a State from enforcing a program for inspection of commercial motor vehicles that meets the requirements for membership in the Commercial Vehicle Safety Alliance, as those requirements were in effect on October 30, 1984; or''.

§ 31143. Investigating complaints and protecting complainants

(a) INVESTIGATING COMPLAINTS.—The Secretary of Transportation shall conduct a timely investigation of a nonfrivolous written complaint alleging that a substantial violation of a regulation prescribed under this subchapter is occurring or has occurred within the prior 60 days. The Secretary shall give the complainant timely notice of the findings of the investigation. The Secretary is not required to conduct separate investigations of duplicative complaints.

(b) PROTECTING COMPLAINANTS.—Notwithstanding section 552 of title 5, the Secretary may disclose the identity of a complainant only if disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical means within the Secretary's authority to ensure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss because of the disclosure.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31143(a)	49 App.:2511(a).	Oct. 30, 1984, Pub. L. 98–554, § 212, 98 Stat. 2841.
31143(b)	49 App.:2511(b).	

TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

Pub. L. 105–178, title IV, § 4017, June 9, 1998, 112 Stat. 413, as amended by Pub. L. 106–159, title II, § 213, Dec. 9, 1999, 113 Stat. 1766, provided that:

''(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations.

''(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

''(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.

''(d) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

''(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

''(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

''(e) FUNDING.—From amounts set aside under section 104(a)(1)(B) of title 23, United States Code, the Secretary may use not more than $250,000 for fiscal year 1999 and $375,000 for each of fiscal years 2000 through 2003 to carry out this section.''

§ 31144. Safety fitness of owners and operators

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator—

(A) in operations that affect interstate commerce within the United States; and

(B) in operations in Canada and Mexico if the owner or operator also conducts operations within the United States;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

(c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in section 521(b)(5)(A) and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning

on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit. A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) of this section may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(d) DETERMINATION OF UNFITNESS BY STATE.—If a State that receives motor carrier safety assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.

(e) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(f) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31148(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

(5) NEW ENTRANT AUDITS.—

(A) GRANTS.—The Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States and local governments.

(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to $29,000,000 per fiscal year (and up to $12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011) for audits of new entrant motor carriers conducted pursuant to this paragraph.

(C) DETERMINATION.—If the Secretary determines that a State or local government is not able to use government employees to conduct new entrant motor carrier audits, the Secretary may use the funds set aside under this paragraph to conduct audits for such States or local governments.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1012; Pub. L. 104–88, title I, § 104(g), Dec. 29, 1995, 109 Stat. 920; Pub. L. 105–178, title IV, § 4009(a), June

9, 1998, 112 Stat. 405; Pub. L. 106–159, title II, §210(a), Dec. 9, 1999, 113 Stat. 1764; Pub. L. 109–59, title IV, §§4107(b), 4114, title VII, §7112(b), (c), Aug. 10, 2005, 119 Stat. 1720, 1725, 1899; Pub. L. 110–244, title III, §301(b), (c), June 6, 2008, 122 Stat. 1616; Pub. L. 111–147, title IV, §422(e), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(e), Dec. 22, 2010, 124 Stat. 3525.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31144(a)(1) ..	49 App.:2512(a), (b).	Oct. 30, 1984, Pub. L. 98–554, §215, 98 Stat. 2844.
31144(a)(2) ..	49 App.:2512(c).	
31144(b)	49 App.:2512(d).	

In subsection (a), the word ''regulation'' is substituted for ''rule'' for consistency in the revised title and because the terms are synonymous.

In subsection (a)(1), the words ''after notice and opportunity for comment'' are omitted as unnecessary because of 5:553. The text of 49 App.:2512(b) is omitted as executed.

AMENDMENTS

2010—Subsec. (g)(5)(B). Pub. L. 111–322 substituted ''(and up to $12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011)'' for ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)''.

Pub. L. 111–147 inserted ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)'' after ''fiscal year''.

2008—Pub. L. 110–244 amended Pub. L. 109–59, §§4107(b), 4114(c)(1), 7112. See 2005 Amendment notes below.

2005—Subsec. (a). Pub. L. 109–59, §4114(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: ''The Secretary shall—

''(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

''(2) periodically update such safety fitness determinations;

''(3) make such final safety fitness determinations readily available to the public; and

''(4) prescribe by regulation penalties for violations of this section consistent with section 521.''

Subsec. (c). Pub. L. 109–59, §7112(c), which directed amendment of this section by redesignating the second subsec. (c), relating to safety reviews of new operators, as (f), was repealed by Pub. L. 110–244, §301(b)(2).

Pub. L. 109–59, §4107(b)(1), as amended by Pub. L. 110–244, §301(b)(1), redesignated subsec. (c), relating to safety reviews of new operators, as (f).

Subsec. (c)(1). Pub. L. 109–59, §7112(b)(1), substituted ''section 521(b)(5)(A)'' for ''sections 521(b)(5)(A) and 5113''.

Subsec. (c)(3). Pub. L. 109–59, §7112(b)(2), inserted at end ''A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.''

Subsec. (c)(5). Pub. L. 109–59, §4114(b), added par. (5).

Subsec. (d). Pub. L. 109–59, §4114(c)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 109–59, §4114(c)(1), as amended by Pub. L. 110–244, §301(c), redesignated subsec. (d) as (e).

Subsec. (e). Pub. L. 109–59, §4114(c)(1), as amended by Pub. L. 110–244, §301(c), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 109–59, §7112(c), which directed amendment of this section by redesignating the second subsec. (c), relating to safety reviews of new operators, as (f), was repealed by Pub. L. 110–244, §301(b)(2).

Pub. L. 109–59, §4114(c)(1), as amended by Pub. L. 110–244, §301(c), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 109–59, §4107(b)(1), as amended by Pub. L. 110–244, §301(b)(1), redesignated subsec. (c), relating to safety reviews of new operators, as (f).

Subsec. (f)(5). Pub. L. 109–59, §4107(b)(2), as amended by Pub. L. 110–244, §301(b)(1), added par. (5).

Subsec. (g). Pub. L. 109–59, §4114(c)(1), as amended by Pub. L. 110–244, §301(c), redesignated subsec. (f) as (g).

1999—Subsec. (c). Pub. L. 106–159 added subsec. (c) relating to safety reviews of new operators.

1998—Pub. L. 105–178 reenacted section catchline without change and amended text generally, substituting, in subsec. (a), general provisions for provisions relating to procedure and, in subsec. (b), provisions relating to procedure for provisions relating to findings and action on registrations, and adding subsecs. (c) to (e).

1995—Subsec. (a)(1). Pub. L. 104–88, §104(g)(1)–(3), in first sentence substituted ''The Secretary'' for ''In cooperation with the Interstate Commerce Commission, the Secretary'' and ''section 13902'' for ''sections 10922 and 10923'' and in subpar. (C) struck out ''and the Commission'' after ''Secretary''.

Subsec. (b). Pub. L. 104–88, §104(g)(4), added subsec. (b) and struck out former subsec. (b) which read as follows: ''FINDINGS AND ACTION ON APPLICATIONS.—The Commission shall—

''(1) find an applicant for authority to operate as a motor carrier unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section; and

''(2) deny the application.''

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–244 effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

HIGH RISK CARRIER COMPLIANCE REVIEWS

Pub. L. 109–59, title IV, §4138, Aug. 10, 2005, 119 Stat. 1745, provided that: ''From the funds authorized by section 31104(i) of title 49, United States Code, the Secretary [of Transportation] shall ensure that compliance reviews are completed on motor carriers that have demonstrated through performance data that they pose the highest safety risk. At a minimum, a compliance review shall be conducted whenever a motor carrier is rated as category A or B for 2 consecutive months.''

MINIMUM REQUIREMENTS

Pub. L. 106–159, title II, §210(b), Dec. 9, 1999, 113 Stat. 1765, provided that: ''The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations before being granted operating authority.''

§ 31145. Coordination of Governmental activities and paperwork

The Secretary of Transportation shall coordinate the activities of departments, agencies, and instrumentalities of the United States Government to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to ensure maximum coordination and to avoid overlap and the imposition of unreasonable burdens on persons subject to regulations under this subchapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31145	49 App.:2517(b).	Oct. 30, 1984, Pub. L. 98–554, § 220(b), 98 Stat. 2846.

§ 31146. Relationship to other laws

Except as provided in section 31136(b) of this title, this subchapter and the regulations prescribed under this subchapter do not affect chapter 51 of this title or a regulation prescribed under chapter 51.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31146	49 App.:2518.	Oct. 30, 1984, Pub. L. 98–554, § 221, 98 Stat. 2846.

§ 31147. Limitations on authority

(a) TRAFFIC REGULATIONS.—This subchapter does not authorize the Secretary of Transportation to prescribe traffic safety regulations or preempt State traffic regulations. However, the Secretary may prescribe traffic regulations to the extent their subject matter was regulated under parts 390–399 of title 49, Code of Federal Regulations, on October 30, 1984.

(b) REGULATING THE MANUFACTURING OF VEHICLES.—This subchapter does not authorize the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31147(a)	49 App.:2519(a).	Oct. 30, 1984, Pub. L. 98–554, § 229, 98 Stat. 2853.
31147(b)	49 App.:2519(b).	

In subsection (a), the word ''prescribe'' is substituted for ''establish or maintain'' for consistency in the revised title and with other titles of the United States Code.

§ 31148. Certified motor carrier safety auditors

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews described in subsection (b).

(b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), any safety inspection audit or review required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be conducted by—

(1) a motor carrier safety auditor certified under subsection (a); or

(2) a Federal or State employee who, on the date of the enactment of this section, was qualified to perform such an audit or review.

(c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) by not more than 12 months.

(d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary's authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

(e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a), including the authority to decertify a motor carrier safety auditor.

(Added Pub. L. 106–159, title II, § 211(a), Dec. 9, 1999, 113 Stat. 1765.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b)(2), is the date of enactment of Pub. L. 106–159, which was approved Dec. 9, 1999.

§ 31149. Medical program

(a) MEDICAL REVIEW BOARD.—

(1) ESTABLISHMENT AND FUNCTION.—The Secretary of Transportation shall establish a Medical Review Board to provide the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research.

(2) COMPOSITION.—The Medical Review Board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration.

(b) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint a chief medical examiner who shall be an employee of the Federal Motor Carrier Safety Administration and who shall hold a

position under section 3104 of title 5, United States Code, relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, United States Code, relating to pay for certain senior-level positions.

(c) MEDICAL STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, with the advice of the Medical Review Board and the chief medical examiner, shall—

(A) establish, review, and revise—

(i) medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and

(ii) requirements for periodic physical examinations of such operators performed by medical examiners who have, at a minimum, self-certified that they have completed training in physical and medical examination standards and are listed on a national registry maintained by the Department of Transportation;

(B) require each such operator to have a current valid medical certificate;

(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of such operators are being conducted;

(D) develop, as appropriate, specific courses and materials for medical examiners listed in the national registry established under this section, and require those medical examiners to, at a minimum, self-certify that they have completed specific training, including refresher courses, to be listed in the registry;

(E) require medical examiners to transmit the name of the applicant and numerical identifier, as determined by the Administrator of the Federal Motor Carrier Safety Administration, for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, electronically to the chief medical examiner on monthly basis; and

(F) periodically review a representative sample of the medical examination reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification.

(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper certification by a medical examiner. If the Secretary finds that a medical examiner has issued a medical certificate to an operator of a commercial motor vehicle who fails to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove such medical examiner from the registry and may void the medical certificate of the applicant or holder.

(d) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Federal Motor Carrier Safety Administration—

(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations and issue medical certificates;

(2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;

(3) shall accept as valid only medical certificates issued by persons on the national registry of medical examiners; and

(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of commercial motor vehicles.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(Added Pub. L. 109–59, title IV, §4116(a), Aug. 10, 2005, 119 Stat. 1726.)

EFFECTIVE DATE

Pub. L. 109–59, title IV, §4116(f), Aug. 10, 2005, 119 Stat. 1728, as amended by Pub. L. 110–244, title III, §301(d), June 6, 2008, 122 Stat. 1616, provided that: ''The amendments made by subsections (a) and (b) [enacting this section and amending section 31136 of this title] shall take effect on the 365th day following the date of enactment of this Act [Aug. 10, 2005].''

[Amendment by Pub. L. 110–244 to section 4116(f) of Pub. L. 109–59, set out above, effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as an Effective Date of 2008 note under section 101 of Title 23, Highways.]

§31150. Safety performance history screening

(a) IN GENERAL.—The Secretary of Transportation shall provide persons conducting preemployment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to

any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant.

(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED.—In this section, the term ''serious driver-related violation'' means a violation by an operator of a commercial motor vehicle that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

(Added Pub. L. 109–59, title IV, § 4117(a), Aug. 10, 2005, 119 Stat. 1728.)

REFERENCES IN TEXT

The Fair Credit Reporting Act, referred to in subsec. (b)(1), is title VI of Pub. L. 90–321, as added by Pub. L. 91–508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1127, as amended, which is classified generally to subchapter III (§ 1681 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

§ 31151. Roadability

(a) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.

(2) INTERMODAL EQUIPMENT SAFETY REGULATIONS.—The Secretary shall issue the regulations under this section as a subpart of the Federal motor carrier safety regulations.

(3) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(A) a requirement to identify intermodal equipment providers responsible for the inspection and maintenance of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(B) a requirement to match intermodal equipment readily to an intermodal equipment provider through a unique identifying number;

(C) a requirement that an intermodal equipment provider identified under subparagraph (A) systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, intermodal equipment described in subparagraph (A) that is intended for interchange with a motor carrier;

(D) a requirement to ensure that each intermodal equipment provider identified under subparagraph (A) maintains a system of maintenance and repair records for such equipment;

(E) requirements that—

(i) a specific list of intermodal equipment components or items be identified for the visual or audible inspection of which a driver is responsible before operating the equipment over the road; and

(ii) the inspection under clause (i) be conducted as part of the Federal requirement in effect on the date of enactment of this section that a driver be satisfied that the intermodal equipment components are in good working order before the equipment is operated over the road;

(F) a requirement that a facility at which an intermodal equipment provider regularly makes intermodal equipment available for interchange have an operational process and space readily available for a motor carrier to have an equipment defect identified pursuant to subparagraph (E) repaired or the equipment replaced prior to departure;

(G) a program for the evaluation and audit of compliance by intermodal equipment providers with applicable Federal motor carrier safety regulations;

(H) a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(I) a prohibition on intermodal equipment providers from placing intermodal equipment in service on the public highways to the extent such providers or their equipment are found to pose an imminent hazard;

(J) a process by which motor carriers and agents of motor carriers shall be able to request the Federal Motor Carrier Safety Administration to undertake an investigation of an intermodal equipment provider identified under subparagraph (A) that is alleged to be not in compliance with the regulations under this section;

(K) a process by which equipment providers and agents of equipment providers shall be able to request the Administration to undertake an investigation of a motor carrier that is alleged to be not in compliance with the regulations issued under this section;

(L) a process by which a driver or motor carrier transporting intermodal equipment is required to report to the intermodal equipment provider or the provider's designated agent any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned to the intermodal equipment provider or the provider's designated agent;

(M) a requirement that any actual damage or defect identified in the process established under subparagraph (L) be repaired before the equipment is made available for

interchange to a motor carrier and that repairs of equipment made pursuant to the requirements of this subparagraph and reports made pursuant to the subparagraph (L) process be documented in the maintenance records for such equipment; and

(N) a procedure under which motor carriers, drivers and intermodal equipment providers may seek correction of their motor carrier safety records through the deletion from those records of violations of safety regulations attributable to deficiencies in the intermodal chassis or trailer for which they should not have been held responsible.

(4) DEADLINE FOR RULEMAKING PROCEEDING.—Not later than 120 days after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding for issuance of the regulations under this section.

(b) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary or an employee of the Department of Transportation designated by the Secretary may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials.

(c) OUT-OF-SERVICE UNTIL REPAIR.—Any intermodal equipment that is determined under this section to fail to comply with applicable Federal safety regulations may be placed out of service by the Secretary or a Federal, State, or government official designated by the Secretary and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have been completed. Repairs of equipment taken out of service shall be documented in the maintenance records for such equipment.

(d) PREEMPTION GENERALLY.—Except as provided in subsection (e), a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety is preempted if such law, regulation, order, or other requirement exceeds or is inconsistent with a requirement imposed under or pursuant to this section.

(e) PRE-EXISTING STATE REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005, shall remain in effect only until the date on which requirements prescribed under this section take effect.

(2) NONPREEMPTION DETERMINATIONS.—

(A) IN GENERAL.—Notwithstanding subsection (d), a State requirement described in paragraph (1) is not preempted by a Federal requirement prescribed under this section if the Secretary determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce.

(B) APPLICATION REQUIRED.—Subparagraph (A) applies to a State requirement only if the State applies to the Secretary for a determination under this paragraph with respect to the requirement before the date on which the regulations issued under this section take effect. The Secretary shall make a determination with respect to any such application within 6 months after the date on which the Secretary receives the application.

(C) AMENDED STATE REQUIREMENTS.—Any amendment to a State requirement not preempted under this subsection because of a determination by the Secretary under subparagraph (A) may not take effect unless—

(i) it is submitted to the Secretary before the effective date of the amendment; and

(ii) the Secretary determines that the amendment would not cause the State requirement to be less effective than the Federal requirement and would not unduly burden interstate commerce.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term ''intermodal equipment'' means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis.

(2) INTERMODAL EQUIPMENT INTERCHANGE AGREEMENT.—The term ''intermodal equipment interchange agreement'' means the Uniform Intermodal Interchange and Facilities Access Agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment.

(3) INTERMODAL EQUIPMENT PROVIDER.—The term ''intermodal equipment provider'' means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.

(4) INTERCHANGE.—The term ''interchange''—

(A) means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider; but

(B) does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations.

(Added Pub. L. 109–59, title IV, §4118(a), Aug. 10, 2005, 119 Stat. 1729; amended Pub. L. 110–244, title III, §301(e), June 6, 2008, 122 Stat. 1616.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(1), (3)(E)(ii), (4), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (a)(3)(E)(ii). Pub. L. 110–244 substituted ''section'' for ''Act''.

SUBCHAPTER IV—MISCELLANEOUS

PRIOR PROVISIONS

A prior subchapter IV consisted of sections 31161 and 31162, prior to repeal by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

§ 31161. International cooperation

The Secretary of Transportation is authorized to use funds made available by section 31104(i) to participate and cooperate in international activities to enhance motor carrier, commercial motor vehicle, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.

(Added Pub. L. 109–59, title IV, § 4119(a), Aug. 10, 2005, 119 Stat. 1733.)

PRIOR PROVISIONS

Prior sections 31161 and 31162 were repealed by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

Section 31161, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1013, related to procedures to ensure timely correction of safety violations.

Section 31162, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1014, related to compliance review priority.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.
31301. Definitions.
31302. Commercial driver's license requirement.
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31305. General driver fitness and testing.
31306. Alcohol and controlled substances testing.
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31311. Requirements for State participation.
31312. Decertification authority.
31313. Grants for commercial driver's license program improvements.
31314. Withholding amounts for State noncompliance.
31315. Waivers, exemptions, and pilot programs.
31316. Limitation on statutory construction.
31317. Procedure for prescribing regulations.

AMENDMENTS

2005—Pub. L. 109–59, title IV, § 4124(b), Aug. 10, 2005, 119 Stat. 1738, added item 31313.

1999—Pub. L. 106–159, title II, § 203(b), Dec. 9, 1999, 113 Stat. 1762, added item 31312.

1998—Pub. L. 105–178, title IV, §§ 4007(b), 4011(b)(2), (f), June 9, 1998, 112 Stat. 403, 407, 408, substituted ''Commercial driver's license requirement'' for ''Limitation on the number of driver's licenses'' in item 31302 and ''Waivers, exemptions, and pilot programs'' for ''Waiver authority'' in item 31315 and struck out items 31312 ''Grants for testing and ensuring the fitness of operators of commercial motor vehicles'' and 31313 ''Grants for issuing commercial drivers' licenses and complying with State participation requirements''.

§ 31301. Definitions

In this chapter—

(1) ''alcohol'' has the same meaning given the term ''alcoholic beverage'' in section 158(c) of title 23.

(2) ''commerce'' means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) ''commercial driver's license'' means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) ''commercial motor vehicle'' means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; or

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and

(iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, ''controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) ''driver's license'' means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) ''employee'' means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) ''employer'' means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) ''felony'' means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) ''hazardous material'' has the same meaning given that term in section 5102 of this title.

(11) ''motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(12) ''serious traffic violation'' means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies;

(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

(G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(13) ''State'' means a State of the United States and the District of Columbia.

(14) ''United States'' means the States of the United States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1014; Pub. L. 105–178, title IV, §4011(a), June 9, 1998, 112 Stat. 407; Pub. L. 106–159, title II, §201(a)(3), (c), Dec. 9, 1999, 113 Stat. 1759, 1760.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31301(1)	49 App.:2716(1), (13).	Oct. 27, 1986, Pub. L. 99–570, §12019(1)–(4), (6)–(15), 100 Stat. 3207–187, 3207–188.
31301(2)	49 App.:2716(3).	
31301(3)	49 App.:2716(4).	
31301(4)	49 App.:2716(6).	
31301(5)	49 App.:2716(7).	
31301(6)	49 App.:2716(2).	
31301(7)	49 App.:2716(8).	
31301(8)	49 App.:2716(9).	
31301(9)	49 App.:2716(10).	
31301(10)	49 App.:2716(11).	
31301(11)	49 App.:2716(5).	Oct. 27, 1986, Pub. L. 99–570, §12019(5), 100 Stat. 3207–188; Apr. 2, 1987, Pub. L. 100–17, §133(c)(2), 101 Stat. 172; Dec. 18, 1991, Pub. L. 102–240, §4010, 105 Stat. 2156.
31301(12)	49 App.:2716(12).	
31301(13)	49 App.:2716(14).	
31301(14)	49 App.:2716(15).	

In clause (1), the text of 49 App.:2716(13) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (4)(A), the words ''at least 26,001 pounds'' are substituted for ''26,001 or more pounds'', and the word ''prescribes'' is substituted for ''determines appropriate'', for consistency in the revised title.

In clause (4)(B), the words ''at least 16 passengers'' are substituted for ''more than 15 passengers'' for consistency.

Clause (4)(C)(i) is substituted for ''and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A))'' to eliminate unnecessary words. In subclause (iii), the words ''deny the application of this exception'' are substituted for ''waive the application of the preceding sentence'' for clarity and because of the restatement.

In clause (11), the words ''public streets, roads, or'' are added for consistency in the revised title.

In clause (12)(C), the words ''involving a fatality'' are substituted for ''arising in connection with a fatal traffic accident'' to eliminate unnecessary words.

AMENDMENTS

1999—Par. (12)(C). Pub. L. 106–159, §201(a)(3), inserted '', other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies'' after ''a fatality''.

Par. (12)(D) to (G). Pub. L. 106–159, §201(c), added subpars. (D) to (F) and redesignated former subpar. (D) as (G).

1998—Par. (4)(A). Pub. L. 105–178, §4011(a)(1), inserted ''or gross vehicle weight'' after ''rating'' first two places that term appears and '', whichever is greater,'' after ''26,001 pounds''.

Par. (4)(C)(ii). Pub. L. 105–178, §4011(a)(2), inserted ''is'' before ''transporting'' in two places and before ''not otherwise regulated''.

GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS

Pub. L. 109–59, title IV, §4134, Aug. 10, 2005, 119 Stat. 1744, as amended by Pub. L. 111–147, title IV, §422(h), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(h), Dec. 22, 2010, 124 Stat. 3525, provided that:

''(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish a grant program for persons to train operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicles.

''(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

''(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available $1,000,000 for each of fiscal years 2005 through 2009, 2010, and $425,545 for the period beginning on October 1, 2010, and ending on March 4, 2011, to carry out this section.''

CDL TASK FORCE

Pub. L. 109–59, title IV, §4135, Aug. 10, 2005, 119 Stat. 1744, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall convene a task force to study and address current impediments and foreseeable challenges to the commercial driver's license program's effectiveness and measures needed to realize the full safety potential of the commercial driver's license program, including such issues as—

''(1) State enforcement practices;

''(2) operational procedures to detect and deter fraud;

''(3) needed improvements for seamless information sharing between States;

''(4) effective methods for accurately sharing electronic data between States;

''(5) adequate proof of citizenship;

''(6) updated technology; and

''(7) timely notification from judicial bodies concerning traffic and criminal convictions of commercial driver's license holders.

''(b) MEMBERSHIP.—Members of the task force should include State motor vehicle administrators, organizations representing government agencies or officials, members of the Judicial Conference, representatives of the trucking industry, representatives of labor organizations, safety advocates, and other significant stakeholders.

''(c) REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary, on behalf of the task force, shall complete a report of the task forces [sic] findings and recommendations for legislative, regulatory, and enforcement changes to improve the commercial drivers [sic] license program and submit such the [sic] report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(d) FUNDING.—From the funds amounts made available by section 4101(c)(1) [119 Stat. 1715], $200,000 shall be available for each of fiscal years 2006 and 2007 to carry out this section.''

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to waiver of requirements of this chapter with respect to vehicles used for snow or ice removal, see section 229(a)(5) of Pub. L. 106–159, set out as a note under section 31136 of this title.

§ 31302. Commercial driver's license requirement

No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver's license at any time and may have only one learner's permit at any time.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1015; Pub. L. 105–178, title IV, § 4011(b)(1), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title IV, § 4122(1), Aug. 10, 2005, 119 Stat. 1734.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31302	49 App.:2701.	Oct. 27, 1986, Pub. L. 99–570, § 12002, 100 Stat. 3207–170.

The words ''Effective July 1, 1987'' are omitted as executed. The words after ''issued a driver's license'' are omitted as expired.

AMENDMENTS

2005—Pub. L. 109–59 inserted ''and may have only one learner's permit at any time'' before period at end.

1998—Pub. L. 105–178 amended section catchline and text generally. Prior to amendment, text read as follows: ''An individual operating a commercial motor vehicle may have only one driver's license at any time, except during the 10-day period beginning on the date the individual is issued a driver's license.''

§ 31303. Notification requirements

(a) VIOLATIONS.—An individual operating a commercial motor vehicle, having a driver's license issued by a State, and violating a State or local law on motor vehicle traffic control (except a parking violation) shall notify the individual's employer of the violation. If the violation occurred in a State other than the issuing State, the individual also shall notify a State official designated by the issuing State. The notifications required by this subsection shall be made not later than 30 days after the date the individual is found to have committed the violation.

(b) REVOCATIONS, SUSPENSIONS, AND CANCELLATIONS.—An employee who has a driver's license revoked, suspended, or canceled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the employee's employer of the action not later than 30 days after the date of the action.

(c) PREVIOUS EMPLOYMENT.—(1) Subject to paragraph (2) of this subsection, an individual applying for employment as an operator of a commercial motor vehicle shall notify the prospective employer, at the time of the application, of any previous employment as an operator of a commercial motor vehicle.

(2) The Secretary of Transportation shall prescribe by regulation the period for which notice of previous employment must be given under paragraph (1) of this subsection. However, the period may not be less than the 10-year period ending on the date of the application.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1016.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31303	49 App.:2702.	Oct. 27, 1986, Pub. L. 99–570, § 12003, 100 Stat. 3207–171.

In this section, the words ''Effective July 1, 1987'' are omitted as executed.

In subsection (c)(1), the words ''operates a commercial motor vehicle and'' and ''with an employer'' are omitted as surplus.

§ 31304. Employer responsibilities

An employer may not knowingly allow an employee to operate a commercial motor vehicle in the United States during a period in which the employee—

(1) has a driver's license revoked, suspended, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) has more than one driver's license (except as allowed under section 31302 of this title).

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1016.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31304	49 App.:2703.	Oct. 27, 1986, Pub. L. 99–570, § 12004, 100 Stat. 3207–171.

In this section, before clause (1), the words ''Effective July 1, 1987'' are omitted as executed. The words ''permit, or authorize'' are omitted as surplus. Clause (2) is substituted for 49 App.:2703(2) to eliminate unnecessary words.

§ 31305. General driver fitness and testing

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall

prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) shall prescribe minimum standards for written and driving tests of an individual operating a commercial motor vehicle;

(2) shall require an individual who operates or will operate a commercial motor vehicle to take a driving test in a vehicle representative of the type of vehicle the individual operates or will operate;

(3) shall prescribe minimum testing standards for the operation of a commercial motor vehicle and may prescribe different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that an individual taking the tests has a working knowledge of—

(A) regulations on the safe operation of a commercial motor vehicle prescribed by the Secretary and contained in title 49, Code of Federal Regulations; and

(B) safety systems of the vehicle;

(5) shall ensure that an individual who operates or will operate a commercial motor vehicle carrying a hazardous material—

(A) is qualified to operate the vehicle under regulations on motor vehicle transportation of hazardous material prescribed under chapter 51 of this title;

(B) has a working knowledge of—

(i) those regulations;

(ii) the handling of hazardous material;

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and

(iv) appropriate response procedures to follow in those emergencies; and

(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.

(6) shall establish minimum scores for passing the tests;

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual's possession when the individual is operating a commercial motor vehicle.

(b) REQUIREMENTS FOR OPERATING VEHICLES.—(1) Except as provided in paragraph (2) of this subsection, an individual may operate a commercial motor vehicle only if the individual has passed written and driving tests that meet the minimum standards prescribed by the Secretary under subsection (a) of this section to operate the vehicle and has a commercial driver's license to operate the vehicle.

(2) The Secretary may prescribe regulations providing that an individual may operate a commercial motor vehicle for not more than 90 days if the individual—

(A) passes a driving test for operating a commercial motor vehicle that meets the minimum standards prescribed under subsection (a) of this section; and

(B) has a driver's license that is not suspended, revoked, or canceled.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 106–159, title II, §201(d), Dec. 9, 1999, 113 Stat. 1760; Pub. L. 107–56, title X, §1012(b), Oct. 26, 2001, 115 Stat. 397.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31305(a)	49 App.:2704(a).	Oct. 27, 1986, Pub. L. 99–570, §12005(a), (b), 100 Stat. 3207–171.
31305(b)	49 App.:2704(b).	

In this section, the word ''Federal'' is omitted as unnecessary.

In subsection (a), before clause (1), the words ''Not later than July 15, 1988'' are omitted as obsolete. In clause (3), the words ''if the Secretary considers appropriate to carry out the objectives of this title'' are omitted as unnecessary.

In subsection (b)(1), the words ''taken and'' are omitted as unnecessary. The text of 49 App.:2704(b)(3) is omitted as obsolete.

AMENDMENTS

2001—Subsec. (a)(5)(C). Pub. L. 107–56 added subpar. (C).

1999—Subsec. (b)(1). Pub. L. 106–159 struck out ''to operate the vehicle'' after ''written and driving tests'' and inserted ''to operate the vehicle and has a commercial driver's license to operate the vehicle'' before period at end.

OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE INSULIN TO TREAT DIABETES MELLITUS

Pub. L. 109–59, title IV, §4129, Aug. 10, 2005, 119 Stat. 1742, provided that:

''(a) REVISION OF FINAL RULE.—Not later than 90 days after the date of the enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall begin revising the final rule published in the Federal Register on September 3, 2003, relating to persons with diabetes, to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce. The revised final rule shall provide for the individual assessment of applicants who use insulin to treat their diabetes and who are, except for their use of insulin, otherwise qualified under the Federal motor carrier safety regulations. The revised final rule shall be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (49 U.S.C. 31305 note) and shall conclude the rulemaking process in the Federal Motor Carrier Safety Administration docket relating to qualifications of drivers with diabetes.

''(b) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—After the earlier of the date of issuance of the revised final rule under subsection (a) or the 90th day following the date of enactment of this Act [Aug. 10, 2005], the Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

''(c) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (b), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. Such demonstration shall be consistent with the findings reported in July 2000, by the expert medical panel established by the Secretary, in 'A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century'. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

''(d) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.''

CDL SCHOOL BUS ENDORSEMENT

Pub. L. 106–159, title II, § 214, Dec. 9, 1999, 113 Stat. 1766, provided that: ''The Secretary shall conduct a rulemaking to establish a special commercial driver's license endorsement for drivers of school buses. The endorsement shall, at a minimum—

''(1) include a driving skills test in a school bus; and

''(2) address proper safety procedures for—

''(A) loading and unloading children;

''(B) using emergency exits; and

''(C) traversing highway rail grade crossings.''

MEDICAL CERTIFICATE

Pub. L. 106–159, title II, § 215, Dec. 9, 1999, 113 Stat. 1767, provided that: ''The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses.''

INSULIN TREATED DIABETES MELLITUS

Pub. L. 105–178, title IV, § 4018, June 9, 1998, 112 Stat. 413, provided that:

''(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

''(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

''(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

''(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

''(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

''(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

''(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

''(6) consult with interested groups knowledgeable about diabetes and related issues.

''(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

''(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.''

PERFORMANCE-BASED CDL TESTING

Pub. L. 105–178, title IV, § 4019, June 9, 1998, 112 Stat. 414, provided that:

''(a) REVIEW.—Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

''(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.''

DRIVER FATIGUE

Pub. L. 105–178, title IV, § 4021, June 9, 1998, 112 Stat. 414, provided that:

''(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

''(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary [of Transportation] relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

''(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

''(A) the degree to which the technology will be cost efficient;

''(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

''(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

''(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act [112 Stat. 419].

''(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.''

§ 31306. Alcohol and controlled substances testing

(a) DEFINITION.—In this section, ''controlled substance'' means any substance under section

102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.

(B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of an operator of a commercial motor vehicle be conducted when loss of human life occurs in an accident involving a commercial motor vehicle; and

(B) may require that post-accident testing of such an operator be conducted when bodily injury or significant property damage occurs in any other serious accident involving a commercial motor vehicle.

(c) TESTING AND LABORATORY REQUIREMENTS.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that a laboratory involved in testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that any test indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) TESTING AS PART OF MEDICAL EXAMINATION.—The Secretary of Transportation may provide that testing under subsection (a) of this section for operators subject to subpart E of part 391 of title 49, Code of Federal Regulations, be conducted as part of the medical examination required under that subpart.

(e) REHABILITATION.—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs that provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which those operators shall be required to participate in a program. This section does not prevent a motor carrier from establishing a program under this section in cooperation with another motor carrier.

(f) SANCTIONS.—The Secretary of Transportation shall decide on appropriate sanctions for a commercial motor vehicle operator who is found, based on tests conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law or a Government regulation but who is not under the influence of alcohol or a controlled substance as provided in this chapter.

(g) EFFECT ON STATE AND LOCAL GOVERNMENT REGULATIONS.—A State or local government may not prescribe or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this section. However, a regulation prescribed under this section may not be construed to preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(h) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—In prescribing regulations under this section, the Secretary of Transportation—

(1) shall establish only requirements that are consistent with international obligations of the United States; and

(2) shall consider applicable laws and regulations of foreign countries.

(i) OTHER REGULATIONS ALLOWED.—This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by commercial motor vehicle employees.

(j) APPLICATION OF PENALTIES.—This section does not supersede a penalty applicable to an operator of a commercial motor vehicle under this chapter or another law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1017; Pub. L. 104–59, title III, § 342(c), Nov. 28, 1995, 109 Stat. 609.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31306(a)	49 App.:2717(g).	Oct. 27, 1986, Pub. L. 99–570, 100 Stat. 3207–170, § 12020; added Oct. 28, 1991, Pub. L. 102–143, § 5(a)(1), 105 Stat. 959.
31306(b)(1) ..	49 App.:2717(a).	
31306(b)(2) ..	49 App.:2717(b)(1).	
31306(c)	49 App.:2717(d).	
31306(d)	49 App.:2717(b)(2).	
31306(e)	49 App.:2717(c).	
31306(f)	49 App.:2717(f)(2).	
31306(g)	49 App.:2717(e)(1).	
31306(h)	49 App.:2717(e)(3).	
31306(i)	49 App.:2717(e)(2).	
31306(j)	49 App.:2717(f)(1).	

In subsection (b)(2)(B), the words ''may require'' are substituted for ''as determined by the Secretary'' for clarity and to eliminate unnecessary words.

In subsection (c)(2), before subclause (A), the word ''subsequent'' is omitted as surplus.

In subsection (c)(3), the words ''of any individual'' are omitted as surplus.

In subsection (c)(4), the words ''by any individual'' are omitted as surplus.

In subsection (c)(5), the word ''tested'' is substituted for ''assayed'' for consistency. The words ''2d confirmation test'' are substituted for ''independent test'' for clarity and consistency.

In subsection (c)(6), the word ''Secretary'' is substituted for ''Department'' for consistency in the revised title and with other titles of the Code.

In subsection (d), the words ''The Secretary of Transportation may provide'' are substituted for ''Nothing in subsection (a) of this section shall preclude the Secretary from providing'' for clarity and to eliminate unnecessary words.

In subsection (g), the words ''rule'' and ''ordinance'' are omitted as being included in ''law, regulation, standard, or order''. The words ''whether the provisions apply specifically to commercial motor vehicle employees, or to the general public'' are omitted as surplus.

AMENDMENTS

1995—Subsec. (b)(1)(A). Pub. L. 104–59 added subpar. (A) and struck out former subpar. (A) which read as follows: ''In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.''

DRUG TEST RESULTS STUDY

Pub. L. 106–159, title II, § 226, Dec. 9, 1999, 113 Stat. 1771, provided that:

''(a) IN GENERAL.—The Secretary shall conduct a study of the feasibility and merits of—

''(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

''(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

''(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

''(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

''(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

''(3) whether a process should be established to allow drivers—

''(A) to correct errors in their records; and

''(B) to expunge information from their records after a reasonable period of time.

''(c) REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.''

POST-ACCIDENT ALCOHOL TESTING

Pub. L. 105–178, title IV, § 4020, June 9, 1998, 112 Stat. 414, provided that:

''(a) STUDY.—The Secretary [of Transportation] shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

''(b) REPORT.—Not later than 18 months after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.''

§ 31307. Minimum training requirements for operators of longer combination vehicles

(a) DEFINITION.—In this section, ''longer combination vehicle'' means a vehicle consisting of a truck tractor and more than one trailer or semitrailer that operates on the Dwight D. Eisenhower System of Interstate and Defense Highways with a gross vehicle weight of more than 80,000 pounds.

(b) REQUIREMENTS.—Not later than December 18, 1994, the Secretary of Transportation shall prescribe regulations establishing minimum training requirements for operators of longer combination vehicles. The training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1020.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31307(a)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4007(f), 105 Stat. 2153.
31307(b)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4007(b), 105 Stat. 2152.

In subsection (a), the words ''a vehicle consisting'' are substituted for ''any combination'' for clarity. The words ''Dwight D. Eisenhower System of Interstate and Defense Highways'' are substituted for ''National System of Interstate and Defense Highways'' because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

In subsection (b), the words ''Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding'' are omitted as executed.

§ 31308. Commercial driver's license

After consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers' licenses and learner's permits by the States and for information to be contained on each of the licenses and permits. The standards shall require at a minimum that—

(1) an individual issued a commercial driver's license pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(2) before a commercial driver's license learner's permit may be issued to an individual, the individual must pass a written test, that complies with the minimum standards prescribed by the Secretary under section 31305(a), on the operation of the commercial motor vehicle that the individual will be operating under the permit;

(3) the license or learner's permit be tamperproof to the maximum extent practicable and each license or learner's permit issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication; and

(4) the license or learner's permit contain—

(A) the name and address of the individual issued the license or learner's permit and a physical description of the individual;

(B) the social security account number or other number or information the Secretary decides is appropriate to identify the individual;

(C) the class or type of commercial motor vehicle the individual is authorized to operate under the license or learner's permit;

(D) the name of the State that issued the license or learner's permit; and

(E) the dates between which the license or learner's permit is valid.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105–178, title IV, § 4011(c)(1), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title IV, § 4122(2), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110–244, title III, § 301(g), June 6, 2008, 122 Stat. 1616.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31308	49 App.:2705.	Oct. 27, 1986, Pub. L. 99–570, § 12006, 100 Stat. 3207–175.

The words ''Not later than July 15, 1988'' are omitted as obsolete.

AMENDMENTS

2008—Pub. L. 110–244 amended Pub. L. 109–59, § 4122(2)(A). See 2005 Amendment note below.

2005—Pub. L. 109–59, § 4122(2)(B), substituted ''the licenses and permits'' for ''the licenses'' in introductory provisions.

Pub. L. 109–59, § 4122(2)(A), as amended by Pub. L. 110–244, inserted ''and learner's permits'' after ''licenses'' in introductory provisions.

Par. (2). Pub. L. 109–59, § 4122(2)(D), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 109–59, § 4122(2)(C), (E), redesignated pars. (2) and (3) as (3) and (4), respectively, and inserted ''or learner's permit'' after ''license'' wherever appearing.

1998—Par. (2). Pub. L. 105–178 inserted before semicolon ''and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–244 effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of Title 23, Highways.

DEADLINE FOR ISSUANCE OF REGULATIONS

Pub. L. 105–178, title IV, § 4011(c)(2), June 9, 1998, 112 Stat. 407, provided that: ''Not later than 180 days after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall issue regulations to carry out the amendment made by paragraph (1) [amending this section].''

§ 31309. Commercial driver's license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall maintain an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators of commercial motor vehicles. The system shall be coordinated with activities carried out under section 31106. The Secretary shall consult with the States in carrying out this section.

(b) CONTENTS.—(1) At a minimum, the information system under this section shall include for each operator of a commercial motor vehicle—

(A) information the Secretary considers appropriate to ensure identification of the operator;

(B) the name, address, and physical description of the operator;

(C) the social security account number of the operator or other number or information the Secretary considers appropriate to identify the operator;

(D) the name of the State that issued the license or learner's permit to the operator;

(E) the dates between which the license or learner's permit is valid; and

(F) whether the operator had a commercial motor vehicle driver's license or learner's permit revoked, suspended, or canceled by a State, lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license or learner's permit under section 31308(2).[1]

(c) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with the policy developed under section 31106(e).

(d) FEE SYSTEM.—The Secretary may establish a fee system for using the information system. Fees collected under this subsection in a fiscal year shall equal as nearly as possible the costs of operating the information system in that fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (except the Mass Transit Account).

(e) MODERNIZATION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall develop and publish a comprehensive national plan to modernize the information system under this section that—

(A) complies with applicable Federal information technology security standards;

(B) provides for the electronic exchange of all information including the posting of convictions;

(C) contains self auditing features to ensure that data is being posted correctly and consistently by the States;

(D) integrates the commercial driver's license and the medical certificate; and

(E) provides a schedule for modernization of the system.

(2) CONSULTATION.—The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary.

(3) STATE FUNDING OF FUTURE EFFORTS.—The plan shall specify that States will fund future efforts to modernize the commercial driver's information system.

(4) DEADLINE FOR STATE PARTICIPATION.—

(A) IN GENERAL.—The Secretary shall establish in the plan a date by which all States must be operating commercial driver's license information systems that are compatible with the modernized information system under this section.

(B) FACTORS TO CONSIDER.—In establishing the date under subparagraph (A), the Secretary shall consider the following:

(i) Availability and cost of technology and equipment needed to comply with subparagraph (A).

(ii) Time necessary to install, and test the operation of, such technology and equipment.

(5) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) and modernize the information system under this section to meet the requirements of the plan.

(f) FUNDING.—At the Secretary's discretion, a State may use the funds made available to the State under section 31313 to modernize its commercial driver's license information system to be compatible with the modernized information system under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105–178, title IV, § 4011(d), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title IV, §§ 4122(2)(E), 4123(a), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110–244, title III, § 301(h), June 6, 2008, 122 Stat. 1616.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31309(a)	49 App.:2706(a).	Oct. 27, 1986, Pub. L. 99–570, § 12007, 100 Stat. 3207–175.
31309(b)	49 App.:2706(b).	
31309(c)	49 App.:2706(c).	
31309(d)(1) ..	49 App.:2706(d).	
31309(d)(2) ..	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100–690, § 9105(a), 102 Stat. 4530.
31309(e)	49 App.:2706(e).	
31309(f)	49 App.:2706(f), (g).	
	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100–690, § 9105(b), 102 Stat. 4530.

In subsection (a), the words ''Not later than January 1, 1989'' are omitted as obsolete. The words ''shall consult with'' are substituted for ''consult'' for clarity.

In subsection (b), the text of 49 App.:2706(b)(1) is omitted as executed. The words ''utilizing such system'' are omitted as surplus.

In subsection (f), the text of 49 App.:2706(g) and section 9105(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4530) is omitted as obsolete.

REFERENCES IN TEXT

Par. (2) of section 31308, referred to in subsec. (b)(2), was redesignated par. (3) and a new par. (2) was added by Pub. L. 109–59, title IV, § 4122(2)(C), (D), Aug. 10, 2005, 119 Stat. 1734.

The date of enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110–244 substituted ''31313'' for ''31318''.

2005—Subsec. (b)(1)(D) to (F), (2). Pub. L. 109–59, § 4122(2)(E), inserted ''or learner's permit'' after ''license''.

Subsecs. (e), (f). Pub. L. 109–59, § 4123(a), added subsecs. (e) and (f).

1998—Subsec. (a). Pub. L. 105–178, § 4011(d)(1), (2), substituted ''maintain an information system'' for ''make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section, an information system'' and inserted ''The system shall be coordinated with activities carried out under section 31106.'' before ''The Secretary shall consult''.

Subsec. (b). Pub. L. 105–178, § 4011(d)(3), (8), redesignated subsec. (d) as (b) and struck out heading and text of former subsec. (b). Text read as follows: ''If the Sec-

[1] See References in Text note below.

retary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.''

Subsec. (c). Pub. L. 105–178, §4011(d)(3), (8), redesignated subsec. (e) as (c) and struck out heading and text of former subsec. (c). Text read as follows: ''If the Secretary does not make an agreement under subsection (b) of this section, the Secretary shall establish an information system about the driving status and licensing of operators of commercial motor vehicles as provided in this section.''

Subsec. (d). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsec. (d)(2). Pub. L. 105–178, §4011(d)(4), added par. (2) and struck out former par. (2) which read as follows: ''Not later than December 31, 1990, the Secretary shall prescribe regulations on minimum uniform standards for a biometric identification system to ensure the identification of operators of commercial motor vehicles.''

Subsec. (e). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (e) as (c).

Pub. L. 105–178, §4011(d)(5), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows:

''(1) On request of a State, the Secretary or the operator of the information system, as the case may be, may make available to the State information in the information system under this section.

''(2) On request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to the employee information in the information system about the employee.

''(3) On request of an employer or prospective employer of an employee and after notification to the employee, the Secretary or the operator of the information system, as the case may be, may make available to the employer or prospective employer information in the information system about the employee.

''(4) On the request of the Secretary, the operator of the information system shall make available to the Secretary information about the driving status and licensing of operators of commercial motor vehicles (including information required by subsection (d)(1) of this section).''

Subsec. (f). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (f) as (d).

Pub. L. 105–178, §4011(d)(6), (7), substituted ''The Secretary may establish'' for ''If the Secretary establishes an information system under this section, the Secretary shall establish''.

GRANTS FOR MODERNIZATION OF COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEMS

Pub. L. 109–59, title IV, §4123(c)–(e), Aug. 10, 2005, 119 Stat. 1735, 1736, as amended by Pub. L. 111–147, title IV, §422(f), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(f), Dec. 22, 2010, 124 Stat. 3525, provided that:

''(c) GRANTS.—

''(1) IN GENERAL.—The Secretary [of Transportation] may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code, if the State is in substantial compliance with the requirements of section 31311 of such title and this section, as determined by the Secretary.

''(2) CRITERIA.—The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.

''(3) USE OF GRANT.—A State may use a grant under this subsection only to implement improvements that are consistent with the modernization plan developed by the Secretary.

''(4) GOVERNMENT SHARE.—A grant under this subsection to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in modernizing the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code. In determining these costs, the Secretary shall include in-kind contributions of the State.

''(d) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

''(1) $5,000,000 for fiscal year 2006;

''(2) $7,000,000 for fiscal year 2007;

''(3) $8,000,000 for fiscal year 2008;

''(4) $8,000,000 for fiscal year 2009;

''(5) $8,000,000 for fiscal year 2010; and

''(6) and [sic] $3,397,260 for the period beginning October 1, 2010, and ending on March 4, 2011.

''(e) CONTRACT AUTHORITY AND AVAILABILITY.—

''(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (d) shall remain available until expended.

''(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (d) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

''(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (d) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.''

IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

Pub. L. 105–178, title IV, §4022, June 9, 1998, 112 Stat. 415, provided that:

''(a) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

''(2) PURPOSE.—The purpose of the program shall be to—

''(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

''(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

''(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

''(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

''(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.''

§31310. Disqualifications

(a) BLOOD ALCOHOL CONCENTRATION LEVEL.—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to

be driving under the influence of alcohol is .04 percent.

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section);

(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) If the vehicle involved in a violation referred to in paragraph (1) of this subsection is transporting hazardous material required to be placarded under section 5103 of this title, the Secretary shall disqualify the individual for at least 3 years.

(c) SECOND AND MULTIPLE VIOLATIONS.—(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

(A) committing more than one violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes;

(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or

(F) committing any combination of single violations or use described in subparagraphs (A) through (E).

(2) The Secretary may prescribe regulations establishing guidelines (including conditions) under which a disqualification for life under paragraph (1) of this subsection may be reduced to a period of not less than 10 years.

(d) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) SERIOUS TRAFFIC VIOLATIONS.—(1) The Secretary shall disqualify from operating a commercial motor vehicle for at least 60 days an individual who, in a 3-year period, commits 2 serious traffic violations involving a commercial motor vehicle operated by the individual.

(2) The Secretary shall disqualify from operating a commercial motor vehicle for at least 120 days an individual who, in a 3-year period, commits 3 serious traffic violations involving a commercial motor vehicle operated by the individual.

(f) EMERGENCY DISQUALIFICATION.—

(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of—

(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual's license; or

(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.

(h) STATE DISQUALIFICATION.—Notwithstanding subsections (b) through (g) of this section, the Secretary does not have to disqualify an individ-

ual from operating a commercial motor vehicle if the State that issued the individual a license authorizing the operation has disqualified the individual from operating a commercial motor vehicle under subsections (b) through (g). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.

(i) OUT-OF-SERVICE ORDERS.—(1)(A) To enforce section 392.5 of title 49, Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5. An individual may not violate an out-of-service order issued under those regulations.

(B) The Secretary shall prescribe regulations establishing and enforcing requirements for reporting out-of-service orders issued under regulations prescribed under subparagraph (A) of this paragraph. Regulations prescribed under this subparagraph shall require at least that an operator of a commercial motor vehicle who is issued an out-of-service order to report the issuance to the individual's employer and to the State that issued the operator a driver's license.

(2) The Secretary shall prescribe regulations establishing sanctions and penalties related to violations of out-of-service orders by individuals operating commercial motor vehicles. The regulations shall require at least that—

(A) an operator of a commercial motor vehicle found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 180 days and liable for a civil penalty of at least $2,500;

(B) an operator of a commercial motor vehicle found to have committed a 2d violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 2 years and not more than 5 years and liable for a civil penalty of at least $5,000;

(C) an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be liable for a civil penalty of not more than $25,000; and

(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.

(j) GRADE-CROSSING VIOLATIONS.—

(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than $10,000.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1022; Pub. L. 104–88, title IV, §403(a), Dec. 29, 1995, 109 Stat. 956; Pub. L. 106–159, title II, §201(a)(1), (2), (b), Dec. 9, 1999, 113 Stat. 1758, 1759; Pub. L. 109–59, title IV, §4102(b), Aug. 10, 2005, 119 Stat. 1715.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31310(a)	49 App.:2707(f).	Oct. 27, 1986, Pub. L. 99–570, §12008, 100 Stat. 3207–177.
31310(b)	49 App.:2707(a)(1).	
31310(c)	49 App.:2707(a)(2).	
31310(d)	49 App.:2707(b).	
31310(e)	49 App.:2707(c).	
31310(f)	49 App.:2707(e).	
31310(g)(1) ..	49 App.:2707(d).	
31310(g)(2) ..	49 App.:2718.	Oct. 27, 1986, Pub. L. 99–570, 100 Stat. 3207–170, §12020; added Dec. 18, 1991, Pub. L. 102–240, §4009(a), 105 Stat. 2156.

In subsection (a), the text of 49 App.:2707(f)(1)–(4) (words before 2d comma) is omitted as executed and obsolete. The words ''and section 2708 of the Appendix'' are omitted as surplus.

In subsection (b)(2), the words ''involved in a violation'' are substituted for ''operated or used in connection with the violation or the commission of the felony'' to eliminate unnecessary words. The words ''by the Secretary'' are omitted as surplus.

Subsection (c)(1)(D) is substituted for 49 App.:2707(a)(2)(A)(iv) for clarity and to eliminate unnecessary words.

In subsection (g)(1)(A), the words ''Not later than 1 year after October 27, 1986'' are omitted as obsolete.

In subsection (g)(2), before clause (A), the words ''Not later than December 18, 1992, the Secretary shall prescribe regulations'' are substituted for ''The Secretary shall issue regulations'' and 49 App.:2718(c) to eliminate executed words. The word ''individuals'' is substituted for ''persons'' for clarity and consistency in the revised title and with other titles of the United States Code. In clause (C), the words ''permits, authorizes'' are omitted as being included in ''allows''.

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 106–159, which was approved Dec. 9, 1999.

AMENDMENTS

2005—Subsec. (i)(2). Pub. L. 109–59, §4102(b)(1), substituted ''The Secretary'' for ''Not later than December 18, 1992, the Secretary'' in introductory provisions.

Subsec. (i)(2)(A). Pub. L. 109–59, §4102(b)(2), substituted ''180 days'' for ''90 days'' and ''$2,500'' for ''$1,000''.

Subsec. (i)(2)(B). Pub. L. 109–59, §4102(b)(3), substituted ''2 years'' for ''one year'' and ''$5,000;'' for ''$1,000; and''.

Subsec. (i)(2)(C). Pub. L. 109–59, §4102(b)(4), substituted ''$25,000; and'' for ''$10,000.''

Subsec. (i)(2)(D). Pub. L. 109–59, §4102(b)(5), added subpar. (D).

1999—Subsec. (b)(1)(D), (E). Pub. L. 106–159, §201(a)(1), added subpars. (D) and (E).

Subsec. (c)(1)(D), (E). Pub. L. 106–159, §201(a)(2)(A), (C), added subpars. (D) and (E). Former subpar. (D) redesignated (F).

Subsec. (c)(1)(F). Pub. L. 106–159, §201(a)(2)(B), (D), redesignated subpar. (D) as (F) and substituted ''subparagraphs (A) through (E)'' for ''clauses (A)–(C) of this paragraph''.

Subsecs. (f), (g). Pub. L. 106–159, §201(b)(2), added subsecs. (f) and (g). Former subsecs. (f) and (g) redesignated (h) and (i), respectively.

Subsec. (h). Pub. L. 106–159, § 201(b)(1), (3), redesignated subsec. (f) as (h) and substituted ''(b) through (g)'' for ''(b)–(e)'' in two places. Former subsec. (h) redesignated (j).

Subsecs. (i), (j). Pub. L. 106–159, § 201(b)(1), redesignated subsecs. (g) and (h) as (i) and (j), respectively.

1995—Subsec. (h). Pub. L. 104–88 added subsec. (h).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

REGULATIONS

Section 403(b) of Pub. L. 104–88 provided that: ''The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act [Dec. 29, 1995].''

§ 31311. Requirements for State participation

(a) GENERAL.—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section 31305(a) of this title.

(2) The State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section 31310(a) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver's license containing the information described in section 31308(3) of this title.[1]

(5) At least 60 days before issuing a commercial driver's license (or a shorter period the Secretary prescribes by regulation), the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver's license to an individual or renewing such a license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver's license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension, or cancellation, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded.

(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

(A) has a commercial driver's license issued by another State; or

(B) is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State,

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.

(10)(A) The State may not issue a commercial driver's license to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

(i) the individual is disqualified from operating a commercial motor vehicle; or

(ii) the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12) The State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver's license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers' licenses.

(13) The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

(A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(B) the license is not revoked, suspended, or canceled; and

[1] See References in Text note below.

(C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section 31310.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

(i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);

(ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or

(iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as[2] 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

[2] So in original. Probably should be ''section''.

(21) By the date established by the Secretary under section 31309(e)(4), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section 31309.

(b) STATE SATISFACTION OF REQUIREMENTS.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1023; Pub. L. 104–88, title IV, §403(c), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105–178, title IV, §4011(e), June 9, 1998, 112 Stat. 408; Pub. L. 106–159, title II, §202, Dec. 9, 1999, 113 Stat. 1760; Pub. L. 109–59, title IV, §4123(b), Aug. 10, 2005, 119 Stat. 1735.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31311	49 App.:2708.	Oct. 27, 1986, Pub. L. 99–570, §12009, 100 Stat. 3207–179; Dec. 18, 1991, Pub. L. 102–240, §4009(b), 105 Stat. 2156.

Subsection (a)(15) is substituted for 49 App.:2708(a)(15)–(19) for consistency with section 31310(b)–(e) of the revised title and to avoid repeating the language restated in section 31310(b)–(e).

In subsection (b), the words ''in accordance with the requirements of such subsection'' are omitted as surplus.

REFERENCES IN TEXT

Par. (3) of section 31308 of this title, referred to in subsec. (a)(4), was redesignated par. (4) by Pub. L. 109–59, title IV, §4122(2)(C), Aug. 10, 2005, 119 Stat. 1734.

AMENDMENTS

2005—Subsec. (a)(15). Pub. L. 109–59, §4123(b)(1), substituted ''(i)(1)(A) and (i)(2)'' for ''(g)(1)(A), and (g)(2)''.

Subsec. (a)(17). Pub. L. 109–59, §4123(b)(2), substituted ''as 31310(j)'' for ''section 31310(h)''.

Subsec. (a)(21). Pub. L. 109–59, §4123(b)(3), added par. (21).

1999—Subsec. (a)(6). Pub. L. 106–159, §202(a), inserted ''or renewing such a license'' after ''to an individual'' and struck out ''commercial'' after ''has issued a''.

Subsec. (a)(8). Pub. L. 106–159, §202(b), inserted '', and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded'' before the period at end.

Subsec. (a)(9). Pub. L. 106–159, §202(c), amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a driver's license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violation not later than 10 days after the date the individual is found to have committed the violation.''

Subsec. (a)(10). Pub. L. 106–159, § 202(d), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (a)(13). Pub. L. 106–159, § 202(e), inserted ''consistent with this chapter that'' after ''penalties'', substituted ''vehicle.'' for ''vehicle when the individual—'', and struck out pars. (A) to (C) which read as follows:

''(A) does not have a commercial driver's license;

''(B) has a driver's license revoked, suspended, or canceled; or

''(C) is disqualified from operating a commercial motor vehicle.''

Subsec. (a)(18) to (20). Pub. L. 106–159, § 202(f)–(h), added pars. (18) to (20).

1998—Subsec. (a)(15). Pub. L. 105–178, § 4011(e)(1), substituted ''subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310'' for ''section 31310(b)–(e) of this title''.

Subsec. (a)(17), (18). Pub. L. 105–178, § 4011(e)(2), (3), redesignated par. (18) as (17) and struck out former par. (17) which read as follows: ''The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(g)(1)(A) and (2) of this title.''

1995—Subsec. (a)(18). Pub. L. 104–88 added par. (18).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

Pub. L. 106–159, title II, § 221, Dec. 9, 1999, 113 Stat. 1769, provided that:

''(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers' licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

''(b) STATUS REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.''

§ 31312. Decertification authority

(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

(1) prohibit that State from carrying out licensing procedures under this chapter; and

(2) prohibit that State from issuing any commercial driver's licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver's license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the non-resident licensing requirements of the issuing State.

(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(Added Pub. L. 106–159, title II, § 203(a), Dec. 9, 1999, 113 Stat. 1762.)

PRIOR PROVISIONS

A prior section 31312, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1025, related to grants for testing and ensuring the fitness of operators of commercial motor vehicles, prior to repeal by Pub. L. 105–178, title IV, § 4011(f), June 9, 1998, 112 Stat. 408.

§ 31313. Grants for commercial driver's license program improvements

(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENTS.—

(1) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant to a State in a fiscal year—

(A) to comply with the requirements of section 31311; and

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver's license program.

(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—

(A) IN GENERAL.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving implementation of the State's commercial driver's license program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. The grant may not be used to rent, lease, or buy land or buildings.

(B) PRIORITY.—In making grants under paragraph (1)(B), the Secretary shall give priority to States that will use such grants to achieve compliance with the requirements of the Motor Carrier Safety Improvement Act of 1999, including the amendments made by such Act.

(3) APPLICATION.—In order to receive a grant under this section, a State shall submit an application for such grant that is in such form, and contains such information, as the Secretary may require. The application shall include the State's assessment of its commercial driver's license program.

(4) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this subsection only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for the State's commercial driver's license program will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State ending before the date of enactment of this section.

(5) GOVERNMENT SHARE.—The Secretary shall reimburse a State under a grant made under this subsection an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year in complying with section 31311 and improving its implementation of its commercial driver's license program. In determining such costs, the Secretary shall in-

clude in-kind contributions by the State. Amounts required to be expended by the State under paragraph (4) may not be included as part of the non-Federal share of such costs.

(b) HIGH-PRIORITY ACTIVITIES.—

(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agency, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.

(c) EMERGING ISSUES.—The Secretary may designate up to 10 percent of the amounts made available to carry out this section for a fiscal year for allocation to a State agency, local government, or other person at the discretion of the Secretary to address emerging issues relating to commercial driver's license improvements.

(d) APPORTIONMENT.—Except as otherwise provided in subsection (c), all amounts made available to carry out this section for a fiscal year shall be apportioned to States according to criteria prescribed by the Secretary.

(Added Pub. L. 109–59, title IV, §4124(a), Aug. 10, 2005, 119 Stat. 1736.)

REFERENCES IN TEXT

The Motor Carrier Safety Improvement Act of 1999, referred to in subsec. (a)(2)(B), is Pub. L. 106–159, Dec. 9, 1999, 113 Stat. 1748. For complete classification of this Act to the Code, see Short Title of 1999 Amendment note set out under section 101 of this title and Tables.

The date of enactment of this section, referred to in subsec. (a)(4), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 31313, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1027, related to grants for issuing commercial drivers' licenses and complying with State participation requirements, prior to repeal by Pub. L. 105–178, title IV, §4011(f), June 9, 1998, 112 Stat. 408.

§31314. Withholding amounts for State noncompliance

(a) FIRST FISCAL YEAR.—The Secretary of Transportation shall withhold up to 5 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4) of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) SECOND FISCAL YEAR.—The Secretary shall withhold up to 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4) of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(c) AVAILABILITY FOR APPORTIONMENT.—Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1028; Pub. L. 105–178, title IV, §4011(g), (h), June 9, 1998, 112 Stat. 408; Pub. L. 105–206, title IX, §9010, July 22, 1998, 112 Stat. 863; Pub. L. 109–59, title IV, §4124(c), Aug. 10, 2005, 119 Stat. 1738.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31314(a)	49 App.:2710(a).	Oct. 27, 1986, Pub. L. 99–570, §12011, 100 Stat. 3207–183.
31314(b)	49 App.:2710(b).	
31314(c)	49 App.:2710(c)(1).	
31314(d)	49 App.:2710(c)(2), (3).	
31314(e)	49 App.:2710(c)(4).	

In this section, the word "amounts" is substituted for "funds" and "sums" for consistency in the revised title.

In subsection (e), the words "by the Secretary" are omitted as surplus.

AMENDMENTS

2005—Subsecs. (a), (b). Pub. L. 109–59 inserted "up to" after "withhold".

1998—Subsecs. (a), (b). Pub. L. 105–178, §4011(h)(1), as added by Pub. L. 105–206, substituted "section 104(b)(1), (3), and (4) of title 23" for "section 104(b)(1), (3), and (5) of title 23".

Pub. L. 105–178, §4011(g)(1), substituted "section 104(b)(1), (3), and (5) of title 23" for "section 104(b)(1), (2), (5), and (6) of title 23".

Subsec. (c). Pub. L. 105–178, §4011(g)(2), struck out par. (2) designation and struck out par. (1) which read as follows: "Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:

"(A) If the amounts would have been apportioned under section 104(b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

"(B) If the amounts would have been apportioned under section 104(b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated."

Subsec. (d). Pub. L. 105–178, §4011(h)(2), as added by Pub. L. 105–206, struck out heading and text of subsec. (d). Text read as follows: "If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311(a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104(b)(5) of title 23, the amounts lapse and are available for projects under section 118(b) of title 23."

Pub. L. 105–178, §4011(g)(3), (4), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

"(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311(a) of this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

"(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the

end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.''

Subsec. (e). Pub. L. 105–178, § 4011(g)(4), redesignated subsec. (e) as (d).

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

§ 31315. Waivers, exemptions, and pilot programs

(a) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

(1) for a period not in excess of 3 months;

(2) limited in scope and circumstances;

(3) for nonemergency and unique events; and

(4) subject to such conditions as the Secretary may impose.

(b) EXEMPTIONS.—

(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

(A) the person fails to comply with the terms and conditions of such exemption;

(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.

(B) The time period during which the requested exemption would apply.

(C) An analysis of the safety impacts the requested exemption may cause.

(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

(4) NOTICE AND COMMENT.—

(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

(c) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of each pilot program, including the exemptions to be considered, and

provide notice and an opportunity for public comment before the effective date of the program.

(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.

(B) A specific data collection and safety analysis plan that identifies a method for comparison.

(C) A reasonable number of participants necessary to yield statistically valid findings.

(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1029; Pub. L. 105–178, title IV, § 4007(a), June 9, 1998, 112 Stat. 401.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31315	49 App.:2711.	Oct. 27, 1986, Pub. L. 99–570, § 12013, 100 Stat. 3207–186.

The words ''Notwithstanding any other provision of this chapter'' are omitted as surplus.

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(3), probably means the date of enactment of Pub. L. 105–178, which amended this section generally and was approved June 9, 1998.

AMENDMENTS

1998—Pub. L. 105–178 amended section catchline and text generally. Prior to amendment, text read as follows: ''After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.''

PROTECTION OF EXISTING EXEMPTIONS

For provisions making amendment by section 4007 of Pub. L. 105–178 inapplicable to or otherwise not affecting waiver, exemption, or pilot program in effect the day before June 9, 1998, under this chapter or section 31136(e) of this title, see section 4007(d) of Pub. L. 105–178, set out as a note under section 31136 of this title.

§ 31316. Limitation on statutory construction

This chapter does not affect the authority of the Secretary of Transportation to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or a lesser gross vehicle weight rating the Secretary decides is appropriate under section 31301(4)(A) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31316	49 App.:2714.	Oct. 27, 1986, Pub. L. 99–570, § 12017, 100 Stat. 3207–187.

The words ''This chapter does not affect'' are substituted for ''Nothing in this chapter shall be construed to diminish, limit, or otherwise affect'' to eliminate unnecessary words.

§ 31317. Procedure for prescribing regulations

Regulations prescribed by the Secretary of Transportation to carry out this chapter (except section 31307) shall be prescribed under section 553 of title 5 without regard to sections 556 and 557 of title 5.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31317	49 App.:2715.	Oct. 27, 1986, Pub. L. 99–570, § 12018, 100 Stat. 3207–187.

The text of 49 App.:2715(a) is omitted as surplus because of 49:322(a). The words ''(except section 31307)'' are added because the source provisions restated in this section do not apply to the source provisions restated in section 31307 of the revised title.

CHAPTER 315—MOTOR CARRIER SAFETY

Sec.
31501. Definitions.
31502. Requirements for qualifications, hours of service, safety, and equipment standards.
31503. Research, investigation, and testing.
31504. Identification of motor vehicles.

HISTORICAL AND REVISION NOTES

Chapter 315 is a restatement of existing chapter 31 of title 49, United States Code, that is redesignated as chapter 315 by section 1(c) of the bill.

§ 31501. Definitions

In this chapter—

(1) ''migrant worker'' means an individual going to or from employment in agriculture as provided under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)) or section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) ''motor carrier'', ''motor common carrier'', ''motor private carrier'', ''motor vehicle'', and ''United States'' have the same meanings given those terms in section 13102 of this title.

(3) ''motor carrier of migrant workers''—

(A) means a person (except a motor common carrier) providing transportation referred to in section 13501 of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

(B) does not include a migrant worker providing transportation for migrant workers and their immediate families.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2438, § 3101; renumbered § 31501 and amended Pub. L. 103–272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 103–429, § 6(26), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–88, title III, § 308(k)(1), (2), Dec. 29, 1995, 109 Stat. 947, 948.)

HISTORICAL AND REVISION NOTES
PUB. L. 97–449

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3101(1)	49:303(a)(23).	Feb. 4, 1887, ch. 104, 24 Stat. 397, § 203(a)(22), (23); added Aug. 3, 1956, ch. 905, § 1, 70 Stat. 958.
3101(2)	(no source).	
3101(3)	49:303(a)(22).	

In clause (1), the words ''going to or from'' are substituted for ''proceeding to or returning from'' for clarity.

Clause (2) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the quoted definitions are found in the revision notes for section 10102 of the revised title.

In clause (3), the words ''including any 'contract common carrier by motor vehicle' '' are omitted as covered by the definition of ''motor carrier''. The words ''referred to in section 10521(a) of this title'' are substituted for ''in interstate or foreign commerce'' for clarity and consistency in the revised title. The word ''except'' is substituted for ''but not including'' for clarity. The words ''at least'' are substituted for ''or more'', and the words ''but the term does not include'' are substituted for ''except'', for consistency.

PUB. L. 103–429

This amends 49:31501(1) to correct an erroneous cross-reference.

AMENDMENTS

1995—Par. (2). Pub. L. 104–88, § 308(k)(1), substituted ''13102'' for ''10102''.

Par. (3)(A). Pub. L. 104–88, § 308(k)(2), substituted ''13501'' for ''10521(a)''.

1994—Pub. L. 103–272 renumbered section 3101 of this title as this section and amended it generally, restating it without substantive change.

Par. (1). Pub. L. 103–429 substituted ''section 3(f)'' for ''section 203(f)''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 31502. Requirements for qualifications, hours of service, safety, and equipment standards

(a) APPLICATION.—This section applies to transportation—

(1) described in sections 13501 and 13502 of this title; and

(2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) MOTOR CARRIER AND PRIVATE MOTOR CARRIER REQUIREMENTS.—The Secretary of Transportation may prescribe requirements for—

(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and

(2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) MIGRANT WORKER MOTOR CARRIER REQUIREMENTS.—The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker—

(1) at least 75 miles; and

(2) across the boundary of a State, territory, or possession of the United States.

(d) CONSIDERATIONS.—Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of the requirement.

(e) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

(B) physical testing, reporting, or recordkeeping, and

(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the Field Administrator of the Federal Motor Carrier Safety Administration with jurisdiction over the area covered by the declaration.

(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Field Administrator a report of each safety-related incident or accident that occurred during the emergency period involving—

(A) a utility service vehicle driver to which the declaration applied; or

(B) a utility service vehicle of the driver to which the declaration applied.

(4) DEFINITIONS.—In this subsection, the following definitions apply:

(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ''driver of a utility service vehicle'' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4)[1] of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613).

(B) UTILITY SERVICE VEHICLE.—The term ''utility service vehicle'' has the meaning that term has under section 345(e)(6)[1] of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat[2] 614–615).

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2438, §3102; Pub. L. 98–554, title II, §206(h), Oct. 30, 1984, 98 Stat. 2835; renumbered §31502 and amended Pub. L. 103–272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 104–88, title III, §308(k)(3), Dec. 29, 1995, 109 Stat. 948; Pub. L. 105–178, title IV, §4012(a), June 9, 1998, 112 Stat. 408; Pub. L. 109–59, title IV, §4145(b), Aug. 10, 2005, 119 Stat. 1749.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3102(a)	(no source).	
3102(b)(1)	49:304(a)(1)–(2) (related to qualifications, hours of service, and safety).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §204(a)(1)–(2) (related to qualifications, hours of service, and safety), (3) (1st sentence); added Aug. 9, 1935, ch. 498, 49 Stat. 546.
3102(b)(2)	49:304(a)(3) (1st sentence).	
	49:1655(e)(6)(C).	Oct. 15, 1966, Pub. L. 89–670, §6(e)(6)(C), 80 Stat. 939.

[1] See References in Text note below.

[2] So in original. Probably should be followed by a period.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3102(c)	49:304(a)(3a) (1st sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §204(a)(3a) (1st sentence); added Aug. 3, 1956, ch. 905, §2, 70 Stat. 958.
	49:1655(e)(6)(C).	

Throughout the chapter, the words ''Secretary of Transportation'' are substituted for ''Interstate Commerce Commission'' because 49:1655(e)(6)(B)–(D) transferred the authority of the Interstate Commerce Commission under the provisions restated in this chapter to the Secretary of Transportation.

Subsection (a) is included to maintain the jurisdictional scope of the source provisions from which subsections (b) and (c) of the revised section are taken. Subsections (b) and (c) are based on 49:304 which, as part of 49:ch. 8, is now restated as subchapter II of chapter 105 of the revised title. In addition, 49:303(a)(11) (last sentence) extended the jurisdictional scope of 49:304 as provided in subsection (a) of the revised section.

In subsection (b), before clause (1), the words ''and to that end'' are omitted as surplus. The word ''prescribe'' is substituted for ''establish'' for consistency. The word ''reasonable'' is omitted as surplus.

In subsection (b)(1), the words ''as provided in this chapter'' are omitted as unnecessary because of the restatement. The term ''motor carrier'' is substituted for ''common carriers by motor vehicle'' and ''contract carriers by motor vehicle'' because they are inclusive.

In subsection (b)(2), the words ''when needed'' are substituted for ''if need therefor is found'' to eliminate unnecessary words.

In subsection (c), the word ''prescribe'' is substituted for ''establish'' for consistency. The word ''reasonable'' is omitted as surplus. The words ''for a total distance of'' are omitted as unnecessary because of the restatement. The words ''at least'' are substituted for ''more than'' for consistency. The word ''line'' is omitted as surplus. The words ''possession of the United States'' are added for consistency in the revised title. The words ''a foreign country'' and ''the District of Columbia'' are omitted as unnecessary because a carrier crossing the boundary of a foreign country or the District of Columbia into or from the United States would necessarily cross the boundary of a State and be covered by the provision related to a State.

REFERENCES IN TEXT

Section 345 of the National Highway System Designation Act of 1995, referred to in subsec. (e)(4), is section 345 of Pub. L. 104–59, which was set out as a note under section 31136 of this title, prior to repeal by Pub. L. 109–59, title IV, §4115(d), Aug. 10, 2005, 119 Stat. 1726. The text of section 345 of Pub. L. 104–59 was inserted as part of section 229 of Pub. L. 106–159, as added by section 4115(a) of Pub. L. 109–59, and is set out as a note under section 31136 of this title.

AMENDMENTS

2005—Subsec. (e)(2). Pub. L. 109–59, §4145(b)(1), substituted ''Field Administrator of the Federal Motor Carrier Safety Administration'' for ''Regional Director of the Federal Highway Administration''.

Subsec. (e)(3). Pub. L. 109–59, §4145(b)(2), substituted ''Field Administrator'' for ''Regional Director'' in introductory provisions.

1998—Subsec. (e). Pub. L. 105–178 added subsec. (e).

1995—Subsec. (a)(1). Pub. L. 104–88 substituted ''13501 and 13502'' for ''10521 and 10522''.

1994—Pub. L. 103–272 renumbered section 3102 of this title as this section and amended it generally, restating it without substantive change.

1984—Subsec. (d). Pub. L. 98–554 added subsec. (d).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

SAVINGS PROVISION

Pub. L. 100–690, title IX, § 9102(c), Nov. 18, 1988, 102 Stat. 4529, provided that: ''The amendment made by subsection (a) [amending section 2505 of former Title 49, Transportation] shall not be construed as having any effect on the enactment of subsection (d) of section 3102 [now 31502] of title 49, United States Code, which subsection (d) was added to such section by section 206(h) of the Motor Carrier Safety Act of 1984 [Pub. L. 98–554] on October 30, 1984.''

CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS

Pub. L. 105–178, title IV, § 4012(b), June 9, 1998, 112 Stat. 409, provided that:

''(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] may not be construed—

''(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

''(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

''(2) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) COMMERCIAL DRIVER'S LICENSE.—The term 'commercial driver's license' has the meaning that term has under section 31301 of title 49, United States Code.

''(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' has the meaning that term has under section 31502(e)(2) of such title [probably should be section 31502(e)(4)(A) of such title].

''(C) REGULATION.—The term 'regulation' has the meaning that term has under section 31132 of such title.

''(D) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 [Pub. L. 104–59] (49 U.S.C. 31136 note; 109 Stat. 614–615).''

STUDY OF ADEQUACY OF PARKING FACILITIES

Pub. L. 105–178, title IV, § 4027, June 9, 1998, 112 Stat. 417, provided that:

''(a) STUDY.—The Secretary [of Transportation] shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

''(b) REPORT.—Not later than the 3 years after the date of the enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

''(c) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000, and 2001, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.''

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to exemptions from regulations prescribed under this section as to maximum driving and on-duty time for drivers used by motor carriers, see section 345 of Pub. L. 104–59, set out as a note under section 31136 of this title.

§ 31503. Research, investigation, and testing

(a) GENERAL AUTHORITY.—The Secretary of Transportation may investigate and report on the need for regulation by the United States Government of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter I of chapter 135 of this title and a motor private carrier. The Secretary shall use the services of each department, agency, or instrumentality of the Government and each organization of motor carriers having special knowledge of a matter being investigated.

(b) USE OF SERVICES.—In carrying out this chapter, the Secretary may use the services of a department, agency, or instrumentality of the Government having special knowledge about safety, to conduct scientific and technical research, investigation, and testing when necessary to promote safety of operation and equipment of motor vehicles. The Secretary may reimburse the department, agency, or instrumentality for the services provided.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2439, § 3103; renumbered § 31503 and amended Pub. L. 103–272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1030; Pub. L. 104–88, title III, § 308(k)(4), Dec. 29, 1995, 109 Stat. 948.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3103(a)	49:325.	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 226; added Aug. 9, 1935, ch. 498, 49 Stat. 566; Sept. 18, 1940, ch. 722, § 26(b), 54 Stat. 929.
	49:1655(e)(6)(B).	Oct. 15, 1966, Pub. L. 89–670, § 6(e)(6)(B), (C), 80 Stat. 939.
3103(b)	49:304(a)(5).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 204(a)(5); added Aug. 9, 1935, ch. 498, 49 Stat. 546.
	49:1655(e)(6)(C).	

In subsection (a), the words ''subject to subchapter II of chapter 105 of this title'' are added for clarity. The word ''services'' is substituted for ''assistance'' for consistency. The words ''department, agency, or instrumentality of the United States Government'' are substituted for ''departments or bureaus of the Government'' for consistency.

In subsection (b), the words ''In carrying out this chapter'' are substituted for ''For the purpose of carrying out the provisions pertaining to safety'' to eliminate unnecessary words. The words ''department . . . or instrumentality'' are added for consistency. The word ''reimburse'' is substituted for ''transfer . . . such funds'' for consistency. The words ''as may be necessary and available to make this provision effective'' are omitted as unnecessary because of the restatement.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–88 substituted ''subchapter I of chapter 135'' for ''subchapter II of chapter 105''.

1994—Pub. L. 103–272 renumbered section 3103 of this title as this section and amended it generally, restating it without substantive change.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

§31504. Identification of motor vehicles

(a) GENERAL AUTHORITY.—The Secretary of Transportation may—

(1) issue and require the display of an identification plate on a motor vehicle used in transportation provided by a motor private carrier and a motor carrier of migrant workers subject to section 31502(c) of this title, except a motor contract carrier; and

(2) require each of those motor private carriers and motor carriers of migrant workers to pay the reasonable cost of the plate.

(b) LIMITATION.—A motor private carrier or a motor carrier of migrant workers may use an identification plate only as authorized by the Secretary.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2439, §3104; renumbered §31504 and amended Pub. L. 103–272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1030.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3104(a)	49:304(a)(3) (last sentence) (related to ''Sec. 324'').	Feb. 4, 1887, ch. 104, 24 Stat. 379, §204(a)(3) (last sentence) (related to ''Sec. 224''); added Aug. 9, 1935, ch. 498, 49 Stat. 546.
	49:304(a)(3a) (last sentence) (related to ''Sec. 324'').	Feb. 4, 1887, ch. 104, 24 Stat. 379, §204(a)(3a) (last sentence) (related to ''Sec. 224''); added Aug. 3, 1956, ch. 905, §2, 70 Stat. 958.
	49:1655(e)(6)(D) (related to ''Sec. 324'').	Oct. 15, 1966, Pub. L. 89–670, §6(e)(6)(D) (related to ''Sec. 224''), 80 Stat. 940.
3104(b)	49:304(a)(3) (last sentence) (related to ''Sec. 324''). 49:304(a)(3a) (last sentence) (related to ''Sec. 324''). 49:1655(e)(6)(D) (related to ''Sec. 324'').	

The section is included to reflect the text of former 49:324 (related to motor private carriers and motor carriers of migrant workers) which is incorporated in the revised title by cross-reference.

AMENDMENTS

1994—Pub. L. 103–272 renumbered section 3104 of this title as this section and amended it generally, restating it without substantive change.

CHAPTER 317—PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

Sec.
31701. Definitions.
[31702, 31703. Repealed.]
31704. Vehicle registration.
31705. Fuel use tax.
31706. Enforcement.
31707. Limitations on statutory construction.
[31708. Repealed.]

AMENDMENTS

1998—Pub. L. 105–178, title IV, §4013, June 9, 1998, 112 Stat. 409, struck out items 31702 ''Working group'', 31703 ''Grants'', and 31708 ''Authorization of appropriations''.

§31701. Definitions

In this chapter—

(1) ''commercial motor vehicle'', with respect to—

(A) the International Registration Plan, has the same meaning given the term ''apportionable vehicle'' under the Plan; and

(B) the International Fuel Tax Agreement, has the same meaning given the term ''qualified motor vehicle'' under the Agreement.

(2) ''fuel use tax'' means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) ''International Fuel Tax Agreement'' means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

(4) ''International Registration Plan'' means the interstate agreement on apportioning vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) ''Regional Fuel Tax Agreement'' means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers in the States of Maine, Vermont, and New Hampshire.

(6) ''State'' means the 48 contiguous States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1031.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31701	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, §4008(k), 105 Stat. 2155.

OPERATION OF TRAILERS

Pub. L. 105–277, div. C, title I, §109, Oct. 21, 1998, 112 Stat. 2681–586, provided that:

''(a) REGISTRATION OF TRAILERS.—A State that requires annual registration of container chassis and the apportionment of fees for such registrations in accordance with the International Registration Plan (as defined under section 31701 of title 49, United States Code) shall not limit the operation, or require the registration, in the State of a container chassis (or impose fines or penalties on the operation of a container chassis for being operated in the State without a registration issued by the State) if such chassis—

''(1) is registered under the laws of another State; and

''(2) is operating under a trip permit issued by the State.

''(b) LIMITATION ON REGISTRATION OF TRAILERS.—A State described in subsection (a) may not deny the use of trip permits for the operation in the State of a container chassis that is registered under the laws of another State.

''(c) SAFETY REGULATION.—This section shall apply to registration requirements only and shall not affect the ability of the State to regulate for safety.

''(d) PENALTIES.—No State described in subsection (a), political subdivision of such a State, or person may impose or collect any fee, penalty, fine, or other form of damages which is based in whole or in part upon the nonpayment of a State registration fee (including related weight and licensing fees assessed as part of registration) attributable to a container chassis operated in the State (and registered in another State) before the date of enactment of this Act [Oct. 21, 1998], unless it is shown by the State, political subdivision, or person that such container chassis was not operated in the State under a trip permit issued by the State.

''(e) CONTAINER CHASSIS DEFINED.—In this section, the term 'container chassis' means a trailer, semi-trailer, or auxiliary axle used exclusively for the transportation of ocean shipping containers.''

[§§ 31702, 31703. Repealed. Pub. L. 105–178, title IV, § 4013, June 9, 1998, 112 Stat. 409]

Section 31702, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1031, related to establishment and purposes of working group of State and local government officials to propose procedures to resolve disputes among States participating in the International Registration Plan and in the International Fuel Tax Agreement.

Section 31703, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1032, related to grants to States and appropriate persons to facilitate participation in the International Registration Plan and in the International Fuel Tax Agreement.

§ 31704. Vehicle registration

After September 30, 1996, a State that is not participating in the International Registration Plan may not establish, maintain, or enforce a commercial motor vehicle registration law, regulation, or agreement that limits the operation in that State of a commercial motor vehicle that is not registered under the laws of the State, if the vehicle is registered under the laws of a State participating in the Plan.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1032.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31704	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(f), 105 Stat. 2154.

The words ''a State that is not participating in the International Registration Plan may not'' are substituted for ''no State (other than a State which is participating in the International Registration Plan) shall'' for consistency in the revised title and to eliminate unnecessary words.

§ 31705. Fuel use tax

(a) REPORTING REQUIREMENTS.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that has a fuel use tax reporting requirement (including any tax reporting form) only if the requirement conforms with the International Fuel Tax Agreement.

(b) PAYMENT.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that provides for the payment of a fuel use tax only if the law or regulation conforms with the International Fuel Tax Agreement as it applies to collection of a fuel use tax by a single base State and proportional sharing of fuel use taxes charged among the States where a commercial motor vehicle is operated.

(c) LIMITATION.—If the International Fuel Tax Agreement is amended, a State not participating in the Agreement when the amendment is made is not subject to the conformity requirements of subsections (a) and (b) of this section in regard to the amendment until after a reasonable time, but not earlier than the expiration of—

(1) the 365-day period beginning on the first day that States participating in the Agreement are required to comply with the amendment; or

(2) the 365-day period beginning on the day the relevant office of the State receives written notice of the amendment from the Secretary of Transportation.

(d) NONAPPLICATION.—This section does not apply to a State that was participating in the Regional Fuel Tax Agreement on January 1, 1991, and that continues to participate in that Agreement after that date.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1032.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31705	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(g), 105 Stat. 2154.

In subsection (b), the words ''as it applies to'' are substituted for ''with respect to'' for clarity.

In subsection (c), before clause (1), the words ''a State not participating in the Agreement when the amendment is made is not subject to the conformity requirements of subsections (a) and (b) of this section in regard to the amendment'' are substituted for ''conformity by a State that is not participating in such Agreement when such amendment is made may not be required with respect to such amendment'' for clarity.

§ 31706. Enforcement

(a) CIVIL ACTIONS.—On request of the Secretary of Transportation, the Attorney General may bring a civil action in a court of competent jurisdiction to enforce compliance with sections 31704 and 31705 of this title.

(b) VENUE.—An action under this section may be brought only in the State in which an order is required to enforce compliance.

(c) RELIEF.—Subject to section 1341 of title 28, the court, on a proper showing—

(1) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(2) may require by the injunction that the State or any person comply with sections 31704 and 31705 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1033.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31706	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(h), 105 Stat. 2155.

In subsection (a), the words ''bring a civil action . . . to enforce compliance'' are substituted for ''commence . . . a civil action for such injunctive relief as may be appropriate to ensure compliance'' for consistency in the revised title and to eliminate unnecessary words.

In subsection (b), the words ''an order is required to enforce compliance'' are substituted for ''relief is required to ensure such compliance'' for consistency in the revised title.

§ 31707. Limitations on statutory construction

Sections 31704 and 31705 of this title do not limit the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1033.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31707	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(i), 105 Stat. 2155.

[§ 31708. Repealed. Pub. L. 105–178, title IV, § 4013, June 9, 1998, 112 Stat. 409]

Section, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1033, related to authorization of appropriations for working group under section 31702 of this title and for grants under section 31703 of this title.

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

CHAPTER 321—GENERAL

Sec.
32101. Definitions.
32102. Authorization of appropriations.

§ 32101. Definitions

In this part (except chapter 329 and except as provided in section 33101)—

(1) ''bumper standard'' means a minimum performance standard that substantially reduces—

(A) the damage to the front or rear end of a passenger motor vehicle from a low-speed collision (including a collision with a fixed barrier) or from towing the vehicle; or

(B) the cost of repairing the damage.

(2) ''insurer'' means a person in the business of issuing, or reinsuring any part of, a passenger motor vehicle insurance policy.

(3) ''interstate commerce'' means commerce between a place in a State and—

(A) a place in another State; or

(B) another place in the same State through another State.

(4) ''make'', when describing a passenger motor vehicle, means the trade name of the manufacturer of the vehicle.

(5) ''manufacturer'' means a person—

(A) manufacturing or assembling passenger motor vehicles or passenger motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) ''model'', when describing a passenger motor vehicle, means a category of passenger motor vehicles based on the size, style, and type of a make of vehicle.

(7) ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(8) ''motor vehicle accident'' means an accident resulting from the maintenance or operation of a passenger motor vehicle or passenger motor vehicle equipment.

(9) ''multipurpose passenger vehicle'' means a passenger motor vehicle constructed on a truck chassis or with special features for occasional off-road operation.

(10) ''passenger motor vehicle'' means a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include—

(A) a motorcycle; or

(B) a truck not designed primarily to carry its operator or passengers.

(11) ''passenger motor vehicle equipment'' means—

(A) a system, part, or component of a passenger motor vehicle as originally made;

(B) a similar part or component made or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a passenger motor vehicle; or

(C) a device made or sold for use in towing a passenger motor vehicle.

(12) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(13) ''United States district court'' means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1034; Pub. L. 103–429, § 6(27), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32101(1)	15:1901(5), (6) (words before semicolon), (11).	Oct. 20, 1972, Pub. L. 92–513, § 2(1)–(6) (words before semicolon), (7)–(12), (15)–(18), 86 Stat. 947, 948; Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 901; Oct. 10, 1980, Pub. L. 96–425, § 8(a)(2), 94 Stat. 1828; Oct. 25, 1984, Pub. L. 98–547, § 101(b), 98 Stat. 2767.
32101(2)	15:1901(12).	
32101(3)	15:1901(17).	
32101(4)	15:1901(8).	
32101(5)	15:1901(7).	
32101(6)	15:1901(9).	
32101(7)	15:1901(15).	
32101(8)	15:1901(10).	
32101(9)	15:1901(2).	
32101(10)	15:1901(1).	
32101(11)	15:1901(3), (4).	
32101(12)	15:1901(16).	
32101(13)	15:1901(18).	

In clause (1), the text of 15:1901(11) is omitted as surplus because the complete title of the Secretary of Transportation is used the first time the term appears in a section. The definition of ''property loss reduction standard'' is combined with the definition of ''bumper standard'' because the former term is used only in the definition of the latter term. Before subclause (A), the words ''the purpose of which is'' and ''eliminate'' are omitted as surplus. In subclauses (A) and (B), the words ''(or both)'' are omitted as surplus. In subclause (A), the word ''physical'' is omitted as surplus.

In clause (2), the words ''of passenger motor vehicles'' and ''engaged'' are omitted as surplus.

In clause (5)(A), the words ''manufacturing or assembling'' are substituted for ''engaged in the manufacturing or assembling of'' to eliminate unnecessary words.

In clause (8), the words ''maintenance or operation'' are substituted for ''operation, maintenance, or use'' to eliminate an unnecessary word.

In clauses (12) and (13), the words ''the Northern Mariana Islands'' are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94–241, 90 Stat. 268), and as

proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593). The words ''the Canal Zone'' are omitted because of the Panama Canal Treaty of 1977.

In clause (12), the word ''means'' is substituted for ''includes'' as being more appropriate. The words ''a State of the United States'' are substituted for ''each of the several States'' for consistency in the revised title and with other titles of the United States Code.

In clause (13), the words ''of the Commonwealth of Puerto Rico'' are omitted as surplus because the district court of Puerto Rico is a district court of the United States under 28:119.

PUB. L. 103–429

This makes a conforming amendment to 49:32101 necessary because of the amendment to 49:32304(a)(11) made by section 6(29) of the bill and to clarify the restatement of 15:1901 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1034).

AMENDMENTS

1994—Pub. L. 103–429 amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: ''In this part (except section 32304 and chapter 329)—''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32102. Authorization of appropriations

There is authorized to be appropriated to the Secretary $9,562,500 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1035; Pub. L. 105–178, title VII, § 7102(b), June 9, 1998, 112 Stat. 465; Pub. L. 106–39, § 1(b), July 28, 1999, 113 Stat. 206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32102	15:1392 (note).	Dec. 18, 1991, Pub. L. 102–240, § 2501(b), 105 Stat. 2081.

The reference to fiscal year 1992 is omitted as obsolete.

AMENDMENTS

1999—Pub. L. 106–39 substituted ''$9,562,500'' for ''$6,200,000''.

1998—Pub. L. 105–178 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: ''The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this part:

''(1) $6,731,430 for the fiscal year ending September 30, 1993.

''(2) $6,987,224 for the fiscal year ending September 30, 1994.

''(3) $7,252,739 for the fiscal year ending September 30, 1995.''

CHAPTER 323—CONSUMER INFORMATION

Sec.
32301. Definitions.
32302. Passenger motor vehicle information.
32303. Insurance information.
32304. Passenger motor vehicle country of origin labeling.
32304A. Consumer tire information.
32305. Information and assistance from other departments, agencies, and instrumentalities.
32306. Personnel.
32307. Investigative powers.
32308. General prohibitions, civil penalty, and enforcement.
32309. Civil penalty for labeling violations.

AMENDMENTS

2007—Pub. L. 110–140, title I, § 111(c), Dec. 19, 2007, 121 Stat. 1507, added item 32304A.

1994—Pub. L. 103–429, § 6(28), Oct. 31, 1994, 108 Stat. 4380, substituted ''Civil'' for ''Criminal'' in item 32309.

§ 32301. Definitions

In this chapter—

(1) ''crashworthiness'' means the protection a passenger motor vehicle gives its passengers against personal injury or death from a motor vehicle accident.

(2) ''damage susceptibility'' means the susceptibility of a passenger motor vehicle to damage in a motor vehicle accident.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1035.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32301	15:1901(13), (14).	Oct. 20, 1972, Pub. L. 92–513, § 2(13), (14), 86 Stat. 948; Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 901; Oct. 10, 1980, Pub. L. 96–425, § 8(a)(2), 94 Stat. 1828; Oct. 25, 1984, Pub. L. 98–547, § 101(b), 98 Stat. 2767.

§ 32302. Passenger motor vehicle information

(a) INFORMATION PROGRAM.—The Secretary of Transportation shall maintain a program for developing the following information on passenger motor vehicles:

(1) damage susceptibility.

(2) crashworthiness.

(3) the degree of difficulty of diagnosis and repair of damage to, or failure of, mechanical and electrical systems.

(4) vehicle operating costs dependent on the characteristics referred to in clauses (1)–(3) of this subsection, including insurance information obtained under section 32303 of this title.

(b) MOTOR VEHICLE INFORMATION.—To assist a consumer in buying a passenger motor vehicle, the Secretary shall provide to the public information developed under subsection (a) of this section. The information shall be in a simple and understandable form that allows comparison of the characteristics referred to in subsection (a)(1)–(3) of this section among the makes and models of passenger motor vehicles. The Secretary may require passenger motor vehicle dealers to distribute the information to prospective buyers.

(c) INSURANCE COST INFORMATION.—The Secretary shall prescribe regulations that require passenger motor vehicle dealers to distribute to prospective buyers information the Secretary develops and provides to the dealers that compares insurance costs for different makes and

models of passenger motor vehicles based on damage susceptibility and crashworthiness.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1035.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32302(a)	15:1941(c) (19th–60th words).	Oct. 20, 1972, Pub. L. 92–513, § 201(c), (e), 86 Stat. 956.
	15:1941(d) (1st–13th words).	Oct. 20, 1972, Pub. L. 92–513, § 201(d), 86 Stat. 956; July 14, 1976, Pub. L. 94–364, § 201, 90 Stat. 981.
32302(b)	15:1941(c) (1st–18th and 61st–last words), (d) (14th–last words).	
32302(c)	15:1941(e).	

In subsection (a), the words before clause (1) are substituted for ''The Secretary shall compile the information described in subsection (c) of this section'' and ''existing information and information to be developed relating to'' for clarity and to eliminate unnecessary words.

In subsection (b), the words ''After the study has been completed'' are omitted as executed. The words ''To assist a consumer in buying a passenger motor vehicle'' are substituted for ''so as to be of benefit in their passenger motor vehicle purchasing decisions'', and the words ''the Secretary shall provide to the public'' are substituted for ''the Secretary is authorized and directed to devise specific ways in which . . . can be communicated to consumers'' and ''furnish it to the public'', to eliminate unnecessary words. The word ''existing'' is omitted as obsolete.

In subsection (c), the words ''not later than February 1, 1975'' are omitted as executed. The words ''prescribe regulations'' are substituted for ''by rule establish'' for consistency in the revised title and because ''rule'' is synonymous with ''regulation''.

§ 32303. Insurance information

(a) GENERAL REPORTS AND INFORMATION REQUIREMENTS.—(1) In carrying out this chapter, the Secretary of Transportation may require an insurer, or a designated agent of the insurer, to make reports and provide the Secretary with information. The reports and information may include accident claim information by make, model, and model year of passenger motor vehicle about the kind and extent of—

(A) physical damage and repair costs; and

(B) personal injury.

(2) In deciding which reports and information are to be provided under this subsection, the Secretary shall—

(A) consider the cost of preparing and providing the reports and information;

(B) consider the extent to which the reports and information will contribute to carrying out this chapter; and

(C) consult with State authorities and public and private agencies the Secretary considers appropriate.

(3) To the extent possible, the Secretary shall obtain reports and information under this subsection on a voluntary basis.

(b) REQUESTED INFORMATION ON CRASHWORTHINESS, DAMAGE SUSCEPTIBILITY, AND REPAIR AND PERSONAL INJURY COST.—When requested by the Secretary, an insurer shall give the Secretary information—

(1) about the extent to which the insurance premiums charged by the insurer are affected by damage susceptibility, crashworthiness, and the cost of repair and personal injury, for each make and model of passenger motor vehicle; and

(2) available to the insurer about the effect of damage susceptibility, crashworthiness, and the cost of repair and personal injury for each make and model of passenger motor vehicle on the risk incurred by the insurer in insuring that make and model.

(c) DISCLOSURE.—In distributing information received under this section, the Secretary may disclose identifying information about a person that may be an insured, a claimant, a passenger, an owner, a witness, or an individual involved in a motor vehicle accident, only with the consent of the person.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1036.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32303(a)	15:1945(a)–(d), (g).	Oct. 20, 1972, Pub. L. 92–513, § 205, 86 Stat. 958.
32303(b)	15:1945(e).	
32303(c)	15:1945(f).	

In subsection (a), the words ''carrying out this chapter'' are substituted for ''to enable him to carry out the purposes of this subchapter'' to eliminate unnecessary words. The word ''provide'' is substituted for ''furnish'' for consistency.

In subsection (a)(1), before clause (A), the words ''the Secretary of Transportation may require . . . to . . . provide the Secretary with'' are substituted for ''shall, upon request by the Secretary . . . as the Secretary may reasonably require'' to eliminate unnecessary words. The text of 15:1945(g) is omitted as surplus because of 49:322(a). The word ''information'' is substituted for ''data'' for consistency in the section. In clause (A), the words ''repair costs'' are substituted for ''the cost of remedying the damage'' to eliminate unnecessary words.

In subsection (a)(2)(C), the words ''State authorities and public and private agencies'' are substituted for ''such State and insurance regulatory agencies and other agencies and associations, both public and private'' for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the word ''information'' is substituted for ''a description of'' for consistency in the section. In clause (1), the word ''premiums'' is substituted for ''rates or premiums'' because it is inclusive. In clause (2), the words ''by the insurer'' are added for clarity.

In subsection (c), the words ''identifying information'' are substituted for ''the name of, or other identifying information'', and the words ''a witness, or an individual involved'' are substituted for ''a driver, an injured person, a witness, or otherwise involved'' to eliminate unnecessary words. The word ''accident'' is substituted for ''crash or collision'' for consistency in this section. The words ''so named or otherwise identified'' are omitted as surplus.

§ 32304. Passenger motor vehicle country of origin labeling

(a) DEFINITIONS.—In this section—

(1) ''allied supplier'' means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or if a joint venture vehicle assembly arrangement, a supplier that is wholly owned by one member of the joint venture arrangement.

(2)(A) ''carline''—

(i) means a name given a group of passenger motor vehicles that has a degree of commonality in construction such as body and chassis;

(ii) does not consider a level of decor or opulence; and

(iii) except for light duty trucks, is not generally distinguished by characteristics such as roof line, number of doors, seats, or windows; and

(B) light duty trucks are different carlines than passenger motor vehicles.

(3) ''country of origin'', when referring to the origin of an engine or transmission, means the country from which the largest share of the dollar value added to an engine or transmission has originated—

(A) with the United States and Canada treated as separate countries; and

(B) the estimate of the percentage of the dollar value shall be based on the purchase price of direct materials, as received at individual engine or transmission plants, of engines of the same displacement and transmissions of the same transmission type, plus the assembly and labor costs incurred for the final assembly of such engines and transmissions.

(4) ''dealer'' means a person residing or located in the United States, including the District of Columbia or a territory or possession of the United States, and engaged in selling or distributing new passenger motor vehicles to the ultimate purchaser.

(5) ''final assembly place'' means the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer, and from which the vehicle is delivered to a dealer or importer with all component parts necessary for the mechanical operation of the vehicle included with the vehicle, whether or not the component parts are permanently installed in or on the vehicle. Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes.

(6) ''foreign content'' means passenger motor vehicle equipment that is not of United States/Canadian origin.

(7) ''manufacturer'' means a person—

(A) engaged in manufacturing or assembling new passenger motor vehicles;

(B) importing new passenger motor vehicles for resale; or

(C) acting for and under the control of such a manufacturer, assembler, or importer in connection with the distribution of new passenger motor vehicles.

(8) ''new passenger motor vehicle'' means a passenger motor vehicle for which a manufacturer, distributor, or dealer has never transferred the equitable or legal title to the vehicle to an ultimate purchaser.

(9) ''of United States/Canadian origin'', when referring to passenger motor vehicle equipment, means—

(A) for an outside supplier—

(i) the full purchase price of passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; or

(ii) that portion of the purchase price of passenger motor vehicle equipment containing less than 70 percent value added in the United States and Canada that is attributable to the percent value added in the United States and Canada when such percent is expressed to the nearest 5 percent; and

(B) for an allied supplier, that part of the individual passenger motor vehicle equipment whose purchase price the manufacturer determines remains after subtracting the total of the purchase prices of all material of foreign content purchased from outside suppliers, with the determination of the United States/Canadian origin or of the foreign content from outside suppliers being consistent with subclause (A) of this clause.

(10) ''outside supplier'' means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier, or a person other than an allied supplier, who ships directly to the manufacturer's final assembly place.

(11) ''passenger motor vehicle'' has the same meaning given that term in section 32101(10) of this title, except that it includes any multipurpose vehicle or light duty truck when that vehicle or truck is rated at not more than 8,500 pounds gross vehicle weight.

(12) ''passenger motor vehicle equipment''—

(A) means a system, subassembly, or component received at the final vehicle assembly place for installation on, or attachment to, a passenger motor vehicle at the time of its first shipment by the manufacturer to a dealer for sale to an ultimate purchaser; but

(B) does not include minor parts (including nuts, bolts, clips, screws, pins, braces, and other attachment hardware) and other similar items the Secretary of Transportation may prescribe by regulation after consulting with manufacturers and labor.

(13) ''percentage (by value)'', when referring to passenger motor vehicle equipment of United States/Canadian origin, means the percentage remaining after subtracting the percentage (by value) of passenger motor vehicle equipment that is not of United States/Canadian origin that will be installed or included on those vehicles produced in a carline, from 100 percent—

(A) with value being expressed in terms of the purchase price; and

(B) for outside suppliers and allied suppliers, the value used is the purchase price of the equipment paid at the final assembly place.

(14) ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(15) ''value added in the United States and Canada'' means a percentage determined by subtracting the total purchase price of foreign

content from the total purchase price, and dividing the remainder by the total purchase price, excluding costs incurred or profits made at the final assembly place and beyond (including advertising, assembly, labor, interest payments, and profits), with the following groupings being used:

(A) engines of same displacement produced at the same plant.

(B) transmissions of the same type produced at the same plant.

(b) MANUFACTURER REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle manufactured after September 30, 1994, and distributed in commerce for sale in the United States, shall establish each year for each model year and cause to be attached in a prominent place on each of those vehicles, at least one label. The label shall contain the following information:

(A) the percentage (by value) of passenger motor vehicle equipment of United States/Canadian origin installed on vehicles in the carline to which that vehicle belongs, identified by the words ''U.S./Canadian content''.

(B) the final assembly place for that vehicle by city, State (where appropriate) and country.

(C) if at least 15 percent (by value) of equipment installed on passenger motor vehicles in a carline originated in any country other than the United States and Canada, the names of at least the 2 countries in which the greatest amount (by value) of that equipment originated and the percentage (by value) of the equipment originating in each country.

(D) the country of origin of the engine and the transmission for each vehicle.

(2) At the beginning of each model year, each manufacturer shall establish the percentages required for each carline to be indicated on the label under this subsection. Those percentages are applicable to that carline for the entire model year. A manufacturer may round those percentages to the nearest 5 percent.

(3) A manufacturer complying with the requirement of paragraph (1)(B) of this subsection satisfies the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)).

(c) VEHICLE CONTENT PERCENTAGE BY ASSEMBLY PLANT.—A manufacturer may display separately on the label required by subsection (b) the domestic content of a vehicle based on the assembly plant. Such display shall occur after the matter required to be in the label by subsection (b)(1)(A).

(d) VALUE ADDED DETERMINATION.—If a manufacturer or allied supplier requests information in a timely manner from one or more of its outside suppliers concerning the United States/Canadian content of particular equipment, but does not receive that information despite a good faith effort to obtain it, the manufacturer or allied supplier may make its own good faith value added determinations, subject to the following:

(1) The manufacturer or allied supplier shall make the same value added determinations as would be made by the outside supplier, that is, whether 70 percent or more of the value of equipment is added in the United States and/or Canada.

(2) The manufacturer or allied supplier shall consider the amount of value added and the location in which the value was added for all of the stages that the outside supplier would be required to consider.

(3) The manufacturer or allied supplier may determine that the value added in the United States and/or Canada is 70 percent or more only if it has a good faith basis to make that determination.

(4) A manufacturer and its allied suppliers may, on a combined basis, make value added determinations for no more than 10 percent, by value, of a carline's total parts content from outside suppliers.

(5) Value added determinations made by a manufacturer or allied supplier under this paragraph shall have the same effect as if they were made by the outside supplier.

(6) This provision does not affect the obligation of outside suppliers to provide the requested information.

(e) SMALL PARTS.—The country of origin of nuts, bolts, clips, screws, pins, braces, gasoline, oil, blackout, phosphate rinse, windshield washer fluid, fasteners, tire assembly fluid, rivets, adhesives, and grommets, of any system, subassembly, or component installed in a vehicle shall be considered to be the country in which such parts were included in the final assembly of such vehicle.

(f) DEALER REQUIREMENT.—Each dealer engaged in the sale or distribution of a new passenger motor vehicle manufactured after September 30, 1994, shall cause to be maintained on that vehicle the label required to be attached to that vehicle under subsection (b) of this section.

(g) FORM AND CONTENT OF LABEL.—The Secretary of Transportation shall prescribe by regulation the form and content of the label required under subsection (b) of this section and the manner and location in which the label is attached. The Secretary shall permit a manufacturer to comply with this section by allowing the manufacturer to disclose the information required under subsection (b)(1) on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 32908 of this title, or on a separate label that is readily visible. A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.

(h) REGULATIONS.—In consultation with the Secretaries of Commerce and the Treasury, the Secretary of Transportation shall prescribe regulations necessary to carry out this section, including regulations establishing a procedure to verify the label information required under subsection (b)(1) of this section. Those regulations shall provide the ultimate purchaser of a new passenger motor vehicle with the best and most understandable information possible about the foreign content and United States/Canadian origin of the equipment of the vehicles without imposing costly and unnecessary burdens on the manufacturers. The Secretary of Transportation shall prescribe the regulations promptly to provide adequate lead time for each manufacturer

to comply with this section. The regulations shall include provisions applicable to outside suppliers and allied suppliers to require those suppliers to certify whether passenger motor vehicle equipment provided by those suppliers is of United States origin, of United States/Canadian origin, or of foreign content and to provide other information the Secretary of Transportation decides is necessary to allow each manufacturer to comply reasonably with this section and to rely on that certification and information.

(i) PREEMPTION.—(1) When a label content requirement prescribed under this section is in effect, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to the content of vehicles covered by a requirement under this section.

(2) A State or a political subdivision of a State may prescribe requirements related to the content of passenger motor vehicles obtained for its own use.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1036; Pub. L. 103–429, § 6(29), (30), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105–178, title VII, § 7106(d), June 9, 1998, 112 Stat. 467.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32304(a)	15:1950(f).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 210(b)–(d), (f), (g), added Oct. 6, 1992, Pub. L. 102–388, § 355, 106 Stat. 1556, 1557.
32304(b)(1), (2).	15:1950(b)(1) (less words between 1st and 2d commas), (2).	
32304(b)(3) ..	15:1950(b)(3).	
32304(c)	15:1950(b)(1) (words between 1st and 2d commas).	
32304(d)	15:1950(c).	
32304(e)	15:1950(d).	
32304(f)	15:1950(g).	

In this section, the words ''passenger motor vehicle'' and ''vehicle'' are substituted for ''automobile'' because the defined terms used in the operative provisions of the law being restated are ''passenger motor vehicle'' and ''new passenger motor vehicle''. The words ''final assembly place'' are substituted for ''final assembly point'' for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2)(A)(i), the word ''given'' is substituted for ''denoting'' for clarity. The words ''passenger motor'' are added for clarity and consistency in the revised section.

In section (a)(2)(A)(ii), the words ''decor or opulence'' are substituted for ''decor of opulence'' for clarity.

In subsection (a)(3), before subclause (A), the words ''from which the largest share of the dollar value added to . . . has originated'' are substituted for ''in which 50 percent or more of the dollar value added of . . . originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated'' for clarity and to eliminate unnecessary words. In subclause (A), the word ''with'' is substituted for ''For the purpose of determining the country of origin for engines and transmissions'' are omitted as unnecessary.

In subsection (a)(4), the word ''possession'' is added for clarity and consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words ''in such a condition'' are omitted as surplus.

In subsection (a)(6), the words ''United States/Canadian origin'' are substituted for ''U.S./Canadian origin'' for consistency with the defined term restated in the revised section. The word ''foreign'' is omitted as being included in ''foreign content''.

In subsection (a)(9), before subclause (A), the words ''originated in the United States and Canada'' and ''U.S./Canadian origin'' are omitted as unnecessary because of the defined term ''of United States/Canadian origin''. In subclause (A), the words ''passenger motor vehicle equipment whose purchase price contains'' are substituted for ''the purchase price of automotive equipment which contains'' for clarity. In subclause (B), the words ''that part of the individual passenger motor vehicle equipment whose purchase price the manufacturer determines remains after subtracting the total of the purchase price of all material of foreign content purchased from outside suppliers'' are substituted for ''the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment'' for clarity.

In subsection (a)(10), the word ''person'' is substituted for ''anyone'' for clarity and consistency in the revised title.

In subsection (a)(11), the words ''a motor vehicle with motive power, manufactured primarily for use on public streets, roads, and highways, and designed to carry not more than 12 individuals . . . not including . . . a motorcycle; or . . . a truck not designed primarily to carry its operator or passengers'' are substituted for ''has the meaning provided in section 1901(1) of this title'' for clarity.

In subsection (a)(13), before subclause (A), the words ''the percentage remaining after subtracting'' are substituted for ''the resulting percentage when . . . is subtracted'' for clarity.

In subsection (a)(15), before subclause (A), the words '''Value added' equals'' are omitted as unnecessary because of the restatement.

The text of 15:1950(f)(2) is omitted as unnecessary because of 1:1. The text of 15:1950(f)(8) is omitted because the complete title of the Secretary of Transportation is used the first time the term appears in a section.

In subsection (b)(1)(A), the words ''to which that vehicle belongs'' are added for clarity.

In subsection (b)(3), the text of 15:1950(b)(3) (1st sentence) is omitted as unnecessary because of the source provisions restated in this subsection.

Subsection (c) is substituted for ''and each dealer shall cause to be maintained'' for clarity and because of the restatement.

In subsection (e), the words ''passenger motor vehicle equipment'' are substituted for ''a component'' for clarity and for consistency with the defined term. The text of 15:1950(d) (last sentence) is omitted as unnecessary because of section 32308 of the revised title. The words ''foreign content'' are substituted for ''foreign'' for clarity and consistency with the defined term.

PUB. L. 103–429, § 6(29)

This amends 32304(a)(11) to clarify the restatement of 15:1950(f)(3) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1038).

PUB. L. 103–429, § 6(30)

This amends 49:32304(a)(14) to reflect the inclusion of the Northern Mariana Islands and the exclusion of the Canal Zone. The words ''the Northern Mariana Islands'' are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94–241, 90 Stat. 268), and as proclaimed to be in effect by the President on January 9, 1978 (Proc. No.

4534, Oct. 24, 1977, 42 F.R. 56593). The words ''the Canal Zone'' are omitted because of the Panama Canal Treaty of 1977.

AMENDMENTS

1998—Subsec. (a)(3)(B). Pub. L. 105–178, § 7106(d)(1)(A), inserted before period at end '', plus the assembly and labor costs incurred for the final assembly of such engines and transmissions''.

Subsec. (a)(5). Pub. L. 105–178, § 7106(d)(1)(B), inserted at end ''Such term does not include facilities for engine and transmission fabrication and assembly and the facilities for fabrication of motor vehicle equipment component parts which are produced at the same final assembly place using forming processes such as stamping, machining, or molding processes.''

Subsec. (a)(9)(A). Pub. L. 105–178, § 7106(d)(1)(C), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''for an outside supplier, passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; and''.

Subsec. (c). Pub. L. 105–178, § 7106(d)(3), added subsec. (c). Former subsec. (c) redesignated (f).

Subsec. (d). Pub. L. 105–178, § 7106(d)(4), added subsec. (d). Former subsec. (d) redesignated (g).

Pub. L. 105–178, § 7106(d)(2), inserted at end ''A manufacturer may add to the label required under subsection (b) a line stating the country in which vehicle assembly was completed.''

Subsec. (e). Pub. L. 105–178, § 7106(d)(5), added subsec. (e). Former subsec. (e) redesignated (h).

Subsecs. (f) to (i). Pub. L. 105–178, § 7106(d)(3), redesignated subsecs. (c) to (f) as (f) to (i), respectively.

1994—Subsec. (a)(11). Pub. L. 103–429, § 6(29), amended par. (11) generally. Prior to amendment, par. (11) read as follows: '' 'passenger motor vehicle' means a motor vehicle with motive power, manufactured primarily for use on public streets, roads, and highways, and designed to carry not more than 12 individuals—

''(A) including a multipurpose vehicle or light duty truck when the vehicle or truck is rated at not more than 8,500 pounds gross vehicle weight; but

''(B) not including—

''(i) a motorcycle;

''(ii) a truck not designed primarily to carry its operator or passengers; or

''(iii) a vehicle operated only on a rail line.''

Subsec. (a)(14). Pub. L. 103–429, § 6(30), inserted ''the Northern Mariana Islands,'' after ''Puerto Rico,'' and struck out ''the Canal Zone,'' after ''Guam,''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32304A. Consumer tire information

(a) RULEMAKING.—

(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

(D) a national tire maintenance consumer education program including,[1] information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

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

(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

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

(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.

(Added Pub. L. 110–140, title I, § 111(a), Dec. 19, 2007, 121 Stat. 1506.)

REFERENCES IN TEXT

The date of enactment of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (a)(1), (3), is the date of enactment of subtitle A (§§ 101–113) of title I of Pub. L. 110–140, which was approved Dec. 19, 2007.

[1] So in original. Probably should be '', including''.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

§ 32305. Information and assistance from other departments, agencies, and instrumentalities

(a) AUTHORITY TO REQUEST.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILING PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32305	15:1943.	Oct. 20, 1972, Pub. L. 92–513, § 203, 86 Stat. 957.

In this section, the word ''independent'' is omitted as surplus.

In subsection (a), the words ''he deems'' and ''his functions under'' are omitted as surplus. The words ''head of the'' are added for consistency in the revised title and with other titles of the United States Code. The words ''cooperate with the Secretary and'' and ''to the Department of Transportation upon request made by the Secretary'' are omitted as surplus.

§ 32306. Personnel

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) appoint and fix the pay of employees without regard to the provisions of title 5 governing appointment in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and

(2) make contracts with persons for research and preparation of reports.

(b) STATUS OF ADVISORY COMMITTEE MEMBERS.—A member of an advisory committee appointed under section 325 of this title to carry out this chapter is a special United States Government employee under chapter 11 of title 18.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32306(a)	15:1942 (1st, 2d sentences).	Oct. 20, 1972, Pub. L. 92–513, § 202, 86 Stat. 956.
32306(b)	15:1942 (last sentence).	

In subsection (a), before clause (1), the words ''his functions under'' are omitted as surplus. In clause (1), the words ''as he deems necessary'' are omitted as surplus. The words ''chapter 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates'' to eliminate unnecessary words. The text of 15:1942 (1st sentence cl. (2)) is omitted as surplus because of 49:323(b). The text of 15:1942 (1st sentence cl. (4), 2d sentence) is omitted as surplus because of 49:325.

REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (a)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

§ 32307. Investigative powers

(a) GENERAL AUTHORITY.—In carrying out this chapter, the Secretary of Transportation may—

(1) inspect and copy records of any person at reasonable times;

(2) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(3) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(b) WITNESS FEES AND MILEAGE.—A witness summoned under subsection (a) of this section is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(c) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpena or order of the Secretary under subsection (a) of this section may be brought in the United States district court for the judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(d) CONFIDENTIALITY OF INFORMATION.—Information obtained by the Secretary under this section related to a confidential matter referred to in section 1905 of title 18 may be disclosed only to another officer or employee of the United States Government for use in carrying out this chapter. This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1040.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32307(a)	15:1944(a)–(c).	Oct. 20, 1972, Pub. L. 92–513, § 204, 86 Stat. 957.
32307(b)	15:1944(e).	
32307(c)	15:1944(d).	
32307(d)	15:1944(f).	

In subsection (a), before clause (1), the words ''In carrying out this chapter'' are substituted for ''For the purpose of carrying out the provisions of this subchapter'', ''In order to carry out the provisions of this subchapter'', and ''relating to any function of the Secretary under this subchapter'' for consistency. The words ''or on the authorization of the Secretary, any officer or employee of the Department of Transportation'' and ''or his duly authorized agent'' are omitted as surplus because of 49:322(b). In clause (1), the words ''inspect and copy'' are substituted for ''have access to, and for the purposes of examination the right to copy'', and the word ''records'' is substituted for ''documentary evidence'' and ''materials and information'', for consistency and to eliminate unnecessary words. The

words ''relevant to the study authorized by this subchapter'' are omitted as surplus. In clause (2), the word ''order'' is substituted for ''require, by general or special orders'' to eliminate unnecessary words. The words ''in such form as the Secretary may prescribe'' and ''shall be filed with the Secretary within such reasonable period as the Secretary may prescribe'' are omitted as surplus because of 49:322(a). In clause (3), the words ''sit and act at such times and places'' are omitted as being included in ''conduct hearings''.

In subsection (c), the words ''A civil action to enforce a subpena or order of the Secretary under subsection (a) of this section may be brought in the United States district court for the judicial district in which the proceeding by the Secretary is conducted'' are substituted for 15:1944(d) (words before semicolon) for consistency in the revised title and to eliminate unnecessary words.

In subsection (d), the words ''reported to or otherwise'' are omitted as surplus. The words ''or such officer or employee'' are omitted for consistency with subsection (a) of this section. The words ''related to a confidential matter referred to'' are substituted for ''contains or relates to a trade secret or other matter referred to'' to eliminate unnecessary words. The words ''a committee of Congress authorized to have the information'' are substituted for ''the duly authorized committees of the Congress'' for clarity.

§ 32308. General prohibitions, civil penalty, and enforcement

(a) PROHIBITIONS.—A person may not—

(1) fail to provide the Secretary of Transportation with information requested by the Secretary in carrying out this chapter; or

(2) fail to comply with applicable regulations prescribed by the Secretary in carrying out this chapter.

(b) CIVIL PENALTY.—(1) A person that violates subsection (a) of this section is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each failure to provide information or comply with a regulation in violation of subsection (a) is a separate violation. The maximum penalty under this subsection for a related series of violations is $400,000.

(2) The Secretary may compromise the amount of a civil penalty imposed under this section.

(3) In determining the amount of a penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

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

(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.

(d) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of subsection (a) of this section.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(e) VENUE AND SERVICE.—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1041; Pub. L. 110–140, title I, § 111(b), Dec. 19, 2007, 121 Stat. 1507.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32308(a)	15:1946.	Oct. 20, 1972, Pub. L. 92–513, §§ 206–208, 86 Stat. 959.
32308(b)(1) ..	15:1948(a).	
32308(b) (2)–(4).	15:1948(b).	
32308(c)	15:1947 (1st–3d sentences).	
32308(d)	15:1947 (last sentence). 15:1948(c).	

In subsection (a)(1), the words ''data or'' are omitted as surplus.

In subsection (b)(1), the words ''Each failure to provide information or comply with a regulation'' are substituted for ''with respect to each failure or refusal to comply with a requirement thereunder'' for clarity.

In subsection (c), the words ''The Attorney General may bring a civil action'' are substituted for ''Upon petition by the Attorney General on behalf of the United States'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The words ''for cause shown'' are omitted as surplus. The words ''and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure'' are omitted as surplus because the rules apply in the absence of an exception from them.

Subsection (d) is substituted for 15:1947 (last sentence) and 1948(c) for clarity and consistency in this part by restating 15:1917(c)(3) and (4).

AMENDMENTS

2007—Subsecs. (c) to (e). Pub. L. 110–140 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32309. Civil penalty for labeling violations

(a) DEFINITIONS.—The definitions in section 32304 of this title apply to this section.

(b) PENALTIES.—A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under section 32304 of this title to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under section 32304, is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1042; Pub. L. 103–429, § 6(31), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32309(a)	(no source).	
32309(b)	15:1950(e).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 210(e); added Oct. 6, 1992, Pub. L. 102–388, § 355, 106 Stat. 1557.

Subsection (a) is added to ensure that the definitions in 15:1950(f), restated in section 32304 of the revised title, apply to the source provision restated in this section.

In subsection (b), the words ''Each failure to attach or maintain that label'' are substituted for ''Such failure'' for clarity.

PUB. L. 103–429

This amends the catchline for 49:32309 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1042).

AMENDMENTS

1994—Pub. L. 103–429 substituted ''Civil'' for ''Criminal'' in section catchline.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

CHAPTER 325—BUMPER STANDARDS

Sec.
32501. Purpose.
32502. Bumper standards.
32503. Judicial review of bumper standards.
32504. Certificates of compliance.
32505. Information and compliance requirements.
32506. Prohibited acts.
32507. Penalties and enforcement.
32508. Civil actions by owners of passenger motor vehicles.
32509. Information and assistance from other departments, agencies, and instrumentalities.
[32510. Repealed.]
32511. Relationship to other motor vehicle standards.

AMENDMENTS

1998—Pub. L. 105–362, title XV, § 1501(e)(2), Nov. 10, 1998, 112 Stat. 3295, struck out item 32510 ''Annual report''.

§ 32501. Purpose

The purpose of this chapter is to reduce economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents by providing for the maintenance and enforcement of bumper standards.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1042.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32501	15:1911.	Oct. 20, 1972, Pub. L. 92–513, § 101, 86 Stat. 948.

The words ''The Congress finds that it is necessary'' are omitted as surplus. The word ''maintenance'' is substituted for ''promulgation'' for clarity.

§ 32502. Bumper standards

(a) GENERAL REQUIREMENTS AND NONAPPLICATION.—The Secretary of Transportation shall prescribe by regulation bumper standards for passenger motor vehicles and may prescribe by regulation bumper standards for passenger motor vehicle equipment manufactured in, or imported into, the United States. A standard does not apply to a passenger motor vehicle or passenger motor vehicle equipment—

(1) intended only for export;

(2) labeled for export on the vehicle or equipment and the outside of any container of the vehicle or equipment; and

(3) exported.

(b) LIMITATIONS.—A standard under this section—

(1) may not conflict with a motor vehicle safety standard prescribed under chapter 301 of this title;

(2) may not specify a dollar amount for the cost of repairing damage to a passenger motor vehicle; and

(3) to the greatest practicable extent, may not preclude the attachment of a detachable hitch.

(c) EXEMPTIONS.—For good cause, the Secretary may exempt from all or any part of a standard—

(1) a multipurpose passenger vehicle;

(2) a make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle; or

(3) a passenger motor vehicle for which an application for an exemption under section 30013(b)[1] of this title has been filed in accordance with the requirements of that section.

(d) COST REDUCTION AND CONSIDERATIONS.—When prescribing a standard under this section, the Secretary shall design the standard to obtain the maximum feasible reduction of costs to the public, considering—

(1) the costs and benefits of carrying out the standard;

(2) the effect of the standard on insurance costs and legal fees and costs;

(3) savings in consumer time and inconvenience; and

(4) health and safety, including emission standards.

(e) PROCEDURES.—Section 553 of title 5 applies to a standard prescribed under this section. However, the Secretary shall give an interested person an opportunity to make oral and written presentations of information, views, and arguments. A transcript of each oral presentation shall be kept. Under conditions prescribed by the Secretary, the Secretary may conduct a hearing to resolve an issue of fact material to a standard.

(f) EFFECTIVE DATE.—The Secretary shall prescribe an effective date for a standard under this section. That date may not be earlier than the date the standard is prescribed nor later than 18 months after the date the standard is prescribed. However, the Secretary may prescribe a later

[1] So in original. Probably should be section ''30113(b)''.

date when the Secretary submits to Congress and publishes the reasons for the later date. A standard only applies to a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the effective date.

(g) RESEARCH.—The Secretary shall conduct research necessary to carry out this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1042; Pub. L. 105–277, div. A, § 101(g) [title III, § 351(b)(1)], Oct. 21, 1998, 112 Stat. 2681–439, 2681–476.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32502(a)	15:1912(a).	Oct. 20, 1972, Pub. L. 92–513, §§ 102, 104(d), 86 Stat. 949.
32502(b)(1) ..	15:1912(b)(2).	
32502(b)(2) ..	15:1901(6) (words after semicolon).	Oct. 20, 1972, Pub. L. 92–513, § 2(6) (words after semicolon), 86 Stat. 948; Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 901; Oct. 10, 1980, Pub. L. 96–425, § 8(a)(2), 94 Stat. 1828; Oct. 25, 1984, Pub. L. 98–547, § 101(b), 98 Stat. 2767.
32502(b)(3) ..	15:1912(c)(2).	
32502(c)	15:1912(c)(1).	
32502(d)	15:1912(b)(1).	
32502(e)	15:1912(e).	
32502(f)	15:1912(d).	
32502(g)	15:1914(d).	

In subsection (a), before clause (1), the words ''Subject to subsections (b) through (e) of this section'' are omitted as surplus. The words ''shall prescribe by regulation'' are substituted for ''by rule . . . shall promulgate'' for clarity. The words ''may prescribe by regulation'' are substituted for ''by rule . . . may promulgate'' for consistency.

In subsection (c), before clause (1), the words ''In promulgating any bumper standard under this subchapter'' are omitted as surplus. The words ''from any part of a standard'' are substituted for ''partially or completely'' for clarity and consistency.

In subsection (d), before clause (1), the words ''to the public'' are substituted for ''to the public and to the consumer'' because they are inclusive. In clause (2), the word ''prospective'' is omitted as surplus.

In subsection (e), the words ''Section 553 of title 5 applies to a standard prescribed under this section'' are substituted for ''All rules establishing, amending, or revoking a bumper standard under this subchapter shall be issued pursuant to section 553 of title 5'', the words ''opportunity to make oral and written presentations of information, views, and arguments'' are substituted for ''opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions'', the words ''Under conditions prescribed by the Secretary'' are substituted for ''in accordance with such conditions or limitations as he may make applicable thereto'', and the words ''material to a standard'' are substituted for ''material to the establishing, amending, or revoking of a bumper standard'', to eliminate unnecessary words.

In subsection (f), the words ''However, the Secretary may prescribe a later date when the Secretary submits'' are substituted for ''unless the Secretary presents'' for clarity. The word ''reasons'' is substituted for ''a detailed explanation of the reasons'' to eliminate unnecessary words.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105–277, § 101(g) [title III, § 351(b)(1)(A)], substituted ''all or any part of a standard'' for ''any part of a standard'' in introductory provisions.

Subsec. (c)(3). Pub. L. 105–277, § 101(g) [title III, § 351(b)(1)(B)–(D)], added par. (3).

§ 32503. Judicial review of bumper standards

(a) FILING AND VENUE.—A person that may be adversely affected by a standard prescribed under section 32502 of this title may apply for review of the standard by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the standard is prescribed.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the standard was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside a standard, and the additional evidence with the court.

(d) SUPREME COURT REVIEW AND ADDITIONAL REMEDIES.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under this section is in addition to any other remedies provided by law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1043.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32503(a)	15:1913(a) (1st sentence), (c).	Oct. 20, 1972, Pub. L. 92–513, § 103, 86 Stat. 950.
32503(b)	15:1913(a) (2d, last sentences).	
32503(c)	15:1913(b).	
32503(d)	15:1913(d), (e).	

In subsection (a), the words ''may apply for'' are added for clarity. The text of 15:1913(c) is omitted because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words ''or his delegate'' and ''thereupon'' are omitted as surplus. The words ''in which the standard was prescribed'' are substituted for ''on which the Secretary based his rule, as provided in section 2112 of title 28'' to eliminate unnecessary words.

In subsection (c)(1), the words ''On request of the petitioner'' are substituted for ''If the petitioner applies to the court for leave to adduce'' to eliminate unnecessary words. The words ''the Secretary to receive'' are substituted for ''to be taken before the Secretary, and to be adduced in a hearing'' for clarity. The words ''in such manner and upon such terms and conditions as the court may deem proper'' are omitted as surplus.

In subsection (c)(2), the words ''with the court'' are substituted for ''with the return of'' for clarity.

In subsection (d), the words ''affirming or setting aside, in whole or in part, any such rule of the Secretary'' are omitted as surplus. The words ''may be reviewed only'' are substituted for ''shall be final, subject to review'' for clarity. The words ''and not in lieu of'' are omitted as surplus.

§ 32504. Certificates of compliance

Under regulations prescribed by the Secretary of Transportation, a manufacturer or distributor of a passenger motor vehicle or passenger motor vehicle equipment subject to a standard prescribed under section 32502 of this title shall give the distributor or dealer at the time of delivery a certificate that the vehicle or equipment complies with the standard.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1044.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32504	15:1915(c).	Oct. 20, 1972, Pub. L. 92–513, § 105(c), 86 Stat. 952.

The words ''Under regulations prescribed by the Secretary of Transportation'' are substituted for 15:1915(c)(1) (last sentence) to eliminate unnecessary words. The text of 15:1915(c)(2) is omitted as surplus because this section only applies to a vehicle or equipment subject to a standard prescribed under section 32502 of the revised title, and a standard prescribed under that section does not apply to a vehicle or equipment intended only for export, labeled for export, and exported.

§ 32505. Information and compliance requirements

(a) GENERAL AUTHORITY.—(1) To enable the Secretary of Transportation to decide whether a manufacturer of passenger motor vehicles or passenger motor vehicle equipment is complying with this chapter and standards prescribed under this chapter, the Secretary may require the manufacturer to—

(A) keep records;

(B) make reports;

(C) provide items and information, including vehicles and equipment for testing at a negotiated price not more than the manufacturer's cost; and

(D) allow an officer or employee designated by the Secretary to inspect vehicles and relevant records of the manufacturer.

(2) To enforce this chapter, an officer or employee designated by the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(b) POWERS OF SECRETARY AND CIVIL ACTIONS TO ENFORCE.—(1) In carrying out this chapter, the Secretary may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for any judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(c) CONFIDENTIALITY OF INFORMATION.—(1) Information obtained by the Secretary under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(A) to another officer or employee of the United States Government for use in carrying out this chapter; or

(B) in a proceeding under this chapter.

(2) This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(3) Subject to paragraph (1) of this subsection, the Secretary, on request, shall make available to the public at cost information the Secretary submits or receives in carrying out this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1044; Pub. L. 103–429, § 6(32), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32505(a)(1) ..	15:1915(a).	Oct. 20, 1972, Pub. L. 92–513, §§ 104(a), (b), 105(a), (b), 109, 86 Stat. 950, 951, 952, 955.
32505(a)(2) ..	15:1915(b).	
32505(b)(1) ..	15:1914(a)(1)–(3).	
32505(b)(2) ..	15:1914(a)(5).	
32505(b)(3) ..	15:1914(a)(4).	
32505(c)(1), (2).	15:1914(b).	
32505(c)(3) ..	15:1919.	

In subsection (a)(1), before clause (A), the words ''To enable the Secretary of Transportation to decide whether . . . is complying'' are substituted for ''to enable him to determine whether such manufacturer has acted or is acting in compliance'' and ''determining whether such manufacturer has acted or is acting in compliance'' to eliminate unnecessary words. The word ''reasonably'' is omitted as surplus. In clause (A), the word ''keep'' is substituted for ''establish and maintain'' for consistency in the revised title and to eliminate unnecessary words. In clause (C), the text of 15:1915(a) (2d sentence) is omitted as surplus because of 49:322(a). In clause (D), the words ''upon request'' and ''duly'' are omitted as surplus.

In subsection (a)(2), the word ''enter'' is omitted as being as included in ''inspect''. The word ''facility'' is substituted for ''factory, warehouse, or establishment'' to eliminate unnecessary words. The words ''shall be commenced and completed'' are omitted as surplus.

In subsection (b)(1), before clause (A), the words ''In carrying out this chapter'' are substituted for ''For the purpose of carrying out the provisions of this subchapter'', ''In order to carry out the provisions of this subchapter'', ''relevant to any function of the Secretary under this subchapter'', and ''relating to any function of the Secretary under this subchapter'' for consistency. In clause (A), the words ''inspect and copy'' are substituted for ''have access to, and for the purposes of examination the right to copy'' to elimi-

nate unnecessary words. The word ''records'' is substituted for ''documentary evidence'' for consistency. In clause (B), the word ''order'' is substituted for ''require, by general or special orders'' to eliminate unnecessary words. The words ''in such form as the Secretary may prescribe'' and ''shall be filed with the Secretary within such reasonable period as the Secretary may prescribe'' are omitted as surplus because of 49:322(a). In clause (C), the words ''sit and act at such times and places'' are omitted as being included in ''conduct hearings''.

In subsection (b)(3), the words ''A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for the judicial district in which the proceeding by the Secretary was conducted'' are substituted for 15:1914(a)(4) (words before semicolon) for consistency in the revised title and to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words ''reported to or otherwise'' are omitted as surplus. The words ''or his representative'' are omitted for consistency with subsection (b) of this section. The words ''related to a confidential matter referred to'' are substituted for ''contains or relates to a trade secret or other matter referred to'' to eliminate unnecessary words. The words ''shall be considered confidential for the purpose of that section'' are omitted as surplus. In clause (A), the words ''of the United States Government'' are added for clarity. In clause (B) the words ''when relevant'' are omitted as surplus.

In subsection (c)(2), the words ''a committee of Congress authorized to have the information'' are substituted for ''the duly authorized committees of the Congress'' for clarity.

In subsection (c)(3), the words ''copies of any communications, documents, reports, or other'' are omitted as surplus.

PUB. L. 103–429

This amends 49:32505(b)(3) to clarify the restatement of 15:1914(a)(4) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1044).

AMENDMENTS

1994—Subsec. (b)(3). Pub. L. 103–429 substituted ''any judicial district in which the proceeding by the Secretary is conducted'' for ''the judicial district in which the proceeding by the Secretary was conducted''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32506. Prohibited acts

(a) GENERAL.—Except as provided in this section and section 32502 of this title, a person may not—

(1) manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date an applicable standard under section 32502 of this title takes effect, unless it conforms to the standard;

(2) fail to comply with an applicable regulation prescribed by the Secretary of Transportation under this chapter;

(3) fail to keep records, refuse access to or copying of records, fail to make reports or provide items or information, or fail or refuse to allow entry or inspection, as required by this chapter or a regulation prescribed under this chapter; or

(4) fail to provide the certificate required by section 32504 of this title, or provide a certificate that the person knows, or in the exercise of reasonable care has reason to know, is false or misleading in a material respect.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a passenger motor vehicle or passenger motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale (but this clause does not prohibit a standard from requiring that a vehicle or equipment be manufactured to comply with the standard over a specified period of operation or use); or

(2) a person—

(A) establishing that the person had no reason to know, by exercising reasonable care, that the vehicle or equipment does not comply with the standard; or

(B) holding, without knowing about a noncompliance and before that first purchase, a certificate issued under section 32504 of this title stating that the vehicle or equipment complies with the standard.

(c) IMPORTING NONCOMPLYING VEHICLES AND EQUIPMENT.—(1) The Secretaries of Transportation and the Treasury may prescribe joint regulations authorizing a passenger motor vehicle or passenger motor vehicle equipment not complying with a standard prescribed under section 32502 of this title to be imported into the United States subject to conditions (including providing a bond) the Secretaries consider appropriate to ensure that the vehicle or equipment will—

(A) comply, after importation, with the standards prescribed under section 32502 of this title;

(B) be exported; or

(C) be abandoned to the United States Government.

(2) The Secretaries may prescribe joint regulations that allow a passenger motor vehicle or passenger motor vehicle equipment to be imported into the United States after the first purchase in good faith other than for resale.

(d) LIABILITY UNDER OTHER LAW.—Compliance with a standard under this chapter does not exempt a person from liability provided by law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1045; Pub. L. 105–277, div. A, § 101(g) [title III, § 351(b)(2)], Oct. 21, 1998, 112 Stat. 2681–439, 2681–476.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32506(a)	15:1916(a).	Oct. 20, 1972, Pub. L. 92–513, § 106, 86 Stat. 952.
32506(b)	15:1916(b)(1), (2).	
32506(c)	15:1916(b)(3), (4).	
32506(d)	15:1916(c).	

In subsection (a)(4), the words ''required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards'' are omitted as surplus.

In subsection (c)(1), before clause (A), the word ''conditions'' is substituted for ''such terms and conditions''

to eliminate unnecessary words. In clause (A), the words ''comply, after importation'' are substituted for ''brought into conformity'' for clarity and consistency.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277 inserted ''and section 32502 of this title'' after ''Except as provided in this section'' in introductory provisions.

§ 32507. Penalties and enforcement

(a) CIVIL PENALTY.—(1) A person that violates section 32506(a) of this title is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. A separate violation occurs for each passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of section 32506(a)(1) or (4) of this title—

(A) that does not comply with a standard prescribed under section 32502 of this title; or

(B) for which a certificate is not provided, or for which a false or misleading certificate is provided, under section 32504 of this title.

(2) The maximum civil penalty under this subsection for a related series of violations is $800,000.

(3) The Secretary of Transportation imposes a civil penalty under this subsection. The Attorney General or the Secretary, with the concurrence of the Attorney General, shall bring a civil action in a United States district court to collect the penalty.

(b) CRIMINAL PENALTY.—A person knowingly and willfully violating section 32506(a)(1) of this title after receiving a notice of noncompliance from the Secretary shall be fined under title 18, imprisoned for not more than one year, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of the corporation who, with knowledge of the Secretary's notice, knowingly and willfully authorizes, orders, or performs an act that is any part of the violation.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Secretary or the Attorney General may bring a civil action in a United States district court to enjoin a violation of this chapter or the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of a passenger motor vehicle or passenger motor vehicle equipment that is found, before the first purchase in good faith other than for resale, not to comply with a standard prescribed under section 32502 of this title.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) except for a knowing and willful violation, give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (c) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) VENUE.—A civil action under subsection (a) or (c) of this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1046.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32507(a)	15:1917(a).	Oct. 20, 1972, Pub. L. 92–513, § 107, 86 Stat. 953.
32507(b)	15:1917(b).	
32507(c)	15:1917(c)(1).	
32507(d)	15:1917(c)(2).	
32507(e)	15:1917(c)(3), (4).	

In subsection (a)(3), the words ''by any of the Secretary's attorneys designated by the Secretary for such purpose'' are omitted as surplus.

In subsection (b), the words ''fined under title 18'' are substituted for ''fined not more than $50,000'' for consistency with title 18. The words ''If the person is a corporation, the penalties of this subsection also apply'' are substituted for ''If a corporation violates section 1916(a)(1) of this title after having received notice of noncompliance from the Secretary . . . shall be subject to penalties under this section in addition to the corporation'', the word ''act'' is substituted for ''acts or practices'', and the words ''any part of the violation'' are substituted for ''in whole or in part such violation'', to eliminate unnecessary words.

In subsection (c)(1), the words ''may bring a civil action'' are substituted for ''Upon petition . . . on behalf of the United States . . . have jurisdiction'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The words ''for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure'' are omitted as surplus because the rules apply in the absence of an exemption from them. The word ''enjoin'' is substituted for ''restrain'' for consistency.

In subsection (d), the words ''the defendant may demand a jury trial'' are substituted for ''trial shall be by the court, or, upon demand of the accused, by a jury'' to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words ''any act or transaction constituting'' are omitted as surplus. The word ''resides'' is substituted for ''is an inhabitant'' for consistency and to eliminate unnecessary words.

§ 32508. Civil actions by owners of passenger motor vehicles

When an owner of a passenger motor vehicle sustains damages as a result of a motor vehicle accident because the vehicle did not comply with a standard prescribed under section 32502 of this title, the owner may bring a civil action against the manufacturer to recover the damages. The action may be brought in the United States District Court for the District of Columbia or in the United States district court for the judicial district in which the owner resides. The action must be brought not later than 3 years after the date of the accident. The court shall award costs and a reasonable attorney's fee to

the owner when a judgment is entered for the owner.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1047.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32508	15:1918.	Oct. 20, 1972, Pub. L. 92–513, § 108, 86 Stat. 955.

The words ''applicable Federal'' are omitted as surplus. The words ''when a judgment is entered for the owner'' are substituted for ''in the case of any such successful action to recover that amount'' to eliminate unnecessary words.

§ 32509. Information and assistance from other departments, agencies, and instrumentalities

(a) GENERAL AUTHORITY.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILING PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1047.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32509	15:1914(c).	Oct. 20, 1972, Pub. L. 92–513, § 104(c), 86 Stat. 951.

In subsection (a), the words ''he deems'' and ''his functions under'' are omitted as surplus. The words ''head of the'' are added for consistency in the revised title and with other titles of the United States Code. The words ''cooperate with the Secretary and'' and ''to the Department of Transportation upon request made by the Secretary'' are omitted as surplus.

[§ 32510. Repealed. Pub. L. 105–362, title XV, § 1501(e)(1), Nov. 10, 1998, 112 Stat. 3294]

Section, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1047, related to annual report by Secretary of Transportation to Congress and the President concerning bumper standards.

§ 32511. Relationship to other motor vehicle standards

(a) PREEMPTION.—Except as provided in this section, a State or a political subdivision of a State may prescribe or enforce a bumper standard for a passenger motor vehicle or passenger motor vehicle equipment only if the standard is identical to a standard prescribed under section 32502 of this title.

(b) ENFORCEMENT.—This chapter and chapter 301 of this title do not affect the authority of a State to enforce a bumper standard about an aspect of performance of a passenger motor vehicle or passenger motor vehicle equipment not covered by a standard prescribed under section 32502 of this title if the State bumper standard—

(1) does not conflict with a standard prescribed under chapter 301 of this title; and

(2) was in effect or prescribed by the State on October 20, 1972.

(c) ADDITIONAL AND HIGHER STANDARDS OF PERFORMANCE.—The United States Government, a State, or a political subdivision of a State may prescribe a bumper standard for a passenger motor vehicle or passenger motor vehicle equipment obtained for its own use that imposes additional or higher standards of performance than a standard prescribed under section 32502 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1047.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32511(a)	15:1920(a).	Oct. 20, 1972, Pub. L. 92–513, § 110, 86 Stat. 955.
32511(b)	15:1920(b)(1).	
32511(c)	15:1920(b)(2).	

In subsection (a), the words ''may prescribe or enforce . . . only if the standard is identical'' are substituted for ''no . . . shall have any authority to establish or enforce with respect to . . . which is not identical'' to eliminate unnecessary words. The words ''a standard prescribed under section 32502 of this title'' are substituted for ''Federal bumper standard'' for clarity.

In subsection (b), before clause (1), the words ''to continue'' are omitted as surplus. The words ''a bumper standard about an aspect of performance . . . not covered by a standard prescribed under section 32502 of this title'' are substituted for ''Until a Federal bumper standard takes effect with respect to an aspect of performance'' and ''any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment'' to eliminate unnecessary words. The words ''if the State bumper standard'' are added for clarity.

In subsection (c), the words ''that imposes additional or higher standards of performance than'' are substituted for ''which is not identical to . . . if such requirement imposes an additional or higher standard of performance'' for clarity and to eliminate unnecessary words.

CHAPTER 327—ODOMETERS

Sec.
32701. Findings and purposes.
32702. Definitions.
32703. Preventing tampering.
32704. Service, repair, and replacement.
32705. Disclosure requirements on transfer of motor vehicles.
32706. Inspections, investigations, and records.
32707. Administrative warrants.
32708. Confidentiality of information.
32709. Penalties and enforcement.
32710. Civil actions by private persons.
32711. Relationship to State law.

§ 32701. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) buyers of motor vehicles rely heavily on the odometer reading as an index of the condition and value of a vehicle;

(2) buyers are entitled to rely on the odometer reading as an accurate indication of the mileage of the vehicle;

(3) an accurate indication of the mileage assists a buyer in deciding on the safety and reliability of the vehicle; and

(4) motor vehicles move in, or affect, interstate and foreign commerce.

(b) PURPOSES.—The purposes of this chapter are—

(1) to prohibit tampering with motor vehicle odometers; and

(2) to provide safeguards to protect purchasers in the sale of motor vehicles with altered or reset odometers.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1048.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32701(a)	15:1981 (1st sentence).	Oct. 20, 1972, Pub. L. 92–513, § 401, 86 Stat. 961.
32701(b)	15:1981 (last sentence).	

§ 32702. Definitions

In this chapter—

(1) ''auction company'' means a person taking possession of a motor vehicle owned by another to sell at an auction.

(2) ''dealer'' means a person that sold at least 5 motor vehicles during the prior 12 months to buyers that in good faith bought the vehicles other than for resale.

(3) ''distributor'' means a person that sold at least 5 motor vehicles during the prior 12 months for resale.

(4) ''leased motor vehicle'' means a motor vehicle leased to a person for at least 4 months by a lessor that leased at least 5 vehicles during the prior 12 months.

(5) ''odometer'' means an instrument for measuring and recording the distance a motor vehicle is driven, but does not include an auxiliary instrument designed to be reset by the operator of the vehicle to record mileage of a trip.

(6) ''repair'' and ''replace'' mean to restore to a sound working condition by replacing any part of an odometer or by correcting any inoperative part of an odometer.

(7) ''title'' means the certificate of title or other document issued by the State indicating ownership.

(8) ''transfer'' means to change ownership by sale, gift, or any other means.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1048; Pub. L. 104–287, § 5(61), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32702(1)	15:1982(8).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 402(6)–(8); added Oct. 28, 1986, Pub. L. 99–579, § 2(b), 100 Stat. 3310.
32702(2)	15:1982(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 402(1), (2); added July 14, 1976, Pub. L. 94–364, § 401(2), 90 Stat. 983.
32702(3)	15:1982(2).	
32702(4)	15:1982(7).	
32702(5)	15:1982(3).	Oct. 20, 1972, Pub. L. 92–513, § 402(3)–(5), 86 Stat. 961; July 14, 1976, Pub. L. 94–364, § 401(1), 90 Stat. 983.
32702(6)	15:1982(4).	
32702(7)	15:1982(6).	
32702(8)	15:1982(5).	

In clause (1), the words ''(whether through consignment or bailment or through any other arrangement)'' and ''such motor vehicle'' are omitted as surplus.

In clause (4), the words ''a term of'' are omitted as surplus.

In clause (5), the words ''the distance a motor vehicle is driven'' are substituted for ''the actual distance a motor vehicle travels while in operation'' for clarity and to eliminate unnecessary words.

PUB. L. 104–287

This amends 49:32702(8) and 32705 to clarify the restatement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

AMENDMENTS

1996—Par. (8). Pub. L. 104–287 inserted ''any'' after ''or''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

§ 32703. Preventing tampering

A person may not—

(1) advertise for sale, sell, use, install, or have installed, a device that makes an odometer of a motor vehicle register a mileage different from the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer;

(2) disconnect, reset, alter, or have disconnected, reset, or altered, an odometer of a motor vehicle intending to change the mileage registered by the odometer;

(3) with intent to defraud, operate a motor vehicle on a street, road, or highway if the person knows that the odometer of the vehicle is disconnected or not operating; or

(4) conspire to violate this section or section 32704 or 32705 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1049; Pub. L. 103–429, § 6(33), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32703(1)	15:1983.	Oct. 20, 1972, Pub. L. 92–513, § 403, 86 Stat. 962; July 14, 1976, Pub. L. 94–364, § 402, 90 Stat. 983.
32703(2)	15:1984.	Oct. 20, 1972, Pub. L. 92–513, §§ 404, 405, 86 Stat. 962; restated July 14, 1976, Pub. L. 94–364, §§ 403, 404, 90 Stat. 983.
32703(3)	15:1985.	
32703(4)	15:1986.	Oct. 20, 1972, Pub. L. 92–513, § 406, 86 Stat. 962.

In clause (1), the words ''the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer'' are substituted for ''the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance'' to eliminate unnecessary words.

In clause (3), the words ''public'' and ''road'' are added for consistency in this subtitle.

PUB. L. 103–429

This amends 49:32703(3) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

AMENDMENTS

1994—Par. (3). Pub. L. 103–429 struck out ''public'' before ''street''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32704. Service, repair, and replacement

(a) ADJUSTING MILEAGE.—A person may service, repair, or replace an odometer of a motor vehicle if the mileage registered by the odometer remains the same as before the service, repair, or replacement. If the mileage cannot remain the same—

(1) the person shall adjust the odometer to read zero; and

(2) the owner of the vehicle or agent of the owner shall attach a written notice to the left door frame of the vehicle specifying the mileage before the service, repair, or replacement and the date of the service, repair, or replacement.

(b) REMOVING OR ALTERING NOTICE.—A person may not, with intent to defraud, remove or alter a notice attached to a motor vehicle as required by this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1049.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32704	15:1987.	Oct. 20, 1972, Pub. L. 92–513, § 407, 86 Stat. 962; July 14, 1976, Pub. L. 94–364, § 405, 90 Stat. 983.

In subsection (b), the text of 15:1987(b)(1) is omitted as surplus.

§ 32705. Disclosure requirements on transfer of motor vehicles

(a)(1) DISCLOSURE REQUIREMENTS.—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

(A) Disclosure of the cumulative mileage registered on the odometer.

(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.

(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

(B) For purposes of subparagraph (A), the term ''new motor vehicle'' means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.

(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.

(b) MILEAGE STATEMENT REQUIREMENT FOR LICENSING.—(1) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the transferee, in submitting an application to a State for the title on which the license will be issued, includes with the application the transferor's title and, if that title contains the space referred to in paragraph (3)(A)(iii) of this subsection, a statement, signed and dated by the transferor, of the mileage disclosure required under subsection (a) of this section. This paragraph does not apply to a transfer of ownership of a motor vehicle that has not been licensed before the transfer.

(2)(A) Under regulations prescribed by the Secretary, if the title to a motor vehicle issued to a transferor by a State is in the possession of a lienholder when the transferor transfers ownership of the vehicle, the transferor may use a written power of attorney (if allowed by State law) in making the mileage disclosure required under subsection (a) of this section. Regulations prescribed under this paragraph—

(i) shall prescribe the form of the power of attorney;

(ii) shall provide that the form be printed by means of a secure printing process (or other secure process);

(iii) shall provide that the State issue the form to the transferee;

(iv) shall provide that the person exercising the power of attorney retain a copy and submit the original to the State with a copy of the title showing the restatement of the mileage;

(v) may require that the State retain the power of attorney and the copy of the title for an appropriate period or that the State adopt alternative measures consistent with section 32701(b) of this title, after considering the costs to the State;

(vi) shall ensure that the mileage at the time of transfer be disclosed on the power of attorney document;

(vii) shall ensure that the mileage be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (3)(A)(iii) of this subsection;

(viii) may not require that a motor vehicle be titled in the State in which the power of attorney was issued;

(ix) shall consider the need to facilitate normal commercial transactions in the sale or exchange of motor vehicles; and

(x) shall provide other conditions the Secretary considers appropriate.

(B) Section 32709(a) and (b) applies to a person granting or granted a power of attorney under this paragraph.

(3)(A) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the title issued by the State to the transferee—

(i) is produced by means of a secure printing process (or other secure process);

(ii) indicates the mileage disclosure required to be made under subsection (a) of this section; and

(iii) contains a space for the transferee to disclose the mileage at the time of a future transfer and to sign and date the disclosure.

(B) Subparagraph (A) of this paragraph does not require a State to verify, or preclude a State from verifying, the mileage information contained in the title.

(c) LEASED MOTOR VEHICLES.—(1) For a leased motor vehicle, the regulations prescribed under subsection (a) of this section shall require written disclosure about mileage to be made by the lessee to the lessor when the lessor transfers ownership of that vehicle.

(2) Under those regulations, the lessor shall provide written notice to the lessee of—

(A) the lessee's mileage disclosure requirements under paragraph (1) of this subsection; and

(B) the penalties for failure to comply with those requirements.

(3) The lessor shall retain the disclosures made by a lessee under paragraph (1) of this subsection for at least 4 years following the date the lessor transfers the leased motor vehicle.

(4) If the lessor transfers ownership of a leased motor vehicle without obtaining possession of the vehicle, the lessor, in making the disclosure required by subsection (a) of this section, may indicate on the title the mileage disclosed by the lessee under paragraph (1) of this subsection unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

(d) STATE ALTERNATE VEHICLE MILEAGE DISCLOSURE REQUIREMENTS.—The requirements of subsections (b) and (c)(1) of this section on the disclosure of motor vehicle mileage when motor vehicles are transferred or leased apply in a State unless the State has in effect alternate motor vehicle mileage disclosure requirements approved by the Secretary. The Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary decides that the requirements are not consistent with the purpose of the disclosure required by subsection (b) or (c), as the case may be.

(e) AUCTION SALES.—If a motor vehicle is sold at an auction, the auction company conducting the auction shall maintain the following records for at least 4 years after the date of the sale:

(1) the name of the most recent owner of the motor vehicle (except the auction company) and the name of the buyer of the motor vehicle.

(2) the vehicle identification number required under chapter 301 or 331 of this title.

(3) the odometer reading on the date the auction company took possession of the motor vehicle.

(f) APPLICATION AND REVISION OF STATE LAW.—(1) Except as provided in paragraph (2) of this subsection, subsections (b)–(e) of this section apply to the transfer of a motor vehicle after April 28, 1989.

(2) If a State requests, the Secretary shall assist the State in revising its laws to comply with subsection (b) of this section. If a State requires time beyond April 28, 1989, to revise its laws to achieve compliance, the Secretary, on request of the State, may grant additional time that the Secretary considers reasonable by publishing a notice in the Federal Register. The notice shall include the reasons for granting the additional time. In granting additional time, the Secretary shall ensure that the State is making reasonable efforts to achieve compliance.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1049; Pub. L. 103–429, § 6(34), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–287, § 5(62), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105–178, title VII, § 7105, June 9, 1998, 112 Stat. 467.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32705(a)	15:1988(a).	Oct. 20, 1972, Pub. L. 92–513, § 408(a), 86 Stat. 962.
	15:1988(b) (related to false statements).	Oct. 20, 1972, Pub. L. 92–513, § 408(b) (related to false statements), 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, § 406, 90 Stat. 983.
	15:1988(c).	Oct. 20, 1972, Pub. L. 92–513, § 408(c), 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, § 406, 90 Stat. 984.
32705(b)(1) ..	15:1988(d)(1)(A), (B).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 408(d)(1)(A), (B), (2)–(g); added Oct. 28, 1986, Pub. L. 99–579, § 2(a), 100 Stat. 3309.
32705(b)(2) ..	15:1988(d)(1)(C).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 408(d)(1)(C); added Oct. 31, 1988, Pub. L. 100–561, § 401, 102 Stat. 2817; Nov. 28, 1990, Pub. L. 101–641, § 7(a), 104 Stat. 4657.
	15:1988 (note).	Nov. 28, 1990, Pub. L. 101–641, § 7(b) (last sentence), 104 Stat. 4657.
32705(b)(3) ..	15:1988(d)(2).	
32705(c)	15:1988(e).	
32705(d)	15:1988(f).	
32705(e)	15:1988(g).	
32705(f)	15:1988 (note).	Oct. 28, 1986, Pub. L. 99–579, § 2(c), 100 Stat. 3310.

In subsection (a)(1), before clause (A), the words ''Not later than 90 days after October 20, 1972'' are omitted as executed. In clause (B), the words ''if the transferor knows that the mileage registered by the odometer is incorrect'' are substituted for ''if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled'' to eliminate unnecessary words.

In subsection (b)(2)(A), before clause (i), the words ''Under regulations prescribed by the Secretary'' are substituted for ''prescribed by rule by the Secretary'' for consistency in the revised title and because ''rule'' is synonymous with ''regulation''. The words ''to a transferor'' are added for clarity. The words ''before February 1, 1989'' are omitted as expired. The words ''in the possession of'' are substituted for ''physically held by'', and the words ''when the transferor transfers ownership of the vehicle'' are substituted for ''at the time of a transfer of such motor vehicle'', for clarity and consistency. The words ''the transferor may'' are substituted for ''nothing in this subsection shall be construed to prohibit'' for clarity and to eliminate unnecessary words. Clause (i) is substituted for ''in a form''

and clause (ii) is substituted for ''in accordance with paragraph (2)(A)(i)'' for clarity and consistency. In clause (iii), the words ''consistent with the purposes of this Act and the need to facilitate enforcement thereof'' are omitted as surplus. In clauses (iv), (v), (viii), and (ix), the amendment made by section 7(a) of the Independent Safety Board Act Amendments of 1990 (Public Law 101–641, 104 Stat. 4657) is restated as amending section 408(d)(1)(C) of the Motor Vehicle and Cost Savings Act (15 U.S.C. 1988(d)(1)(C)) instead of section 408(d)(2)(C) of that Act to reflect the probable intent of Congress. There is no section 408(d)(2)(C) in that Act. Clause (vii) is substituted for ''and under reasonable conditions'' for clarity and consistency.

In subsection (b)(3)(A), before clause (i), the words ''following such transfer'' are omitted as surplus. In clause (i), the word ''produced'' is substituted for ''set forth'' for clarity. In clause (iii), the words ''(in the event of a future transfer)'' are omitted as surplus.

In subsection (d), the text of 15:1988(f)(1) (last sentence) is omitted as surplus because of 49:322(a).

In subsection (e), before clause (1), the words ''establish and'' are omitted as executed.

In subsection (f)(1), the text of section 2(c)(3) of the Truth in Mileage Act of 1986 (Public Law 99–579, 100 Stat. 3311) is omitted as surplus.

PUB. L. 103–429

This amends 49:32705(c)(2)(A) to clarify the restatement of 15:1988(e)(2)(A) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1051).

PUB. L. 104–287

This amends 49:32702(8) and 32705 to clarify the restatement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

AMENDMENTS

1998—Subsec. (a)(4), (5). Pub. L. 105–178 added pars. (4) and (5).

1996—Subsec. (a). Pub. L. 104–287, § 5(62)(A), substituted ''Disclosure requirements'' for ''Written disclosure requirements'' in heading and amended text generally. Prior to amendment, text read as follows:

''(1) Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a motor vehicle shall give the transferee a written disclosure—

''(A) of the cumulative mileage registered by the odometer; or

''(B) that the mileage is unknown if the transferor knows that the mileage registered by the odometer is incorrect.

''(2) A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

''(3) A person acquiring a motor vehicle for resale may accept a disclosure under this section only if it is complete.

''(4) The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under this section.''

Subsec. (b)(3)(A). Pub. L. 104–287, § 5(62)(B), substituted ''may not be licensed for use in a State unless'' for ''may be licensed for use in a State only if'' in introductory provisions.

1994—Subsec. (c)(2)(A). Pub. L. 103–429 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: ''the mileage disclosure requirements of subsection (a) of this section; and''.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

REGULATIONS

Section 4(q) of Pub. L. 103–272 provided that: ''The revision of regulations, referred to in section 32705(b)(2)(A) of title 49, United States Code, as enacted by section 1 of this Act, that is required by section 7 of the Independent Safety Board Act Amendments of 1990 (Public Law 101–641, 104 Stat. 4657) [former 15 U.S.C. 1988(d)(1)(C), 1988 note] shall be prescribed not later than May 28, 1991.''

§ 32706. Inspections, investigations, and records

(a) AUTHORITY TO INSPECT AND INVESTIGATE.—Subject to section 32707 of this title, the Secretary of Transportation may conduct an inspection or investigation necessary to carry out this chapter or a regulation prescribed or order issued under this chapter. The Secretary shall cooperate with State and local officials to the greatest extent possible in conducting an inspection or investigation. The Secretary may give the Attorney General information about a violation of this chapter or a regulation prescribed or order issued under this chapter.

(b) ENTRY, INSPECTION, AND IMPOUNDMENT.—(1) In carrying out subsection (a) of this section, an officer or employee designated by the Secretary, on display of proper credentials and written notice to the owner, operator, or agent in charge, may—

(A) enter and inspect commercial premises in which a motor vehicle or motor vehicle equipment is manufactured, held for shipment or sale, maintained, or repaired;

(B) enter and inspect noncommercial premises in which the Secretary reasonably believes there is a motor vehicle or motor vehicle equipment that is an object of a violation of this chapter;

(C) inspect that motor vehicle or motor vehicle equipment; and

(D) impound for not more than 72 hours for inspection a motor vehicle or motor vehicle equipment that the Secretary reasonably believes is an object of a violation of this chapter.

(2) An inspection or impoundment under this subsection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness. The written notice may consist of a warrant issued under section 32707 of this title.

(c) REASONABLE COMPENSATION.—When the Secretary impounds for inspection a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment under subsection (b)(1)(D) of this section, the Secretary shall pay reasonable compensation to the owner of the vehicle or equipment if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle or equipment.

(d) RECORDS AND INFORMATION REQUIREMENTS.—(1) To enable the Secretary to decide whether a dealer or distributor is complying with this chapter and regulations prescribed and orders issued under this chapter, the Secretary may require the dealer or distributor—

(A) to keep records;

(B) to provide information from those records if the Secretary states the purpose for requiring the information and identifies the information to the fullest extent practicable; and

(C) to allow an officer or employee designated by the Secretary to inspect relevant records of the dealer or distributor.

(2) This subsection and subsection (e)(1)(B) of this section do not authorize the Secretary to require a dealer or distributor to provide information on a regular periodic basis.

(e) ADMINISTRATIVE AUTHORITY AND CIVIL ACTIONS TO ENFORCE.—(1) In carrying out this chapter, the Secretary may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and require (by subpena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(3) A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for any judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary as a contempt of court.

(f) PROHIBITIONS.—A person may not fail to keep records, refuse access to or copying of records, fail to make reports or provide information, fail to allow entry or inspection, or fail to permit impoundment, as required under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1052; Pub. L. 103–429, § 6(35), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105–102, § 2(19), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32706(a)	15:1990d(a)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 414(a)–(c), 416; added July 14, 1976, Pub. L. 94–364, § 408(2), 90 Stat. 985, 988.
32706(b)	15:1990d(a)(2).	
32706(c)	15:1990d(a)(3).	
32706(d)	15:1990d(b).	
32706(e)(1) ..	15:1990d(c)(1)–(3).	
32706(e)(2) ..	15:1990d(c)(5).	
32706(e)(3) ..	15:1990d(c)(4).	
32706(f)	15:1990f.	

In subsection (a), the words ''Subject to section 32707 of this title'' are added for clarity. The words ''appropriate'' and ''consistent with the purposes of this subsection'' are omitted as surplus. The words ''The Secretary may give the Attorney General information'' are substituted for ''Information obtained . . . may be referred to the Attorney General for investigative consideration'' to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the words ''duly'' and ''stating their purpose and'' are omitted as surplus. In clause (A), the words ''any factory, warehouse, establishment, or other'' are omitted as surplus.

In subsection (b)(2), the words ''shall be commenced and completed'' are omitted as surplus. The words ''a warrant issued under section 32707 of this title'' are substituted for ''an administrative inspection warrant'' for clarity.

In subsection (c), the words ''the authority of'' and ''any item of'' are omitted as surplus.

In subsection (d)(1), before clause (A), the words ''the Secretary may require'' are substituted for ''as the Secretary may reasonably require'' and ''as the Secretary finds necessary'' to eliminate unnecessary words. In clause (B), the words ''such officer or employee'' and ''reason or'' are omitted as surplus. In clause (C), the words ''duly'' and ''upon request of such officer or employee'' are omitted as surplus.

In subsection (d)(2), the words ''and subsection (e)(1)(B) of this section'' are added for clarity.

In subsection (e)(1), before clause (A), the words ''In carrying out this chapter'' are substituted for ''For the purpose of carrying out the provisions of this subchapter'', ''In order to carry out the provisions of this subchapter'', ''relevant to any function of the Secretary under this subchapter'', and ''relating to any function of the Secretary under this subchapter'' for consistency. The words ''or, with the authorization of the Secretary, any officer or employee of the Department of Transportation'' and ''or his duly authorized agent'' are omitted as surplus because of 49:322(b). In clause (A), the words ''inspect and copy'' are substituted for ''have access to, and for the purposes of examination the right to copy'' to eliminate unnecessary words. The word ''records'' is substituted for ''documentary evidence'' for consistency. The words ''having materials or information'' are omitted as surplus. In clause (B), the word ''order'' is substituted for ''require, by general or special orders'' to eliminate unnecessary words. The words ''in such form as the Secretary may prescribe'' and ''shall be filed with the Secretary within such reasonable period as the Secretary may prescribe'' are omitted as surplus because of 49:322(a). In clause (C), the words ''sit and act at such times and places'' are omitted as being included in ''conduct hearings''.

In subsection (e)(3), the words ''A civil action to enforce a subpena or order of the Secretary under this subsection may be brought in the United States district court for the judicial district in which the proceeding by the Secretary was conducted'' are substituted for 15:1990d(c)(4) (words before last comma) for consistency in the revised title and to eliminate unnecessary words.

PUB. L. 103–429

This amends 49:32706(e)(3) to clarify the restatement of 15:1990d(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1053).

PUB. L. 105–102

This amends 49:32706(c) to correct a cross-reference necessary because of the restatement of subtitle IV of title 49 by the ICC Termination Act (Public Law 104–88, 109 Stat. 803).

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–102 substituted ''subchapter I of chapter 135'' for ''subchapter II of chapter 105''.

1994—Subsec. (e)(3). Pub. L. 103–429 substituted ''any judicial district in which the proceeding by the Secretary is conducted.'' for ''the judicial district in which the proceeding by the Secretary was conducted.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32707. Administrative warrants

(a) DEFINITION.—In this section, ''probable cause'' means a valid public interest in the effective enforcement of this chapter or a regulation prescribed under this chapter sufficient to

justify the inspection or impoundment in the circumstances stated in an application for a warrant under this section.

(b) WARRANT REQUIREMENT AND ISSUANCE.—(1) Except as provided in paragraph (4) of this subsection, an inspection or impoundment under section 32706 of this title may be carried out only after a warrant is obtained.

(2) A judge of a court of the United States or a State court of record or a United States magistrate may issue a warrant for an inspection or impoundment under section 32706 of this title within the territorial jurisdiction of the court or magistrate. The warrant must be based on an affidavit that—

(A) establishes probable cause to issue the warrant; and

(B) is sworn to before the judge or magistrate by an officer or employee who knows the facts alleged in the affidavit.

(3) The judge or magistrate shall issue the warrant when the judge or magistrate decides there is a reasonable basis for believing that probable cause exists to issue the warrant. The warrant must—

(A) identify the premises, property, or motor vehicle to be inspected and the items or type of property to be impounded;

(B) state the purpose of the inspection, the basis for issuing the warrant, and the name of the affiant;

(C) direct an individual authorized under section 32706 of this title to inspect the premises, property, or vehicle for the purpose stated in the warrant and, when appropriate, to impound the property specified in the warrant;

(D) direct that the warrant be served during the hours specified in the warrant; and

(E) name the judge or magistrate with whom proof of service is to be filed.

(4) A warrant under this section is not required when—

(A) the owner, operator, or agent in charge of the premises consents;

(B) it is reasonable to believe that the mobility of the motor vehicle to be inspected makes it impractical to obtain a warrant;

(C) an application for a warrant cannot be made because of an emergency;

(D) records are to be inspected and copied under section 32706(e)(1)(A) of this title; or

(E) a warrant is not constitutionally required.

(c) SERVICE AND IMPOUNDMENT OF PROPERTY.—(1) A warrant issued under this section must be served and proof of service filed not later than 10 days after its issuance date. The judge or magistrate may allow additional time in the warrant if the Secretary of Transportation demonstrates a need for additional time. Proof of service must be filed promptly with a written inventory of the property impounded under the warrant. The inventory shall be made in the presence of the individual serving the warrant and the individual from whose possession or premises the property was impounded, or if that individual is not present, a credible individual except the individual making the inventory. The individual serving the warrant shall verify the inventory. On request, the judge or magistrate shall send a copy of the inventory to the individual from whose possession or premises the property was impounded and to the applicant for the warrant.

(2) When property is impounded under a warrant, the individual serving the warrant shall—

(A) give the person from whose possession or premises the property was impounded a copy of the warrant and a receipt for the property; or

(B) leave the copy and receipt at the place from which the property was impounded.

(3) The judge or magistrate shall file the warrant, proof of service, and all documents filed about the warrant with the clerk of the United States district court for the judicial district in which the inspection is made.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1053.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32707(a)	15:1990e(b)(1) (last sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 415; added July 14, 1976, Pub. L. 94–364, § 408(2), 90 Stat. 987.
32707(b)(1) ..	15:1990e(a) (words before 1st comma).	
32707(b)(2) ..	15:1990e(b)(1) (1st sentence), (2) (1st sentence).	
32707(b)(3) ..	15:1990e(b)(2) (2d, last sentences).	
32707(b)(4) ..	15:1990e(a) (words after 1st comma).	
32707(c)(1) ..	15:1990e(b)(3) (1st, 3d–last sentences).	
32707(c)(2) ..	15:1990e(b)(3) (2d sentence).	
32707(c)(3) ..	15:1990e(b)(4).	

In subsection (a), the words ''inspection or impoundment'' are substituted for ''administrative inspections of the area, factory, warehouse, establishment, premises, or motor vehicle, or contents thereof'' to eliminate unnecessary words and for consistency in this section.

In subsection (b)(1), the words ''Except as provided in paragraph (4) of this subsection'' are added for clarity. The words ''an inspection or impoundment'' are substituted for ''any entry or administrative inspection (including impoundment of motor vehicles or motor vehicle equipment)'' to eliminate unnecessary words.

In subsection (b)(2), before clause (A), the words ''inspection or impoundment'' are substituted for ''the purpose of conducting administrative inspections authorized by section 1990d of this title and impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections'' for consistency in this section. The words ''of the court or magistrate'' are substituted for ''his'' for clarity. The words ''and upon proper oath or affirmation'' are omitted as surplus because of clause (B). Clause (A) is substituted for ''showing probable cause'' and ''and establishing the grounds for issuing the warrant'' to eliminate unnecessary words.

In subsection (b)(3), before clause (A), the words ''when the judge or magistrate decides there is a reasonable basis for believing that probable cause exists to issue the warrant'' are substituted for ''If the judge or magistrate is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist'' for consistency in this section and to eliminate unnecessary words. In clauses (A) and (C), the words ''area, factory, warehouse, establishment'' are omitted as being included in ''premises''. In clause (A), the word ''property'' is substituted for ''and, where ap-

propriate, the type of property to be inspected, if any'' to eliminate unnecessary words. In clause (B), the words ''the name of the affiant'' are substituted for ''the name of the person or persons whose affidavit has been taken in support thereof'' to eliminate unnecessary words. In clause (C), the words ''command the person to whom it is directed'' are omitted as surplus. The word ''property'' is added for consistency with the source provisions restated in clause (A) of this paragraph. In clause (E), the words ''proof of service is to be filed'' are substituted for ''it shall be returned'' for clarity.

In subsection (b)(4)(A), the words ''factory, warehouse, establishment'' are omitted as being included in ''premises''.

Subsection (b)(4)(C) is substituted for 15:1990e(a)(3) to eliminate unnecessary words.

In subsection (b)(4)(D), the words ''are to be inspected and copied'' are substituted for ''for access to and examination'' for consistency.

In subsection (b)(4)(E), the words ''in any other situations where'' are omitted as surplus.

In subsection (c)(2)(A), the words ''from whose possession or'' are substituted for ''from whom or from whose'' for clarity.

In subsection (c)(3), the words ''shall file the warrant, proof of service, and all documents filed about the warrant'' are substituted for ''shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them'' to eliminate unnecessary words. The words ''United States district court'' are substituted for ''district court of the United States'' for consistency with the definition in section 32101 of the revised title and with other provisions of the chapter.

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 32708. Confidentiality of information

(a) GENERAL.—Information obtained by the Secretary of Transportation under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(1) to another officer or employee of the United States Government for use in carrying out this chapter; or

(2) in a proceeding under this chapter.

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1054.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32708	15:1990d(d).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 414(d); added July 14, 1976, Pub. L. 94–364, § 408(2), 90 Stat. 987.

In subsection (a), before clause (1), the words ''reported to or otherwise'' and ''or his representative'' are omitted as surplus. The words ''related to a confidential matter referred to'' are substituted for ''contains or relates to a trade secret or other matter referred to'' to eliminate unnecessary words. The words ''shall be considered confidential for the purpose of that section'' are omitted as surplus.

In subsection (b), the words ''a committee of Congress authorized to have the information'' are substituted for ''the duly authorized committees of the Congress'' for clarity.

§ 32709. Penalties and enforcement

(a) CIVIL PENALTY.—(1) A person that violates this chapter or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than $2,000 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum penalty under this subsection for a related series of violations is $100,000.

(2) The Secretary of Transportation shall impose a civil penalty under this subsection. The Attorney General shall bring a civil action to collect the penalty. Before referring a penalty claim to the Attorney General, the Secretary may compromise the amount of the penalty. Before compromising the amount of the penalty, the Secretary shall give the person charged with a violation an opportunity to establish that the violation did not occur.

(3) In determining the amount of a civil penalty under this subsection, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(b) CRIMINAL PENALTY.—A person that knowingly and willfully violates this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 3 years, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of a corporation who knowingly and willfully authorizes, orders, or performs an act in violation of this chapter or a regulation prescribed or order issued under this chapter without regard to penalties imposed on the corporation.

(c) CIVIL ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action to enjoin a violation of this chapter or a regulation prescribed or order issued under this chapter. The action may be brought in the United States district court for the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

(d) CIVIL ACTIONS BY STATES.—(1) When a person violates this chapter or a regulation prescribed or order issued under this chapter, the chief law enforcement officer of the State in which the violation occurs may bring a civil action—

(A) to enjoin the violation; or

(B) to recover amounts for which the person is liable under section 32710 of this title for each person on whose behalf the action is brought.

(2) An action under this subsection may be brought in an appropriate United States district

court or in a State court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1054.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32709(a)	15:1988(b) (related to violating rules).	Oct. 20, 1972, Pub. L. 92–513, § 408(b) (related to violating rules), 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, § 406, 90 Stat. 983.
	15:1990b.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 412, 413; added July 14, 1976, Pub. L. 94–364, § 408(2), 90 Stat. 984; Oct. 28, 1986, Pub. L. 99–579, § 3, 100 Stat. 3311.
32709(b)	15:1988(b) (related to violating rules). 15:1990c.	
32709(c)	15:1990.	Oct. 20, 1972, Pub. L. 92–513, § 410, 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, § 407, 90 Stat. 984.
32709(d)	15:1990a.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 411; added July 14, 1976, Pub. L. 94–364, § 408(2), 90 Stat. 984.

In subsection (a)(1), the words ''that violates this chapter'' are substituted for ''who commits any act or causes to be done any act that violates any provision of this subchapter or omits to do any act or causes to be omitted any act that is required by any such provision'' in 15:1990b(a) for consistency and to eliminate unnecessary words. The words ''or a regulation prescribed or order issued under this chapter'' are substituted for ''No transferor shall violate any rule prescribed under this section'' in 15:1988 for consistency in the revised title and because ''rule'' is synonymous with ''regulations''. The words ''A separate violation occurs for each motor vehicle or device involved in the violation'' are substituted for ''A violation of any such provision shall, for purposes of this section, constitute a separate violation with respect to each motor vehicle or device involved'' in 15:1990b(a) to eliminate unnecessary words.

In subsection (a)(2), the words ''on behalf of the United States'' are omitted as surplus. The words ''Before compromising the amount of a penalty, the Secretary shall give'' are substituted for ''after affording'' for clarity. The words ''to present views and evidence in support thereof'' and ''alleged'' are omitted as surplus.

In subsection (b), the words ''that knowingly and willfully violates this chapter'' are substituted for ''knowingly and willfully commits any act or causes to be done any act that violates any provision of this subchapter or knowingly and willfully omits to do any act or causes to be omitted any act that is required by such provision'' to eliminate unnecessary words. The words ''or a regulation prescribed or order issued under this chapter'' are substituted for ''No transferor shall violate any rule prescribed under this section'' in 15:1988 for consistency in the revised title and because ''rule'' is synonymous with ''regulation''. The words ''fined under title 18'' are substituted for ''fined not more than $50,000'' for consistency with title 18. The words ''an act in violation of'' are substituted for ''any of the acts or practices constituting in whole or in part a violation of'' to eliminate unnecessary words.

In subsections (c) and (d), the word ''enjoin'' is substituted for ''restrain'' for consistency.

In subsection (c), the words ''The United States district courts shall have jurisdiction'' are omitted because of 28:1331. The words ''for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure'' are omitted as surplus because the rules apply in the absence of an exemption from them. The words ''the violation occurred'' are substituted for ''wherein any act, omission, or transaction constituting the violation occurred'', and the word ''resides'' is substituted for ''is an inhabitant'', to eliminate unnecessary words. The words ''may be served in'' are substituted for ''may run into'' for clarity.

In subsection (d)(1), before clause (A), the words ''this chapter or a regulation prescribed or order issued under this chapter'' are substituted for ''requirement imposed under this subchapter'' for consistency. The words ''civil action'' are substituted for ''any action'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d)(2), the words ''without regard to the amount in controversy'' are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words ''United States district court'' are substituted for ''district court of the United States'' for consistency with the definition in section 32101 of the revised title and with other provisions of the chapter.

§ 32710. Civil actions by private persons

(a) VIOLATION AND AMOUNT OF DAMAGES.—A person that violates this chapter or a regulation prescribed or order issued under this chapter, with intent to defraud, is liable for 3 times the actual damages or $1,500, whichever is greater.

(b) CIVIL ACTIONS.—A person may bring a civil action to enforce a claim under this section in an appropriate United States district court or in another court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues. The court shall award costs and a reasonable attorney's fee to the person when a judgment is entered for that person.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1055.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32710(a)	15:1989(a)(1).	Oct. 20, 1972, Pub. L. 92–513, § 409, 86 Stat. 963.
32710(b)	15:1989(a)(2), (b).	

In subsection (a), the words ''this chapter or a regulation prescribed or order issued under this chapter'' are substituted for ''requirement imposed under this subchapter'' for consistency.

In subsection (b), the words ''A person may bring a civil action to enforce a claim'' are substituted for ''An action to enforce any liability created . . . may be brought'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word ''appropriate'' is added for clarity. The words ''without regard to the amount in controversy'' are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words ''after the claim accrues'' are substituted for ''from the date on which the liability arises'' to eliminate unnecessary words. The words ''The court shall award . . . to the person when a judgment is entered for that person'' are substituted for ''in the case of any successful action to enforce the foregoing liability . . . as determined by the court'' for clarity.

§ 32711. Relationship to State law

Except to the extent that State law is inconsistent with this chapter, this chapter does not—

(1) affect a State law on disconnecting, altering, or tampering with an odometer with intent to defraud; or

(2) exempt a person from complying with that law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1056.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32711	15:1991.	Oct. 20, 1972, Pub. L. 92–513, § 418, 86 Stat. 963; July 14, 1976, Pub. L. 94–364, § 408(1), 90 Stat. 984.

In this section, before clause (1), the words ''and then only to the extent of the inconsistency'' are omitted as surplus. In clause (1), the word ''affect'' is substituted for ''annul, alter, or affect'' to eliminate unnecessary words. In clause (2), the words ''subject to the provisions of this subchapter'' are omitted as surplus.

CHAPTER 329—AUTOMOBILE FUEL ECONOMY

Sec.
32901. Definitions.
32902. Average fuel economy standards.
32903. Credits for exceeding average fuel economy standards.
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32905. Manufacturing incentives for alternative fuel automobiles.
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32918. Retrofit devices.
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AMENDMENTS

1994—Pub. L. 103–429, § 6(43)(C), Oct. 31, 1994, 108 Stat. 4383, added items 32918 and 32919 and struck out former item 32918 ''Preemption''.

§ 32901. Definitions

(a) GENERAL.—In this chapter—

(1) ''alternative fuel'' means—

(A) methanol;

(B) denatured ethanol;

(C) other alcohols;

(D) except as provided in subsection (b) of this section, a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(E) natural gas;

(F) liquefied petroleum gas;

(G) hydrogen;

(H) coal derived liquid fuels;

(I) fuels (except alcohol) derived from biological materials;

(J) electricity (including electricity from solar energy); and

(K) any other fuel the Secretary of Transportation prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) ''alternative fueled automobile'' means an automobile that is a—

(A) dedicated automobile; or

(B) dual fueled automobile.

(3) except as provided in section 32908 of this title, ''automobile'' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

(A) a vehicle operated only on a rail line;

(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

(C) a work truck.

(4) ''automobile manufactured by a manufacturer'' includes every automobile manufactured by a person that controls, is controlled by, or is under common control with the manufacturer, but does not include an automobile manufactured by the person that is exported not later than 30 days after the end of the model year in which the automobile is manufactured.

(5) ''average fuel economy'' means average fuel economy determined under section 32904 of this title.

(6) ''average fuel economy standard'' means a performance standard specifying a minimum level of average fuel economy applicable to a manufacturer in a model year.

(7) ''commercial medium- and heavy-duty on-highway vehicle'' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.

(8) ''dedicated automobile'' means an automobile that operates only on alternative fuel.

(9) ''dual fueled automobile'' means an automobile that—

(A) is capable of operating on alternative fuel or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as ''B20'') and on gasoline or diesel fuel;

(B) provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the United States Government, when operating on alternative fuel as when operating on gasoline or diesel fuel;

(C) for model years 1993–1995 for an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel and if the Administrator of the Environmental Protection Agency decides to extend the application of this subclause, for an additional period ending not later than the end of the last model year to which section 32905(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Government, when operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as when operating on gasoline or diesel fuel; and

(D) for a passenger automobile, meets or exceeds the minimum driving range prescribed under subsection (c) of this section.

(10) ''fuel'' means—

(A) gasoline;

(B) diesel oil; or

(C) other liquid or gaseous fuel that the Secretary decides by regulation to include in this definition as consistent with the need of the United States to conserve energy.

(11) ''fuel economy'' means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator under section 32904(c) of this title.

(12) ''import'' means to import into the customs territory of the United States.

(13) ''manufacture'' (except under section 32902(d) of this title) means to produce or assemble in the customs territory of the United States or to import.

(14) ''manufacturer'' means—

(A) a person engaged in the business of manufacturing automobiles, including a predecessor or successor of the person to the extent provided under regulations prescribed by the Secretary; and

(B) if more than one person is the manufacturer of an automobile, the person specified under regulations prescribed by the Secretary.

(15) ''model'' means a class of automobiles as decided by regulation by the Administrator after consulting and coordinating with the Secretary.

(16) ''model year'', when referring to a specific calendar year, means—

(A) the annual production period of a manufacturer, as decided by the Administrator, that includes January 1 of that calendar year; or

(B) that calendar year if the manufacturer does not have an annual production period.

(17) ''non-passenger automobile'' means an automobile that is not a passenger automobile or a work truck.

(18) ''passenger automobile'' means an automobile that the Secretary decides by regulation is manufactured primarily for transporting not more than 10 individuals, but does not include an automobile capable of off-highway operation that the Secretary decides by regulation—

(A) has a significant feature (except 4-wheel drive) designed for off-highway operation; and

(B) is a 4-wheel drive automobile or is rated at more than 6,000 pounds gross vehicle weight.

(19) ''work truck'' means a vehicle that—

(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

(B) is not a medium-duty passenger vehicle (as defined in section 86.1803–01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).

(b) AUTHORITY TO CHANGE PERCENTAGE.—The Secretary may prescribe regulations changing the percentage referred to in subsection (a)(1)(D) of this section to not less than 70 percent because of requirements relating to cold start, safety, or vehicle functions.

(c) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—(1) The Secretary shall prescribe by regulation the minimum driving range that dual fueled automobiles that are passenger automobiles must meet when operating on alternative fuel to be dual fueled automobiles under sections 32905 and 32906 of this title. A determination whether a dual fueled automobile meets the minimum driving range requirement under this paragraph shall be based on the combined Agency city/highway fuel economy as determined for average fuel economy purposes for those automobiles.

(2)(A) The Secretary may prescribe a lower range for a specific model than that prescribed under paragraph (1) of this subsection. A manufacturer may petition for a lower range than that prescribed under paragraph (1) for a specific model.

(B) The minimum driving range prescribed for dual fueled automobiles (except electric automobiles) under subparagraph (A) of this paragraph or paragraph (1) of this subsection must be at least 200 miles.

(C) If the Secretary prescribes a minimum driving range of 200 miles for dual fueled automobiles (except electric automobiles) under paragraph (1) of this subsection, subparagraph (A) of this paragraph does not apply to dual fueled automobiles (except electric automobiles).

(3) In prescribing a minimum driving range under paragraph (1) of this subsection and in taking an action under paragraph (2) of this subsection, the Secretary shall consider the purpose set forth in section 3 of the Alternative Motor Fuels Act of 1988 (Public Law 100–494, 102 Stat. 2442), consumer acceptability, economic practicability, technology, environmental impact, safety, drivability, performance, and other factors the Secretary considers relevant.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1056; Pub. L. 110–140, title I, § 103(a), Dec. 19, 2007, 121 Stat. 1501.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32901(a)(1) ...	15:2013(h)(1)(A) (less words in 1st parentheses).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 513(h); added Oct. 14, 1988, Pub. L. 100–494, § 6(a), 102 Stat. 2450; Oct. 24, 1992, Pub. L. 102–486, § 403(5)(H), (I), 106 Stat. 2878.
32901(a)(2) ...	15:2013(h)(1)(B).	
32901(a)(3) ...	15:2001(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 501(1); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 901; Oct. 14, 1988, Pub. L. 100–494, § 6(b), 102 Stat. 2452; Oct. 24, 1992, Pub. L. 102–486, § 403(1), 106 Stat. 2876.
	15:2001(13), (14).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 501(2)–(7), (10)–(14), 503(c); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 901, 902, 907.
32901(a)(4) ...	15:2003(c).	
32901(a)(5) ...	15:2001(4).	
32901(a)(6) ...	15:2001(7).	
32901(a)(7) ...	15:2013(h)(1)(C).	
32901(a)(8) ...	15:2001(h)(1)(D).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32901(a)(9) ...	15:2001(5).	
32901(a)(10) ..	15:2001(6).	
32901(a)(11) ..	15:2001(10).	
32901(a)(12) ..	15:2001(9).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 501(8), (9); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 902; Oct. 10, 1980, Pub. L. 96–425, §§ 4(c)(1), 8(b), 94 Stat. 1824, 1828.
32901(a)(13) ..	15:2001(8).	
32901(a)(14) ..	15:2001(11).	
32901(a)(15) ..	15:2001(12).	
32901(a)(16) ..	15:2001(2), (3).	
32901(b)	15:2013(h)(1)(A) (words in 1st parentheses).	
32901(c)(1) ...	15:2013(h)(2)(A).	
32901(c)(2) ...	15:2013(h)(2)(B), (C).	
32901(c)(3) ...	15:2013(h)(2)(D).	

In this chapter, the word ''model'' is substituted for ''model type'' for consistency in this part.

In subsection (a)(3), before clause (A), the words ''except as provided in section 32908 of this title'' are added for clarity. The word ''line'' is added for consistency in the revised title and with other titles of the United States Code. The words ''or rails'' are omitted because of 1:1. The text of 15:2001(1) (last sentence) is omitted because of 49:322(a). The text of 15:2001(13) and (14) is omitted as surplus because the complete names of the Secretary of Transportation and Administrator of the Environmental Protection Agency are used the first time the terms appear in a section. The text of 15:2001 (related to 15:2011) is omitted because 15:2011 is outside the scope of the restatement. See section 4(c) of the bill.

In subsection (a)(4), the words '''automobile manufactured by a manufacturer' includes'' are substituted for ''Any reference in this subchapter to automobiles manufactured by a manufacturer shall be deemed—(1) to include'' to eliminate unnecessary words. The word ''every'' is substituted for ''all'' because of the restatement. The words ''but does not include'' are substituted for ''to exclude'' for consistency. The words ''manufactured by the person'' are substituted for ''manufactured (within the meaning of paragraph (1))'' to eliminate unnecessary words.

In subsection (a)(10), the words ''in accordance with procedures established'' are omitted as surplus.

In subsection (a)(14), the word ''particular'' is omitted as surplus.

Subsection (a)(15)(B) is substituted for ''If a manufacturer has no annual production period, the term 'model year' means the calendar year'' to eliminate unnecessary words.

In subsection (a)(16), before clause (A), the words ''but does not include an automobile capable of off-highway operation that'' are substituted for ''(other than an automobile capable of off-highway operation)'' and ''The term 'automobile capable of off-highway operation' means any automobile which'' to eliminate unnecessary words.

In subsection (b), the words ''The Secretary may prescribe regulations changing the percentage . . . to not less than 70 percent because of'' are substituted for ''but not less than 70 percent, as determined by the Secretary, by rule, to provide for'' for clarity and because of the restatement.

In subsection (c)(1), the words ''For purposes of the definitions in paragraph (1)(D)'' are omitted as unnecessary because of the restatement. The words ''within 18 months after October 14, 1988'' are omitted as obsolete. The words ''prescribe by regulation'' are substituted for ''establish by rule of general applicability'' for clarity and consistency in the revised title and with other titles of the United States Code and because ''rule'' is synonymous with ''regulation''. The words ''that are passenger automobiles'' are substituted for ''The rule issued under this subparagraph shall apply only to dual fueled automobiles that are passenger automobiles'' to eliminate unnecessary words.

REFERENCES IN TEXT

The date of the enactment of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (a)(19)(B), is the date of enactment of subtitle A (§§ 101–113) of title I of Pub. L. 110–140, which was approved Dec. 19, 2007.

Section 3 of the Alternative Motor Fuels Act of 1988, referred to in subsec. (c)(3), is section 3 of Pub. L. 100–494, which is set out as a note under section 6374 of Title 42, The Public Health and Welfare.

AMENDMENTS

2007—Subsec. (a)(3). Pub. L. 110–140, § 103(a)(1), added par. (3) and struck out former par. (3) which read as follows: ''except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways (except a vehicle operated only on a rail line), and rated at—

''(A) not more than 6,000 pounds gross vehicle weight; or

''(B) more than 6,000, but less than 10,000, pounds gross vehicle weight, if the Secretary decides by regulation that—

''(i) an average fuel economy standard under this chapter for the vehicle is feasible; and

''(ii) an average fuel economy standard under this chapter for the vehicle will result in significant energy conservation or the vehicle is substantially used for the same purposes as a vehicle rated at not more than 6,000 pounds gross vehicle weight.''

Subsec. (a)(7), (8). Pub. L. 110–140, § 103(a)(2), (3), added par. (7) and redesignated former par. (7) as (8). Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 110–140, § 103(a)(2), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Subsec. (a)(9)(A). Pub. L. 110–140, § 103(a)(4), inserted ''or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')'' after ''alternative fuel''.

Subsec. (a)(10) to (16). Pub. L. 110–140, § 103(a)(2), redesignated pars. (9) to (15) as (10) to (16), respectively. Former par. (16) redesignated (17).

Subsec. (a)(17). Pub. L. 110–140, § 103(a)(6), added par. (17). Former par. (17) redesignated (18).

Pub. L. 110–140, § 103(a)(2), redesignated par. (16) as (17).

Subsec. (a)(18). Pub. L. 110–140, § 103(a)(5), redesignated par. (17) as (18).

Subsec. (a)(19). Pub. L. 110–140, § 103(a)(7), added par. (19).

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE

Pub. L. 111–32, title XIII, June 24, 2009, 123 Stat. 1909, as amended by Pub. L. 111–47, Aug. 7, 2009, 123 Stat. 1972, provided that:

''SEC. 1301. SHORT TITLE.—This title may be cited as the 'Consumer Assistance to Recycle and Save Act of 2009'.

''SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.—(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the 'Consumer Assistance to Recycle and Save Program' through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

''(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price

for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

''(2) register dealers for participation in the Program and require that all registered dealers—

''(A) accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

''(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

''(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions by such dealers, in accordance with the regulations issued under subsection (d); and

''(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the program.

''(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

''(1) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

''(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

''(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

''(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

''(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

''(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

''(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

''(2) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

''(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

''(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

''(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

''(c) PROGRAM SPECIFICATIONS.—

''(1) LIMITATIONS.—

''(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between July 1, 2009 and November 1, 2009.

''(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

''(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

''(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

''(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

''(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

''(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

''(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

''(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer—

''(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

''(ii) will transfer the vehicle (including the engine block), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

''(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

''(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

''(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

''(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts); or

''(ii) retaining the proceeds from such sale.

''(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

''(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act [June 24, 2009]. Such regulations shall—

''(1) provide for a means of registering dealers for participation in the Program;

''(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

''(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

''(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

''(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

''(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

''(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

''(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal; and

''(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

''(6) provide for the enforcement of the penalties described in subsection (e).

''(e) ANTI-FRAUD PROVISIONS.—

''(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

''(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent and history of the person committing the violation shall be taken into account.

''(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of the enactment of this Act [June 24, 2009], and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including—

''(1) how to determine if a vehicle is an eligible trade-in vehicle;

''(2) how to participate in the Program, including how to determine participating dealers; and

''(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information.

''(g) RECORD KEEPING AND REPORT.—

''(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

''(2) REPORT ON EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

''(A) a description of Program results, including—

''(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

''(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

''(iii) the location of sale or lease;

''(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

''(C) an estimate of the overall economic and employment effects of the Program.

''(3) REVIEW OF ADMINISTRATION OF THE PROGRAM BY GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL.—Not later than 180 days after the termination date described in subsection (c)(1)(A), the Government Accountability Office and the Inspector General of the Department of Transportation shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate reviewing the administration of the program.

''(h) EXCLUSION OF VOUCHERS FROM INCOME.—

''(1) FOR PURPOSES OF ALL FEDERAL AND STATE PROGRAMS.—A voucher issued under this program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher (or the recipient's spouse or other family or household members) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal or State program.

''(2) FOR PURPOSES OF TAXATION.—A voucher issued under the program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered as gross income of the purchaser of a vehicle for purposes of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

''(i) DEFINITIONS.—As used in this section—

''(1) the term 'passenger automobile' means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

''(2) the term 'category 1 truck' means a nonpassenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

''(3) the term 'category 2 truck' means a large van or a large pickup, as categorized by the Secretary

using the method used by the Environmental Protection Agency and described in the report entitled 'Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008';

''(4) the term 'category 3 truck' means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

''(5) the term 'combined fuel economy value' means—

''(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words 'Combined Fuel Economy' on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

''(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words 'Estimated New EPA MPG' and above the word 'Combined' for vehicles of model year 1984 through 2007, or posted under the words 'New EPA MPG' and above the word 'Combined' for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

''(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1985, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

''(6) the term 'dealer' means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

''(7) the term 'eligible trade-in vehicle' means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

''(A) is in drivable condition;

''(B) has been continuously insured consistent with the applicable State law and registered to the same owner for a period of not less than 1 year immediately prior to such trade-in;

''(C) was manufactured less than 25 years before the date of the trade-in; and

''(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

''(8) the term 'new fuel efficient automobile' means an automobile described in paragraph (1), (2), (3), or (4)—

''(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

''(B) that carries a manufacturer's suggested retail price of $45,000 or less;

''(C) that—

''(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811–04 of title 40, Code of Federal Regulations; or

''(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816–08, 86–007–11 [probably means 86.007–11], or 86.008–10 of title 40, Code of Federal Regulations; and

''(D) that has the combined fuel economy value of at least—

''(i) 22 miles per gallon for a passenger automobile;

''(ii) 18 miles per gallon for a category 1 truck; or

''(iii) 15 miles per gallon for a category 2 truck;

''(9) the term 'Program' means the Consumer Assistance to Recycle and Save Program established by this section;

''(10) the term 'qualifying lease' means a lease of an automobile for a period of not less than 5 years;

''(11) the term 'scrappage value' means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle;

''(12) the term 'Secretary' means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

''(13) the term 'ultimate purchaser' means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;

''(14) the term 'vehicle identification number' means the 17 character number used by the automobile industry to identify individual automobiles; and

''(15) the term 'voucher' means an electronic transfer of funds to a dealer based on an eligible transaction under this program.

''(j) APPROPRIATION.—There is hereby appropriated to the Secretary of Transportation $1,000,000,000, of which up to $50,000,000 is available for administration, to remain available until expended to carry out this section.''

§ 32902. Average fuel economy standards

(a) PRESCRIPTION OF STANDARDS BY REGULATION.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for automobiles manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.

(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection; and

(C) work trucks and commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger

automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

(A) 27.5 miles per gallon; or

(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section.

(c) AMENDING PASSENGER AUTOMOBILE STANDARDS.—The Secretary of Transportation may prescribe regulations amending the standard under subsection (b) of this section for a model year to a level that the Secretary decides is the maximum feasible average fuel economy level for that model year. Section 553 of title 5 applies to a proceeding to amend the standard. However, any interested person may make an oral presentation and a transcript shall be taken of that presentation.

(d) EXEMPTIONS.—(1) Except as provided in paragraph (3) of this subsection, on application of a manufacturer that manufactured (whether in the United States or not) fewer than 10,000 passenger automobiles in the model year 2 years before the model year for which the application is made, the Secretary of Transportation may exempt by regulation the manufacturer from a standard under subsection (b) or (c) of this section. An exemption for a model year applies only if the manufacturer manufactures (whether in the United States or not) fewer than 10,000 passenger automobiles in the model year. The Secretary may exempt a manufacturer only if the Secretary—

(A) finds that the applicable standard under those subsections is more stringent than the maximum feasible average fuel economy level that the manufacturer can achieve; and

(B) prescribes by regulation an alternative average fuel economy standard for the passenger automobiles manufactured by the exempted manufacturer that the Secretary decides is the maximum feasible average fuel economy level for the manufacturers to which the alternative standard applies.

(2) An alternative average fuel economy standard the Secretary of Transportation prescribes under paragraph (1)(B) of this subsection may apply to an individually exempted manufacturer, to all automobiles to which this subsection applies, or to classes of passenger automobiles, as defined under regulations of the Secretary, manufactured by exempted manufacturers.

(3) Notwithstanding paragraph (1) of this subsection, an importer registered under section 30141(c) of this title may not be exempted as a manufacturer under paragraph (1) for a motor vehicle that the importer—

(A) imports; or

(B) brings into compliance with applicable motor vehicle safety standards prescribed under chapter 301 of this title for an individual under section 30142 of this title.

(4) The Secretary of Transportation may prescribe the contents of an application for an exemption.

(e) EMERGENCY VEHICLES.—(1) In this subsection, ''emergency vehicle'' means an automobile manufactured primarily for use—

(A) as an ambulance or combination ambulance-hearse;

(B) by the United States Government or a State or local government for law enforcement; or

(C) for other emergency uses prescribed by regulation by the Secretary of Transportation.

(2) A manufacturer may elect to have the fuel economy of an emergency vehicle excluded in applying a fuel economy standard under subsection (a), (b), (c), or (d) of this section. The election is made by providing written notice to the Secretary of Transportation and to the Administrator of the Environmental Protection Agency.

(f) CONSIDERATIONS ON DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy.

(g) REQUIREMENTS FOR OTHER AMENDMENTS.—(1) The Secretary of Transportation may prescribe regulations amending an average fuel economy standard prescribed under subsection (a) or (d) of this section if the amended standard meets the requirements of subsection (a) or (d), as appropriate.

(2) When the Secretary of Transportation prescribes an amendment under this section that makes an average fuel economy standard more stringent, the Secretary shall prescribe the amendment (and submit the amendment to Congress when required under subsection (c)(2) of this section) at least 18 months before the beginning of the model year to which the amendment applies.

(h) LIMITATIONS.—In carrying out subsections (c), (f), and (g) of this section, the Secretary of Transportation—

(1) may not consider the fuel economy of dedicated automobiles;

(2) shall consider dual fueled automobiles to be operated only on gasoline or diesel fuel; and

(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.

(i) CONSULTATION.—The Secretary of Transportation shall consult with the Secretary of Energy in carrying out this section and section 32903 of this title.

(j) SECRETARY OF ENERGY COMMENTS.—(1) Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (a), (c), or (g) of this section, the Secretary of Transportation shall give the Secretary of Energy at least 10 days from the receipt of the notice during which the Secretary of Energy may, if the Secretary of Energy concludes that the proposed standard would adversely affect the conservation goals of the Secretary of Energy, provide written comments to the Secretary of Transportation about the impact of the standard on those goals. To the extent the Secretary of Transportation does not revise a proposed standard to take into account comments of the Secretary of Energy on any adverse impact of the standard, the Secretary of Transportation shall include those comments in the notice.

(2) Before taking final action on a standard or an exemption from a standard under this section, the Secretary of Transportation shall notify the Secretary of Energy and provide the Secretary of Energy a reasonable time to comment.

(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—

(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and work trucks and determine—

(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks;

(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and work trucks and types of operations in which they are used;

(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency; and

(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency.

(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles and work trucks. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

(3) LEAD-TIME; REGULATORY STABILITY.—The commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard adopted pursuant to this subsection shall provide not less than—

(A) 4 full model years of regulatory lead-time; and

(B) 3 full model years of regulatory stability.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1059; Pub. L. 110–140, title I, §§ 102, 104(b)(1), Dec. 19, 2007, 121 Stat. 1498, 1503.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32902(a)	15:2002(b).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 502(a)(1), (3)–(c), (e) (1st sentence), (f), (h); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 902, 903, 905; Oct. 10, 1980, Pub. L. 96–425, §§ 3(a)(1), 7, 8(c), 94 Stat. 1821, 1828.
32902(b)	15:2002(a)(1), (3).	
32902(c)(1) ..	15:2002(a)(4) (words before 5th comma), (h).	
32902(c)(2) ..	15:2002(a)(4) (words after 5th comma), (5).	
32902(d)	15:1397 (note).	Oct. 31, 1988, Pub. L. 100–562, § 2(f), 102 Stat. 2825.
	15:2002(c).	
32902(e)	15:2002(g).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 502(g); added Oct. 10, 1980, Pub. L. 96–425, § 7, 94 Stat. 1828.
32902(f)	15:2002(e) (1st sentence).	
32902(g)	15:2002(f).	
32902(h)	15:2002(e) (last sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 502(e) (last sentence), 513(g)(2)(B); added Oct. 14, 1988, Pub. L. 100–494, § 6(a), (c), 102 Stat. 2450, 2452; Oct. 24, 1992, Pub. L. 102–486, § 403(2), (5)(G)(ii)(II), (III), 106 Stat. 2876, 2878.
	15:2013(g)(2)(B).	
32902(i)	15:2002(i) (1st sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 502(i), (j); added Aug. 4, 1977, Pub. L. 95–91, § 305, 91 Stat. 580; Oct. 10, 1980, Pub. L. 96–425, § 7, 94 Stat. 1828.
32902(j)	15:2002(i) (2d, last sentences), (j).	

In subsection (a), the words ''Any standard applicable to a model year under this subsection shall be prescribed'' are omitted as surplus. The words ''which begins more than 30 months after December 22, 1975'' are omitted as executed.

In subsection (b), the text of 15:2002(a)(1) (related to model years before 1985) and (3) is omitted as expired. The words ''at least'' are omitted as unnecessary because of the source provisions restated in subsection (c) of this section.

In subsection (c)(1), the words ''Subject to paragraph (2) of this subsection'' are added for clarity. The words ''may prescribe regulations amending'' are substituted for ''may, by rule, amend'' for clarity and consistency in the revised title and because ''rule'' is synonymous with ''regulation''. The words ''for a model year'' are substituted for ''for model year 1985, or for any subsequent model year'' to eliminate the expired limitation. The reference in 15:2002(h) to 15:2002(d) is omitted because 15:2002(d) is omitted from the revised title as executed. The words ''as well as written'' are omitted as surplus.

In subsection (c)(2), the words ''If an amendment increases the standard . . . or decreases the standard'' are substituted for ''except that any amendment that has the effect of increasing . . . a standard . . ., or of decreasing . . . a standard'' to eliminate unnecessary words. The words ''For purposes of considering any modification which is submitted to the Congress under paragraph (4)'' are omitted as surplus. The words ''are deemed to be'' are substituted for ''shall be lengthened to'' for clarity and consistency.

In subsection (d)(1), before clause (A), the words ''Except as provided in paragraph (3) of this subsection'' are added because of the restatement. The words ''in the model year 2 years before'' are substituted for ''in the second model year preceding'' for clarity. The words ''The Secretary may exempt a manufacturer only if the Secretary'' are substituted for ''Such exemption may only be granted if the Secretary'' and ''The Secretary may not issue exemptions with respect to a model year unless he'' to eliminate unnecessary words. The words ''each such standard shall be set at a level which'' are omitted as surplus.

In subsection (d)(3), before clause (A), the words ''Notwithstanding paragraph (1) of this subsection'' are substituted for ''Notwithstanding any provision of law authorizing exemptions from energy conservation requirements for manufacturers of fewer than 10,000 motor vehicles'' to eliminate unnecessary words. In clause (B), the word ''compliance'' is substituted for ''conformity'' for consistency with chapter 301 of the revised title. The words ''prescribed under chapter 301 of this title'' are substituted for ''Federal'' for consistency in the revised title.

Subsection (d)(4) is substituted for 15:2002(c)(1) (2d sentence) to eliminate unnecessary words. The text of 15:2002(c)(2) is omitted as expired.

In subsection (e)(1)(B), the words ''police or other'' are omitted as unnecessary because the authority to prescribe standards includes the authority to amend those standards.

In subsection (g)(1), the words ''from time to time'' are omitted as unnecessary. The cross-reference to 15:2002(a)(3) is omitted as executed because 15:2002(a)(3) applied to model years 1981–1984.

In subsection (g)(2), the words ''that makes'' are substituted for ''has the effect of making'' to eliminate unnecessary words.

In subsection (i), the words ''his responsibilities under'' are omitted as surplus.

In subsection (j), the reference to 15:2002(d) and the words ''or any modification of'' are omitted because 15:2002(d) is omitted from the revised title as executed.

In subsection (j)(1), the words ''to prescribe or amend'' are substituted for ''to establish, reduce, or amend'' to eliminate unnecessary words. The words ''adverse impact'' are substituted for ''level'' for clarity and consistency. The words ''those comments'' are substituted for ''unaccommodated comments'' for clarity.

REFERENCES IN TEXT

Section 108 of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (k)(1), is section 108 of Pub. L. 110–140, title I, Dec. 19, 2007, 121 Stat. 1505, which is not classified to the Code.

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–140, § 102(a)(1), in heading, substituted ''Prescription of Standards by Regulation'' for ''Non-Passenger Automobiles'', and, in text, struck out ''(except passenger automobiles)'' after ''for automobiles'' and ''The Secretary may prescribe separate standards for different classes of automobiles.'' at end.

Subsec. (b). Pub. L. 110–140, § 102(a)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: ''Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year 1984 shall be 27.5 miles a gallon.''

Subsec. (c). Pub. L. 110–140, § 102(a)(3), substituted ''The Secretary'' for ''(1) Subject to paragraph (2) of this subsection, the Secretary'' and struck out par. (2) which read as follows: ''If an amendment increases the standard above 27.5 miles a gallon or decreases the standard below 26.0 miles a gallon, the Secretary of Transportation shall submit the amendment to Congress. The procedures of section 551 of the Energy Policy and Conservation Act (42 U.S.C. 6421) apply to an amendment, except that the 15 calendar days referred to in section 551(c) and (d) of the Act (42 U.S.C. 6421(c), (d)) are deemed to be 60 calendar days, and the 5 calendar days referred to in section 551(f)(4)(A) of the Act (42 U.S.C. 6421(f)(4)(A)) are deemed to be 20 calendar days. If either House of Congress disapproves the amendment under those procedures, the amendment does not take effect.''

Subsec. (h)(3). Pub. L. 110–140, § 104(b)(1), added par. (3).

Subsec. (k). Pub. L. 110–140, § 102(b), added subsec. (k).

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

CONTINUED APPLICABILITY OF EXISTING STANDARDS

Pub. L. 110–140, title I, § 106, Dec. 19, 2007, 121 Stat. 1504, provided that: ''Nothing in this subtitle [subtitle A (§§ 101–113) of title I of Pub. L. 110–140, see Short Title of 2007 Amendment note set out under section 30101 of this title], or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.''

NATIONAL ACADEMY OF SCIENCES STUDIES

Pub. L. 110–140, title I, § 107, Dec. 19, 2007, 121 Stat. 1504, provided that:

''(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act [Dec. 19, 2007], the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

''(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

''(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

''(3) an analysis of how such technologies may be practically integrated into the automotive and me-

dium-duty and heavy-duty truck manufacturing process; and

''(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle [subtitle A (§§101–113) of title I of Pub. L. 110–140, see Short Title of 2007 Amendment note set out under section 30101 of this title].

''(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

''(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.''

THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Memorandum of President of the United States, Jan. 26, 2009, 74 F.R. 4907, provided:

Memorandum for the Secretary of Transportation [and] the Administrator of the National Highway Traffic Safety Administration

In 2007, the Congress passed the Energy Independence and Security Act (EISA). This law mandates that, as part of the Nation's efforts to achieve energy independence, the Secretary of Transportation prescribe annual fuel economy increases for automobiles, beginning with model year 2011, resulting in a combined fuel economy fleet average of at least 35 miles per gallon by model year 2020. On May 2, 2008, the National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking entitled *Average Fuel Economy Standards, Passenger Cars and Light Trucks; Model Years 2011–2015*, *73 Fed. Reg.* 24352. In the notice and comment period, the NHTSA received numerous comments, some of them contending that certain aspects of the proposed rule, including appendices providing for preemption of State laws, were inconsistent with provisions of EISA and the Supreme Court's decision in *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007).

Federal law requires that the final rule regarding fuel economy standards be adopted at least 18 months before the beginning of the model year (49 U.S.C. 32902(g)(2)). In order for the model year 2011 standards to meet this requirement, the NHTSA must publish the final rule in the Federal Register by March 30, 2009. To date, the NHTSA has not published a final rule.

Therefore, I request that:

(a) in order to comply with the EISA requirement that fuel economy increases begin with model year 2011, you take all measures consistent with law, and in coordination with the Environmental Protection Agency, to publish in the Federal Register by March 30, 2009, a final rule prescribing increased fuel economy for model year 2011;

(b) before promulgating a final rule concerning model years after model year 2011, you consider the appropriate legal factors under the EISA, the comments filed in response to the Notice of Proposed Rulemaking, the relevant technological and scientific considerations, and to the extent feasible, the forthcoming report by the National Academy of Sciences mandated under section 107 of EISA; and

(c) in adopting the final rules in paragraphs (a) and (b) above, you consider whether any provisions regarding preemption are consistent with the EISA, the Supreme Court's decision in *Massachusetts v. EPA* and other relevant provisions of law and the policies underlying them.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Transportation is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

IMPROVING ENERGY SECURITY, AMERICAN COMPETITIVENESS AND JOB CREATION, AND ENVIRONMENTAL PROTECTION THROUGH A TRANSFORMATION OF OUR NATION'S FLEET OF CARS AND TRUCKS

Memorandum of President of the United States, May 21, 2010, 75 F.R. 29399, provided:

Memorandum for the Secretary of Transportation[,] the Secretary of Energy[,] the Administrator of the Environmental Protection Agency[, and] the Administrator of the National Highway Traffic Safety Administration

America has the opportunity to lead the world in the development of a new generation of clean cars and trucks through innovative technologies and manufacturing that will spur economic growth and create high-quality domestic jobs, enhance our energy security, and improve our environment. We already have made significant strides toward reducing greenhouse gas pollution and enhancing fuel efficiency from motor vehicles with the joint rulemaking issued by the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) on April 1, 2010, which regulates these attributes of passenger cars and light-duty trucks for model years 2012–2016. In this memorandum, I request that additional coordinated steps be taken to produce a new generation of clean vehicles.

SECTION 1. *Medium- and Heavy-Duty Trucks*.

While the Federal Government and many States have now created a harmonized framework for addressing the fuel economy of and greenhouse gas emissions from cars and light-duty trucks, medium- and heavy-duty trucks and buses continue to be a major source of fossil fuel consumption and greenhouse gas pollution. I therefore request that the Administrators of the EPA and the NHTSA immediately begin work on a joint rulemaking under the Clean Air Act (CAA) and the Energy Independence and Security Act of 2007 (EISA) to establish fuel efficiency and greenhouse gas emissions standards for commercial medium- and heavy-duty vehicles beginning with model year 2014, with the aim of issuing a final rule by July 30, 2011. As part of this rule development process, I request that the Administrators of the EPA and the NHTSA:

(a) Propose and take comment on strategies, including those designed to increase the use of existing technologies, to achieve substantial annual progress in reducing transportation sector emissions and fossil fuel consumption consistent with my Administration's overall energy and climate security goals. These strategies should consider whether particular segments of the diverse heavy-duty vehicle sector present special opportunities to reduce greenhouse gas emissions and increase fuel economy. For example, preliminary estimates indicate that large tractor trailers, representing half of all greenhouse gas emissions from this sector, can reduce greenhouse gas emissions by as much as 20 percent and increase their fuel efficiency by as much as 25 percent with the use of existing technologies;

(b) Include fuel efficiency and greenhouse gas emissions standards that take into account the market structure of the trucking industry and the unique demands of heavy-duty vehicle applications; seek harmonization with applicable State standards; consider the findings and recommendations published in the National Academy of Science report on medium- and heavy-duty truck regulation; strengthen the industry and enhance job creation in the United States; and

(c) Seek input from all stakeholders, while recognizing the continued leadership role of California and other States.

SEC. 2. *Passenger Cars and Light-Duty Trucks*.

Building on the earlier joint rulemaking, and in order to provide greater certainty and incentives for long-term innovation by automobile and light-duty vehicle manufacturers, I request that the Administrators of the EPA and the NHTSA develop, through notice and comment rulemaking, a coordinated national program under the CAA and the EISA to improve fuel efficiency

and to reduce greenhouse gas emissions of passenger cars and light-duty trucks of model years 2017–2025. The national program should seek to produce joint Federal standards that are harmonized with applicable State standards, with the goal of ensuring that automobile manufacturers will be able to build a single, light-duty national fleet. The program should also seek to achieve substantial annual progress in reducing transportation sector greenhouse gas emissions and fossil fuel consumption, consistent with my Administration's overall energy and climate security goals, through the increased domestic production and use of existing, advanced, and emerging technologies, and should strengthen the industry and enhance job creation in the United States. As part of implementing the national program, I request that the Administrators of the EPA and the NHTSA:

(a) Work with the State of California to develop by September 1, 2010, a technical assessment to inform the rulemaking process, reflecting input from an array of stakeholders on relevant factors, including viable technologies, costs, benefits, lead time to develop and deploy new and emerging technologies, incentives and other flexibilities to encourage development and deployment of new and emerging technologies, impacts on jobs and the automotive manufacturing base in the United States, and infrastructure for advanced vehicle technologies; and

(b) Take all measures consistent with law to issue by September 30, 2010, a Notice of Intent to Issue a Proposed Rule that announces plans for setting stringent fuel economy and greenhouse gas emissions standards for light-duty vehicles of model year 2017 and beyond, including plans for initiating joint rulemaking and gathering any additional information needed to support regulatory action. The Notice should describe the key elements of the program that the EPA and the NHTSA intend jointly to propose, under their respective statutory authorities, including potential standards that could be practicably implemented nationally for the 2017–2025 model years and a schedule for setting those standards as expeditiously as possible, consistent with providing sufficient lead time to vehicle manufacturers.

SEC. 3. *Cleaner Vehicles and Fuels and Necessary Infrastructure.*

The success of our efforts to achieve enhanced energy security and to protect the environment also depends upon the development of infrastructure and promotion of fuels, including biofuels, which will enable the development and widespread deployment of advanced technologies. Therefore, I further request that:

(a) The Administrator of the EPA review for adequacy the current nongreenhouse gas emissions regulations for new motor vehicles, new motor vehicle engines, and motor vehicle fuels, including tailpipe emissions standards for nitrogen oxides and air toxics, and sulfur standards for gasoline. If the Administrator of the EPA finds that new emissions regulations are required, then I request that the Administrator of the EPA promulgate such regulations as part of a comprehensive approach toward regulating motor vehicles; and [sic]

(b) The Secretary of Energy promote the deployment of advanced technology vehicles by providing technical assistance to cities preparing for deployment of electric vehicles, including plug-in hybrids and all-electric vehicles; and

(c) The Department of Energy work with stakeholders on the development of voluntary standards to facilitate the robust deployment of advanced vehicle technologies and coordinate its efforts with the Department of Transportation, the NHTSA, and the EPA.

SEC. 4. *General Provisions.*

(a) This memorandum shall be implemented consistent with applicable law, including international trade obligations, and subject to the availability of appropriations.

(b) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect:

(1) authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

SEC. 5. *Publication.*

The Secretary of Transportation is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 32903. Credits for exceeding average fuel economy standards

(a) EARNING AND PERIOD FOR APPLYING CREDITS.—When the average fuel economy of passenger automobiles manufactured by a manufacturer in a particular model year exceeds an applicable average fuel economy standard under subsections (a) through (d) of section 32902 (determined by the Secretary of Transportation without regard to credits under this section), the manufacturer earns credits. The credits may be applied to—

(1) any of the 3 consecutive model years immediately before the model year for which the credits are earned; and

(2) to the extent not used under paragraph (1)[1] any of the 5 consecutive model years immediately after the model year for which the credits are earned.

(b) PERIOD OF AVAILABILITY AND PLAN FOR FUTURE CREDITS.—(1) Except as provided in paragraph (2) of this subsection, credits under this section are available to a manufacturer at the end of the model year in which earned.

(2)(A) Before the end of a model year, if a manufacturer has reason to believe that its average fuel economy for passenger automobiles will be less than the applicable standard for that model year, the manufacturer may submit a plan to the Secretary of Transportation demonstrating that the manufacturer will earn sufficient credits under this section within the next 3 model years to allow the manufacturer to meet that standard for the model year involved. Unless the Secretary finds that the manufacturer is unlikely to earn sufficient credits under the plan, the Secretary shall approve the plan. Those credits are available for the model year involved if—

(i) the Secretary approves the plan; and

(ii) the manufacturer earns those credits as provided by the plan.

(B) If the average fuel economy of a manufacturer is less than the applicable standard under subsections (a) through (d) of section 32902 after applying credits under subsection (a)(1) of this section, the Secretary of Transportation shall notify the manufacturer and give the manufacturer a reasonable time (of at least 60 days) to submit a plan.

(c) DETERMINING NUMBER OF CREDITS.—The number of credits a manufacturer earns under this section equals the product of—

[1] So in original. Probably should be followed by a comma.

(1) the number of tenths of a mile a gallon by which the average fuel economy of the passenger automobiles manufactured by the manufacturer in the model year in which the credits are earned exceeds the applicable average fuel economy standard under subsections (a) through (d) of section 32902; times

(2) the number of passenger automobiles manufactured by the manufacturer during that model year.

(d) APPLYING CREDITS FOR PASSENGER AUTOMOBILES.—The Secretary of Transportation shall apply credits to a model year on the basis of the number of tenths of a mile a gallon by which the manufacturer involved was below the applicable average fuel economy standard for that model year and the number of passenger automobiles manufactured that model year by the manufacturer. Credits applied to a model year are no longer available for another model year. Before applying credits, the Secretary shall give the manufacturer written notice and reasonable opportunity to comment.

(e) APPLYING CREDITS FOR NON-PASSENGER AUTOMOBILES.—Credits for a manufacturer of automobiles that are not passenger automobiles are earned and applied to a model year in which the average fuel economy of that class of automobiles is below the applicable average fuel economy standard under section 32902(a) of this title, to the same extent and in the same way as provided in this section for passenger automobiles.

(f) CREDIT TRADING AMONG MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

(A) for model years 2011 through 2013, 1.0 mile per gallon;

(B) for model years 2014 through 2017, 1.5 miles per gallon; and

(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

(6) DEFINITIONS.—In this subsection:

(A) FLEET.—The term ''fleet'' means all automobiles manufactured by a manufacturer in a particular model year.

(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term ''compliance category of automobiles'' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

(i) Passenger automobiles manufactured domestically.

(ii) Passenger automobiles not manufactured domestically.

(iii) Non-passenger automobiles.

(h) REFUND OF COLLECTED PENALTY.—When a civil penalty has been collected under this chapter from a manufacturer that has earned credits under this section, the Secretary of the Treasury shall refund to the manufacturer the amount of the penalty to the extent the penalty is attributable to credits available under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1061; Pub. L. 110–140, title I, § 104(a), Dec. 19, 2007, 121 Stat. 1501.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32903(a)	15:2002(*l*)(1)(B), (4).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 502(*l*); added Oct. 10, 1980, Pub. L. 96–425, § 6(b), 94 Stat. 1826.
32903(b)(1) ..	15:2002(*l*)(1)(A).	
32903(b)(2) ..	15:2002(*l*)(1)(C).	
32903(c)	15:2002(*l*)(1)(D).	
32903(d)	15:2002(*l*)(1)(E).	
32903(e)	15:2002(*l*)(2).	
32903(f)	15:2002(*l*)(3).	

In this section, various forms of the words ''apply credits'' are substituted for various forms of ''credits are available to be taken into account'' to be more concise and to make more clear the distinction between when credits are available and to what years they may be applied.

In subsection (a), before clause (1), the text of 15:2002(*l*)(4) is omitted as surplus because of 49:322(a). The words ''any adjustment under subsection (d) of this

section'' are omitted because 15:2002(d) is omitted from the revised title as executed. The words ''calculated under subparagraph (C)'' (which apparently should be ''calculated under subparagraph (D)'') are omitted as surplus. In clauses (1) and (2), the words ''with respect to the average fuel economy of that manufacturer'' are omitted as surplus. The words ''year for which the credits are earned'' are substituted for ''year in which such manufacturer exceeds such applicable average fuel economy standard'' to eliminate unnecessary words.

Subsection (b)(1) is substituted for 15:2002(*l*)(1)(A) to eliminate unnecessary words.

In subsection (b)(2)(A) is substituted for 15:2002(*l*)(1)(C)(i)–(iii) to eliminate unnecessary words.

In subsection (e), the words ''as provided in this section for passenger automobiles'' are substituted for ''as provided for under paragraph (1)'' for clarity. The text of 15:2002(*l*)(2) (last sentence) is omitted as expired.

AMENDMENTS

2007—Subsec. (a). Pub. L. 110–140, § 104(a)(1), substituted ''subsections (a) through (d) of section 32902'' for ''section 32902(b)–(d) of this title'' in introductory provisions.

Subsec. (a)(2). Pub. L. 110–140, § 104(a)(2), substituted ''paragraph (1)'' for ''clause (1) of this subsection,'' and ''5 consecutive'' for ''3 consecutive''.

Subsecs. (b)(2)(B), (c)(1). Pub. L. 110–140, § 104(a)(1), substituted ''subsections (a) through (d) of section 32902'' for ''section 32902(b)–(d) of this title''.

Subsecs. (f) to (h). Pub. L. 110–140, § 104(a)(3), (4), added subsecs. (f) and (g) and redesignated former subsec. (f) as (h).

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32904. Calculation of average fuel economy

(a) METHOD OF CALCULATION.—(1) The Administrator of the Environmental Protection Agency shall calculate the average fuel economy of a manufacturer subject to—

(A) section 32902(a) of this title in a way prescribed by the Administrator; and

(B) section 32902(b)–(d) of this title by dividing—

(i) the number of passenger automobiles manufactured by the manufacturer in a model year; by

(ii) the sum of the fractions obtained by dividing the number of passenger automobiles of each model manufactured by the manufacturer in that model year by the fuel economy measured for that model.

(2)(A) In this paragraph, ''electric vehicle'' means a vehicle powered primarily by an electric motor drawing electrical current from a portable source.

(B) If a manufacturer manufactures an electric vehicle, the Administrator shall include in the calculation of average fuel economy under paragraph (1) of this subsection equivalent petroleum based fuel economy values determined by the Secretary of Energy for various classes of electric vehicles. The Secretary shall review those values each year and determine and propose necessary revisions based on the following factors:

(i) the approximate electrical energy efficiency of the vehicle, considering the kind of vehicle and the mission and weight of the vehicle.

(ii) the national average electrical generation and transmission efficiencies.

(iii) the need of the United States to conserve all forms of energy and the relative scarcity and value to the United States of all fuel used to generate electricity.

(iv) the specific patterns of use of electric vehicles compared to petroleum-fueled vehicles.

(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)(A) Except as provided in paragraphs (6) and (7) of this subsection, the Administrator shall make separate calculations under subsection (a)(1)(B) of this section for—

(i) passenger automobiles manufactured domestically by a manufacturer (or included in this category under paragraph (5) of this subsection); and

(ii) passenger automobiles not manufactured domestically by that manufacturer (or excluded from this category under paragraph (5) of this subsection).

(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of this paragraph are deemed to be manufactured by separate manufacturers under this chapter, except for the purposes of section 32903.

(2) In this subsection (except as provided in paragraph (3)), a passenger automobile is deemed to be manufactured domestically in a model year if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States or Canada, unless the assembly of the automobile is completed in Canada and the automobile is imported into the United States more than 30 days after the end of the model year.

(3)(A) In this subsection, a passenger automobile is deemed to be manufactured domestically in a model year, as provided in subparagraph (B) of this paragraph, if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the automobile is completed in Canada or Mexico and the automobile is imported into the United States more than 30 days after the end of the model year.

(B) Subparagraph (A) of this paragraph applies to automobiles manufactured by a manufacturer and sold in the United States, regardless of the place of assembly, as follows:

(i) A manufacturer that began assembling automobiles in Mexico before model year 1992 may elect, during the period from January 1, 1997, through January 1, 2004, to have subparagraph (A) of this paragraph apply to all automobiles manufactured by that manufacturer beginning with the model year that begins after the date of the election.

(ii) For a manufacturer that began assembling automobiles in Mexico after model year 1991, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 1994, or the model year beginning after the date the manufacturer begins assembling automobiles in Mexico, whichever is later.

(iii) A manufacturer not described in clause (i) or (ii) of this subparagraph that assembles

automobiles in the United States or Canada, but not in Mexico, may elect, during the period from January 1, 1997, through January 1, 2004, to have subparagraph (A) of this paragraph apply to all automobiles manufactured by that manufacturer beginning with the model year that begins after the date of the election. However, if the manufacturer begins assembling automobiles in Mexico before making an election under this subparagraph, this clause does not apply, and the manufacturer is subject to clause (ii) of this subparagraph.

(iv) For a manufacturer that does not assemble automobiles in the United States, Canada, or Mexico, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 1994.

(v) For a manufacturer described in clause (i) or (iii) of this subparagraph that does not make an election within the specified period, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 2004.

(C) The Secretary of Transportation shall prescribe reasonable procedures for elections under subparagraph (B) of this paragraph.

(4) In this subsection, the fuel economy of a passenger automobile that is not manufactured domestically is deemed to be equal to the average fuel economy of all passenger automobiles manufactured by the same manufacturer that are not manufactured domestically.

(5)(A) A manufacturer may submit to the Secretary of Transportation for approval a plan, including supporting material, stating the actions and the deadlines for taking the actions, that will ensure that the model or models referred to in subparagraph (B) of this paragraph will be manufactured domestically before the end of the 4th model year covered by the plan. The Secretary promptly shall consider and act on the plan. The Secretary shall approve the plan unless—

(i) the Secretary finds that the plan is inadequate to meet the requirements of this paragraph; or

(ii) the manufacturer previously has submitted a plan approved by the Secretary under this paragraph.

(B) If the plan is approved, the Administrator shall include under paragraph (1)(A)(i) and exclude under paragraph (1)(A)(ii) of this subsection, for each of the 4 model years covered by the plan, not more than 150,000 passenger automobiles manufactured by that manufacturer but not qualifying as domestically manufactured if—

(i) the model or models involved previously have not been manufactured domestically;

(ii) at least 50 percent of the cost to the manufacturer of each of the automobiles is attributable to value added in the United States or Canada;

(iii) the automobiles, if their assembly was completed in Canada, are imported into the United States not later than 30 days after the end of the model year; and

(iv) the model or models are manufactured domestically before the end of the 4th model year covered by the plan.

(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer under testing and calculation procedures prescribed by the Administrator. However, except under section 32908 of this title, the Administrator shall use the same procedures for passenger automobiles the Administrator used for model year 1975 (weighted 55 percent urban cycle and 45 percent highway cycle), or procedures that give comparable results. A measurement of fuel economy or a calculation of average fuel economy (except under section 32908) shall be rounded off to the nearest .1 of a mile a gallon. The Administrator shall decide on the quantity of other fuel that is equivalent to one gallon of gasoline. To the extent practicable, fuel economy tests shall be carried out with emissions tests under section 206 of the Clean Air Act (42 U.S.C. 7525).

(d) EFFECTIVE DATE OF PROCEDURE OR AMENDMENT.—The Administrator shall prescribe a procedure under this section, or an amendment (except a technical or clerical amendment) in a procedure, at least 12 months before the beginning of the model year to which the procedure or amendment applies.

(e) REPORTS AND CONSULTATION.—The Administrator shall report measurements and calculations under this section to the Secretary of Transportation and shall consult and coordinate with the Secretary in carrying out this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1062; Pub. L. 103–429, § 6(36), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–287, § 5(63), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 110–140, title I, §§ 104(b)(2), 113(a), Dec. 19, 2007, 121 Stat. 1503, 1508.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32904(a)(1) ..	15:2003(a)(1), (2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 503(a)(1), (2), (d)–(f); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 906, 907.
32904(a)(2) ..	15:2003(a)(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 503(a)(3); added Jan. 7, 1980, Pub. L. 96–185, § 18 (related to § 503(a)(3) of Motor Vehicle Information and Cost Savings Act), 93 Stat. 1336.
32904(b)(1) ..	15:2003(b)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 503(b)(1), (2); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 906; Oct. 10, 1980, Pub. L. 96–425, §§ 4(c)(2), (3), 8(e), 94 Stat. 1824, 1829.
32904(b)(2) ..	15:2003(b)(1).	
32904(b)(3) ..	15:2003(b)(4).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 503(b)(4); added Oct. 10, 1980, Pub. L. 96–425, § 4(b), 94 Stat. 1824.
32904(b)(4)–(6).	15:2003(b)(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 503(b)(3); added Oct. 10, 1980, Pub. L. 96–425, § 4(a)(1), 94 Stat. 1822; Nov. 8, 1984, Pub. L. 98–620, § 402(18), 98 Stat. 3358.
32904(c)	15:2003(d)(1) (1st–3d sentences), (2), (e).	
32904(d)	15:2003(d)(3).	
32904(e)	15:2003(d)(1) (last sentence), (f).	

In subsection (a)(1), before clause (A), the words ''of a manufacturer subject to'' are substituted for ''for the purposes of'' for clarity. In clause (B)(ii), the words

''the sum of the fractions obtained by'' are substituted for ''a sum of terms, each term of which is a fraction created by'' to eliminate unnecessary words.

Subsection (a)(2)(A) is substituted for ''as defined in section 2012(b)(2) of this title'' for clarity.

In subsection (a)(2)(B), before clause (i), the words ''the Administrator shall include in the calculation of average fuel economy'' are substituted for ''the average fuel economy will be calculated . . . to include'' for clarity. The text of 15:2003(a)(3)(B) is omitted as executed. The words ''determine and propose'' are substituted for ''propose'' for clarity and consistency with the authority of the Secretary under the source provisions. The words ''based on the following factors'' are substituted for ''Determination of these fuel economy values will take into account the following parameters'' for clarity and to eliminate unnecessary words. The factors in clauses (i)–(iv) are applied to revisions in fuel economy values for clarity and consistency with the authority of the Secretary under the source provisions. In clause (iv), the words ''patterns of use'' are substituted for ''driving patterns'' for clarity.

In subsection (b)(1), before clause (A), the text of 15:2003(b)(2)(A)–(D) is omitted as executed. In clause (A), the words ''is imported . . . more than 30 days after'' are substituted for ''is not imported . . . prior to the expiration of 30 days following'' for clarity and for consistency in the revised chapter. The words ''The EPA Administrator may prescribe rules for purposes of carrying out this subparagraph'' are omitted as surplus because of the authority of the Administrator to prescribe regulations under section 32910(d) of the revised title. The term ''regulations'' is used in section 32910(d) instead of ''rules'' for consistency in the revised title and because the terms are synonymous. In clause (B), the words ''which is imported by a manufacturer in model year 1978 or any subsequent year, as the case may be, and'' are omitted as surplus.

In subsection (b)(2)(A), before clause (i), the words ''Except as provided in paragraphs (4) and (5) of this subsection'' are added for clarity. The words ''the Administrator shall make separate calculations'' are substituted for ''In calculating average fuel economy . . . the EPA Administrator shall separate the total number of passenger automobiles manufactured by a manufacturer into the following two categories'' and ''The EPA Administrator shall calculate the average fuel economy of each such separate category'' to eliminate unnecessary words. In clauses (i) and (ii), the reference in the parenthetical to paragraph (3) is substituted for the reference in the source to paragraph (3), which apparently should have been a reference to paragraph (4). The text of 15:2003(b)(1)(A) (words in parentheses) and (B) (words in parentheses) is omitted as executed.

Subsection (b)(2)(B) is substituted for 15:2003(b)(1) (words after last comma) because of the restatement.

In subsection (b)(3)(A), before clause (i), the word ''deadlines'' is substituted for ''dates'' for clarity. The text of 15:2003(b)(4)(C) is omitted as executed.

In subsection (b)(4)(A), before clause (i), the words ''A manufacturer may file with the Secretary of Transportation a petition for an exemption from the requirement of separate calculations under paragraph (2)(A) of this subsection'' are substituted for ''petition . . . for an exemption from the provisions of paragraph (1) filed by a manufacturer, the Secretary'' for clarity.

In subsection (b)(5)(B), the words ''judgment of the court under this subparagraph may be reviewed'' are substituted for ''judgment of the court affirming, remanding, or setting aside, in whole or in part, any such decision shall be final, subject to review'' to eliminate unnecessary words.

In subsection (b)(5)(C), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''a petition for'' are added for consistency.

In subsection (c), the words ''of a model type'' and ''of a manufacturer'' are omitted as surplus. The words ''by rule'' are omitted as surplus because of the authority of the Administrator to prescribe regulations under section 32910(d) of the revised title. The term ''regulations'' is used in section 32910(d) instead of ''rules'' for consistency in the revised title and because the terms are synonymous. The words ''However . . . the Administrator shall use the same procedures for passenger automobiles the Administrator used'' are substituted for ''Procedures so established with respect to passenger automobiles . . . shall be the procedures utilized by the EPA Administrator'' for clarity. The words ''(in accordance with rules of the EPA Administrator)'' are omitted as surplus. The words ''fuel economy tests shall be carried out with'' are substituted for ''Procedures under this subsection . . . shall require that fuel economy tests be conducted in conjunction with'' to eliminate unnecessary words.

In subsection (d), the words ''The Administrator shall prescribe a procedure under this section, or an amendment . . . at least'' are substituted for ''Testing and calculation procedures applicable to a model year and any amendment to such procedures . . . shall be promulgated not less than'' to eliminate unnecessary words.

In subsection (e), the words ''his duties under'' are omitted as surplus.

PUB. L. 103–429, § 6(36)(A)

This makes conforming amendments necessary because of the restatement of 15:2003(b)(2)(G) as 49:32904(b)(3) by section 6(36)(B) of the bill.

PUB. L. 103–429, § 6(36)(B)

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32904(b)	15:2003(b)(2)(E), (G).	Oct. 20, 1972, Public Law 92–513, § 503(b)(2)(E), (G), as amended Dec. 8, 1993, Pub. L. 103–182, § 371, 107 Stat. 2127.

The text of 49:32904(b)(1) is the text of 49:32904(b)(2), as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1063), with conforming changes made in the cited cross-references.

The text of subsection (b)(2) is the text of 49:32904(b)(1)(A), as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1063), with the amendments of the underlying source provisions of 49:32904(b)(1)(A) made by section 371(b)(1) of the North American Free Trade Implementation Act (Public Law 103–182, 107 Stat. 2128). The words ''(except as provided in paragraph (3))'' are substituted for ''Except as provided in subparagraph (G)'' because of the restatement of 15:2003(b)(2)(G) as 49:32904(b)(3).

In subsection (b)(3)(A), the words ''is imported . . . more than 30 days after'' are substituted for ''is not imported . . . prior to the expiration of 30 days following'' for clarity and consistency with title 49, United States Code.

In subsection (b)(3)(C), the words ''and the EPA Administrator may prescribe rules for purposes of carrying out this subparagraph'' are omitted as surplus because of the authority of the Administrator to prescribe regulations under 49:32910(d). The amendment made by section 371(b)(2) of the North American Free Trade Implementation Act (Public Law 103–182, 107 Stat. 2128) is not given effect because the last sentence of section 503(b)(2)(E) of the Motor Vehicle and Cost Savings Act (Public Law 92–513, 86 Stat. 947) was omitted in the restatement of title 49 because of the authority of the Administrator to prescribe regulations under 49:32910(d).

The text of subsection (b)(4) is the text of 49:32904(b)(1)(B), as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1063).

PUB. L. 103–429, § 6(36)(C), (D)

This makes conforming amendments necessary because of the restatement of 15:2003(b)(2)(G) as 49:32904(b)(3) by section 6(36)(B) of the bill.

AMENDMENTS

2007—Subsec. (b)(1)(B). Pub. L. 110–140, § 104(b)(2), inserted ‘‘, except for the purposes of section 32903’’ before period at end.

Subsec. (b)(6) to (8). Pub. L. 110–140, § 113(a), struck out pars. (6) to (8) which related to exemption from separate calculations requirement, judicial review of denial of petition, and unavailability of section 32903(a) and (b)(2) credits during model year when exemption is effective, respectively.

1996—Subsec. (b)(6)(C). Pub. L. 104–287 substituted ‘‘Committee on Commerce’’ for ‘‘Committee on Energy and Commerce’’.

1994—Subsec. (b)(1). Pub. L. 103–429, § 6(36)(B), added par. (1) and struck out former par. (1) which read as follows: ‘‘In this subsection—

‘‘(A) a passenger automobile is deemed to be manufactured domestically in a model year if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States or Canada, unless the assembly of the automobile is completed in Canada and the automobile is imported into the United States more than 30 days after the end of the model year; and

‘‘(B) the fuel economy of a passenger automobile that is not manufactured domestically is deemed to be equal to the average fuel economy of all passenger automobiles manufactured by the same manufacturer that are not manufactured domestically.’’

Subsec. (b)(2). Pub. L. 103–429, § 6(36)(B), added par. (2) and struck out former par. (2) which read as follows:

‘‘(2)(A) Except as provided in paragraphs (4) and (5) of this subsection, the Administrator shall make separate calculations under subsection (a)(1)(B) of this section for—

‘‘(i) passenger automobiles manufactured domestically by a manufacturer (or included in this category under paragraph (3) of this subsection); and

‘‘(ii) passenger automobiles not manufactured domestically by that manufacturer (or excluded from this category under paragraph (3) of this subsection).

‘‘(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of this paragraph are deemed to be manufactured by separate manufacturers under this chapter.’’

Subsec. (b)(3), (4). Pub. L. 103–429, § 6(36)(B), added pars. (3) and (4). Former pars. (3) and (4) redesignated (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 103–429, § 6(36)(A), redesignated par. (3) as (5). Former par. (5) redesignated (7).

Subsec. (b)(5)(B). Pub. L. 103–429, § 6(36)(C), substituted ‘‘paragraph (1)(A)(i) and exclude under paragraph (1)(A)(ii)’’ for ‘‘paragraph (2)(A)(i) and exclude under paragraph (2)(A)(ii)’’ in introductory provisions.

Subsec. (b)(6). Pub. L. 103–429, § 6(36)(A), redesignated par. (4) as (6). Former par. (6) redesignated (8).

Subsec. (b)(6)(A). Pub. L. 103–429, § 6(36)(D), substituted ‘‘paragraph (1)(A)’’ for ‘‘paragraph (2)(A)’’ in introductory provisions.

Subsec. (b)(7), (8). Pub. L. 103–429, § 6(36)(A), redesignated pars. (5) and (6) as (7) and (8), respectively.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

EFFECT OF REPEAL ON EXISTING EXEMPTIONS

Pub. L. 110–140, title I, § 113(b), (c), Dec. 19, 2007, 121 Stat. 1508, provided that:

‘‘(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act [Dec. 19, 2007] shall remain in effect subject to its terms through model year 2013.

‘‘(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title beginning with model year 2011.’’

§ 32905. Manufacturing incentives for alternative fuel automobiles

(a) DEDICATED AUTOMOBILES.—Except as provided in subsection (c) of this section or section 32904(a)(2) of this title, for any model of dedicated automobile manufactured by a manufacturer after model year 1992, the fuel economy measured for that model shall be based on the fuel content of the alternative fuel used to operate the automobile. A gallon of a liquid alternative fuel used to operate a dedicated automobile is deemed to contain .15 gallon of fuel.

(b) DUAL FUELED AUTOMOBILES.—Except as provided in subsection (d) of this section or section 32904(a)(2) of this title, for any model of dual fueled automobile manufactured by a manufacturer in model years 1993 through 2019, the Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum of—

(1) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

(2) .5 divided by the fuel economy—

(A) measured under subsection (a) when operating the model on alternative fuel; or

(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.

(c) GASEOUS FUEL DEDICATED AUTOMOBILES.—For any model of gaseous fuel dedicated automobile manufactured by a manufacturer after model year 1992, the Administrator shall measure the fuel economy for that model based on the fuel content of the gaseous fuel used to operate the automobile. One hundred cubic feet of natural gas is deemed to contain .823 gallon equivalent of natural gas. The Secretary of Transportation shall determine the appropriate gallon equivalent of other gaseous fuels. A gallon equivalent of gaseous fuel is deemed to have a fuel content of .15 gallon of fuel.

(d) GASEOUS FUEL DUAL FUELED AUTOMOBILES.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer in model years 1993 through 2019, the Administrator shall measure the fuel economy for that model by dividing 1.0 by the sum of—

(1) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

(2) .5 divided by the fuel economy measured under subsection (c) of this section when operating the model on gaseous fuel.

(e) FUEL ECONOMY CALCULATIONS.—The Administrator shall calculate the manufacturer's average fuel economy under section 32904(a)(1) of this title for each model described under subsections (a)–(d) of this section by using as the denominator the fuel economy measured for each model under subsections (a)–(d).

(f) FUEL ECONOMY INCENTIVE REQUIREMENTS.—In order for any model of dual fueled automobile to be eligible to receive the fuel economy incentives included in section 32906(a) and (b), a label shall be attached to the fuel compartment of

each dual fueled automobile of that model, notifying that the vehicle can be operated on an alternative fuel and on gasoline or diesel, with the form of alternative fuel stated on the notice. This requirement applies to dual fueled automobiles manufactured on or after September 1, 2006.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1065; Pub. L. 104–287, § 5(63), Oct. 11, 1996, 110 Stat. 3395; Pub. L. 109–58, title VII, §§ 759, 772(a), Aug. 8, 2005, 119 Stat. 833, 834; Pub. L. 110–140, title I, § 109(b), (c), Dec. 19, 2007, 121 Stat. 1506.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32905(a)	15:2013(a), (f)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 513(a)–(f); added Oct. 14, 1988, Pub. L. 100–494, § 6(a), 102 Stat. 2448; Oct. 24, 1992, Pub. L. 102–486, § 403(5)(A)–(F), 106 Stat. 2876.
32905(b)	15:2013(b), (f)(1).	
32905(c)	15:2013(c), (f)(1).	
32905(d)	15:2013(d), (f)(1).	
32905(e)	15:2013(e).	
32905(f)	15:2013(f)(2)(B).	
32905(g)	15:2013(f)(2)(A).	

In subsections (a) and (c), the words ''after model year 1992'' are substituted for ''Subsections (a) and (c) shall apply only to automobiles manufactured after model year 1992'' because of the restatement.

In subsections (b) and (d), before each clause (1), the words ''in model years 1993–2004'' are substituted for ''Except as otherwise provided in this subsection, subsections (b) and (d) shall apply only to automobiles manufactured in model year 1993 through model year 2004'' to eliminate unnecessary words and because of the restatement.

In subsection (c), the words ''For purposes of this section'' and ''than natural gas'' are omitted as unnecessary because of the restatement. The words ''a gallon equivalent of natural gas'' are omitted as being included in ''A gallon equivalent of any gaseous fuel''.

In subsection (e), the words ''subject to the provisions of this section'' are omitted as unnecessary because of the restatement. The words ''for each model described under subsections (a)–(d) of this section'' are substituted for ''for each model type of dedicated automobile or dual fueled automobile'' to eliminate unnecessary words. The words ''by using as the denominator'' are substituted for ''by including as the denominator of the term'' for clarity.

AMENDMENTS

2007—Subsec. (b). Pub. L. 110–140, § 109(b)(1), substituted ''1993 through 2019'' for ''1993–2010'' in introductory provisions.

Subsec. (b)(2). Pub. L. 110–140, § 109(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''.5 divided by the fuel economy measured under subsection (a) of this section when operating the model on alternative fuel.''

Subsec. (d). Pub. L. 110–140, § 109(b)(2), substituted ''1993 through 2019'' for ''1993–2010'' in introductory provisions.

Subsecs. (f) to (h). Pub. L. 110–140, § 109(b)(3), (4), redesignated subsec. (h) as (f) and struck out former subsecs. (f) and (g) which related to temporary extension of application of subsecs. (b) and (d) and study and report on success of the policy of subsecs. (b) and (d), respectively.

2005—Subsecs. (b), (d). Pub. L. 109–58, § 772(a)(1), substituted ''1993–2010'' for ''1993–2004'' in introductory provisions.

Subsec. (f). Pub. L. 109–58, § 772(a)(2), substituted ''2007'' for ''2001'' in introductory provisions.

Subsec. (f)(1). Pub. L. 109–58, § 772(a)(3), substituted ''2010'' for ''2004''.

Subsec. (h). Pub. L. 109–58, § 759, added subsec. (h).

1996—Subsec. (g). Pub. L. 104–287 substituted ''Committee on Commerce'' for ''Committee on Energy and Commerce''.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32906. Maximum fuel economy increase for alternative fuel automobiles

(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

(1) 1.2 miles a gallon for each of model years 1993 through 2014;

(2) 1.0 miles per gallon for model year 2015;

(3) 0.8 miles per gallon for model year 2016;

(4) 0.6 miles per gallon for model year 2017;

(5) 0.4 miles per gallon for model year 2018;

(6) 0.2 miles per gallon for model year 2019; and

(7) 0 miles per gallon for model years after 2019.

(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1067; Pub. L. 109–58, title VII, § 772(b), Aug. 8, 2005, 119 Stat. 834; Pub. L. 110–140, title I, § 109(a), Dec. 19, 2007, 121 Stat. 1505.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32906(a)	15:2013(g)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 513(g)(1), (2)(A); added Oct. 14, 1988, Pub. L. 100–494, § 6(a), 102 Stat. 2449; Oct. 24, 1992, Pub. L. 102–486, § 403(5)(G)(i), (ii)(I), 106 Stat. 2877.
32906(b)	15:2013(g)(2)(A).	

AMENDMENTS

2007—Pub. L. 110–140 amended section generally, substituting provisions relating to maximum increase in average fuel economy for each of model years 1993 through 2019 and calculation of each such increase for provisions relating to maximum increase for each of model years 1993 through 2010 and authorizing offsets if the Secretary of Transportation reduced the average fuel economy standard for passenger automobiles for any model year below 27.5 miles per gallon.

2005—Subsec. (a)(1)(A). Pub. L. 109–58, § 772(b)(1), substituted ''model years 1993–2010'' for ''the model years 1993–2004''.

Subsec. (a)(1)(B). Pub. L. 109–58, § 772(b)(2), substituted ''model years 2011–2014'' for ''the model years 2005–2008''.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32907. Reports and tests of manufacturers

(a) MANUFACTURER REPORTS.—(1) A manufacturer shall report to the Secretary of Transportation on—

(A) whether the manufacturer will comply with an applicable average fuel economy standard under section 32902 of this title for the model year for which the report is made;

(B) the actions the manufacturer has taken or intends to take to comply with the standard; and

(C) other information the Secretary requires by regulation.

(2) A manufacturer shall submit a report under paragraph (1) of this subsection during the 30 days—

(A) before the beginning of each model year; and

(B) beginning on the 180th day of the model year.

(3) When a manufacturer decides that actions reported under paragraph (1)(B) of this subsection are not sufficient to ensure compliance with that standard, the manufacturer shall report to the Secretary additional actions the manufacturer intends to take to comply with the standard and include a statement about whether those actions are sufficient to ensure compliance.

(4) This subsection does not apply to a manufacturer for a model year for which the manufacturer is subject to an alternative average fuel economy standard under section 32902(d) of this title.

(b) RECORDS, REPORTS, TESTS, INFORMATION, AND INSPECTION.—(1) Under regulations prescribed by the Secretary or the Administrator of the Environmental Protection Agency to carry out this chapter, a manufacturer shall keep records, make reports, conduct tests, and provide items and information. On request and display of proper credentials, an officer or employee designated by the Secretary or Administrator may inspect automobiles and records of the manufacturer. An inspection shall be made at a reasonable time and in a reasonable way.

(2) The district courts of the United States may—

(A) issue an order enforcing a requirement or request under paragraph (1) of this subsection; and

(B) punish a failure to obey the order as a contempt of court.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1067.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32907(a)	15:2005(a)(1)–(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 505(a)(1)–(3), (c); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 908, 909.
	15:2005(a)(4).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 505(a)(4); added Oct. 10, 1980, Pub. L. 96–425, § 3(b), 94 Stat. 1822.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32907(b)	15:2005(c).	

In subsection (a)(1), before clause (A), the words ''shall report to the Secretary of Transportation on'' are substituted for ''shall submit a report to the Secretary . . . Each such report shall contain (A) a statement as to'' to eliminate unnecessary words. In clause (B), the words ''the actions'' are substituted for ''a plan which describes the steps'' to eliminate unnecessary words.

In subsection (a)(2)(A), the words ''after model year 1977'' are omitted as obsolete.

In subsection (a)(3), the words ''actions reported . . . are not sufficient to ensure compliance with that standard'' are substituted for ''a plan submitted . . . which he stated was sufficient to insure compliance with applicable average fuel economy standards is not sufficient to insure such compliance'' to eliminate unnecessary words and for consistency in the section. The words ''additional actions'' are substituted for ''a revised plan which specifies any additional measures'' for consistency in the section. The text of 15:2005(a)(3) is omitted as surplus because of 49:322(a).

In subsection (b)(1), the words ''Under regulations prescribed by the Secretary or the Administrator of the Environmental Protection Agency to carry out this chapter'' are substituted for ''as the Secretary or the EPA Administrator may, by rule, reasonably require to enable the Secretary or the EPA Administrator to carry out their duties under this subchapter and under any rules prescribed pursuant to this subchapter'' to eliminate unnecessary words, for consistency in the revised title, and because ''rules'' and ''regulations'' are synonymous. The words ''establish and'' are omitted as surplus. The 2d sentence is substituted for 15:2005(c) (2d sentence) to eliminate unnecessary words and for consistency. The text of 15:2005(c)(1) (last sentence) is omitted as surplus because of section 32910(d) of the revised title and 49:322(a).

Subsection (b)(2)(A) is substituted for ''if a manufacturer refuses to accede to any rule or reasonable request made under paragraph (1), issue an order requiring compliance with such requirement or request'' to eliminate unnecessary words.

Subsection (b)(2)(B) is substituted for 15:2005(c) (last sentence) to eliminate unnecessary words.

§ 32908. Fuel economy information

(a) DEFINITIONS.—In this section—

(1) ''automobile'' includes an automobile rated at not more than 8,500 pounds gross vehicle weight regardless of whether the Secretary of Transportation has applied this chapter to the automobile under section 32901(a)(3)(B) of this title.

(2) ''dealer'' means a person residing or located in a State, the District of Columbia, or a territory or possession of the United States, and engaged in the sale or distribution of new automobiles to the first person (except a dealer buying as a dealer) that buys the automobile in good faith other than for resale.

(b) LABELING REQUIREMENTS AND CONTENTS.—(1) Under regulations of the Administrator of the Environmental Protection Agency, a manufacturer of automobiles shall attach a label to a prominent place on each automobile manufactured in a model year. The dealer shall maintain the label on the automobile. The label shall contain the following information:

(A) the fuel economy of the automobile.

(B) the estimated annual fuel cost of operating the automobile.

(C) the range of fuel economy of comparable automobiles of all manufacturers.

(D) a statement that a booklet is available from the dealer to assist in making a comparison of fuel economy of other automobiles manufactured by all manufacturers in that model year.

(E) the amount of the automobile fuel efficiency tax imposed on the sale of the automobile under section 4064 of the Internal Revenue Code of 1986 (26 U.S.C. 4064).

(F) other information required or authorized by the Administrator that is related to the information required by clauses (A)–(D) of this paragraph.

(2) The Administrator may allow a manufacturer to comply with this subsection by—

(A) disclosing the information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232); and

(B) including the statement required by paragraph (1)(E) of this subsection at a time and in a way that takes into account special circumstances or characteristics.

(3) For dedicated automobiles manufactured after model year 1992, the fuel economy of those automobiles under paragraph (1)(A) of this subsection is the fuel economy for those automobiles when operated on alternative fuel, measured under section 32905(a) or (c) of this title, multiplied by .15. Each label required under paragraph (1) of this subsection for dual fueled automobiles shall—

(A) indicate the fuel economy of the automobile when operated on gasoline or diesel fuel;

(B) clearly identify the automobile as a dual fueled automobile;

(C) clearly identify the fuels on which the automobile may be operated; and

(D) contain a statement informing the consumer that the additional information required by subsection (c)(2) of this section is published and distributed by the Secretary of Energy.

(c) FUEL ECONOMY INFORMATION BOOKLET.—(1) The Administrator shall prepare the booklet referred to in subsection (b)(1)(D) of this section. The booklet—

(A) shall be simple and readily understandable;

(B) shall contain information on fuel economy and estimated annual fuel costs of operating automobiles manufactured in each model year; and

(C) may contain information on geographical or other differences in estimated annual fuel costs.

(2)(A) For dual fueled automobiles manufactured after model year 1992, the booklet published under paragraph (1) shall contain additional information on—

(i) the energy efficiency and cost of operation of those automobiles when operated on gasoline or diesel fuel as compared to those automobiles when operated on alternative fuel; and

(ii) the driving range of those automobiles when operated on gasoline or diesel fuel as compared to those automobiles when operated on alternative fuel.

(B) For dual fueled automobiles, the booklet published under paragraph (1) also shall contain—

(i) information on the miles a gallon achieved by the automobiles when operated on alternative fuel; and

(ii) a statement explaining how the information made available under this paragraph can be expected to change when the automobile is operated on mixtures of alternative fuel and gasoline or diesel fuel.

(3) The Secretary of Energy shall publish and distribute the booklet. The Administrator shall prescribe regulations requiring dealers to make the booklet available to prospective buyers.

(d) DISCLOSURE.—A disclosure about fuel economy or estimated annual fuel costs under this section does not establish a warranty under a law of the United States or a State.

(e) VIOLATIONS.—A violation of subsection (b) of this section is—

(1) a violation of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232); and

(2) an unfair or deceptive act or practice in or affecting commerce under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), except sections 5(m) and 18 (15 U.S.C. 45(m), 57a).

(f) CONSULTATION.—The Administrator shall consult with the Federal Trade Commission and the Secretaries of Transportation and Energy in carrying out this section.

(g) CONSUMER INFORMATION.—

(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

(A) to label new automobiles sold in the United States with—

(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

(I) with the lowest greenhouse gas emissions over the useful life of the vehicles; and

(II) the highest fuel economy; and

(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative

fuels, including the renewable nature and environmental benefits of using alternative fuels.

(2) CONSUMER EDUCATION.—

(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h)[1] is deemed to meet the requirements of this paragraph.

(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1068; Pub. L. 103–429, § 6(37), Oct. 31, 1994, 108 Stat. 4382; Pub. L. 110–140, title I, § 105, Dec. 19, 2007, 121 Stat. 1503.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32908(a)	15:2006(c)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 506(a)(1)–(3), (b)(1), (2), (c)(1), (2), (d), (e); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 910; Nov. 9, 1978, Pub. L. 95–619, §§ 401(a)(2), 403(a), (b), 92 Stat. 3254, 3256.
	15:2006(c)(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 506(c)(3); added Nov. 9, 1978, Pub. L. 95–619, § 401(a)(1), 92 Stat. 3254.
32908(b)(1), (2).	15:2006(a)(1)–(3).	
32908(b)(3) ..	15:2006(a)(4).	Oct. 20, 1972, Pub. L. 92–516, 86 Stat. 947, § 506(a)(4), (b)(3); added Oct. 14, 1988, Pub. L. 100–494, § 8(a), 102 Stat. 2452; Oct. 24, 1992, Pub. L. 102–486, § 403(3), (4), 106 Stat. 2876.
	15:2006 (note).	Oct. 14, 1988, Pub. L. 100–494, § 8(b), 102 Stat. 2453.
32908(c)(1) ..	15:2006(b)(1) (1st sentence).	
32908(c)(2) ..	15:2006(b)(3). 15:2006 (note).	
32908(c)(3) ..	15:2006(b)(1) (last sentence), (2).	

[1] See References in Text note below.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32908(d)	15:2006(d).	
32908(e)	15:2006(c)(1).	
32908(f)	15:2006(e).	

In this section, references to the Secretary of Energy are substituted for references to the Administrator of the Federal Energy Administration because of 42:7151.

In subsection (a)(1), the words ''regardless of whether the Secretary of Transportation has applied this chapter to the automobile'' are substituted for ''notwithstanding any lack of determination required of the Secretary'' for consistency with section 32901(b) of the revised title.

In subsection (a)(2), the words ''means a person residing or located in a State, the District of Columbia, or a territory or possession of the United States, and engaged in the sale or distribution of new automobiles to the first person (except a dealer buying as a dealer) that buys the automobile in good faith other than for resale'' are substituted for ''has the same meaning as such term has in section 2(e) of the Automobile Information Disclosure Act (15 U.S.C. 1231(e))'' to include the words of 15:1231(e) and (g) in the subsection for clarity. The words ''territory or possession'' are substituted for ''Territory'' for consistency in the revised title and with other titles of the United States Code. The words ''except that in applying such term to this section, the term 'automobile' has the same meaning as such term has in section 2001(1) of this title (taking into account paragraph (3) of this subsection)'' are omitted as surplus.

In subsection (b)(1), before clause (A), the text of 15:2006(a)(2) is omitted as executed. The words ''Except as otherwise provided in paragraph (2)'' are omitted as surplus because 15:2006(a)(2) is executed and is not part of the revised title. The words ''Under regulations of the Administrator of the Environmental Protection Agency'' are substituted for ''as determined in accordance with rules of the EPA Administrator'' and the text of 15:2006(a)(3) (1st, 2d sentences) to eliminate unnecessary words, for consistency in the revised title, and because ''rules'' is synonymous with ''regulations''. The word ''attach'' is substituted for ''cause to be affixed'', to eliminate unnecessary words. The words ''after model year 1976'' are omitted as executed. The words ''The label shall contain the following information'' are substituted for ''indicating'' and ''containing'' for clarity. In clause (C), the words ''of all manufacturers'' are substituted for ''(whether or not manufactured by such manufacturer)'' to eliminate unnecessary words. In clause (D), the words ''a booklet is available from the dealer to assist in making a comparison of fuel economy of other automobiles manufactured by all manufacturers in that model year'' are substituted for ''written information (as described in subsection (b)(1) of this section) with respect to the fuel economy of other automobiles manufactured in such model year (whether or not manufactured by such manufacturer) is available from the dealer in order to facilitate comparison among the various model types'' to eliminate unnecessary words. In clause (E), the words ''automobile fuel efficiency tax imposed on the sale of the automobile under section 4064 of the Internal Revenue Code of 1986 (26 U.S.C. 4064)'' are substituted for ''in the case of any automobile, the sale of which is subject to any Federal tax imposed with respect to automobile fuel efficiency, a statement indicating the amount of such tax'' for clarity.

In subsection (b)(3)(D), the words ''Secretary of Energy'' are substituted for ''Department of Energy'' because of 42:7131.

In subsection (c)(1), before clause (A), the words ''compile and'' are omitted as surplus.

In subsection (c)(3), the words ''not later than July 31, 1976'' are omitted as executed. The words ''make the

booklet available to prospective buyers'' are substituted for ''make available to prospective purchasers information compiled by the EPA Administrator under paragraph (1)'' to eliminate unnecessary words.

In subsection (d), the words ''which is required to be made'', ''an express or implied'', and ''that such fuel economy will be achieved, or that such cost will not be exceeded, under conditions of actual use'' are omitted as surplus.

In subsection (f), the words ''his duties under'' are omitted as surplus.

PUB. L. 103–429

This amends 49:32908(b)(1) to clarify the restatement of 15:2006(a)(1) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1068).

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (e)(2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

The date of the enactment of the Ten-in-Ten Fuel Economy Act, referred to in subsec. (g)(1)(A)(i), (4), is the date of enactment of subtitle A (§§101–113) of title I of Pub. L. 110–140, which was approved Dec. 19, 2007.

Subsection (h) of section 32905 of this title, referred to in subsec. (g)(3), was redesignated (f) by Pub. L. 110–140, title I, §109(b)(4), Dec. 19, 2007, 121 Stat. 1506.

AMENDMENTS

2007—Subsec. (g). Pub. L. 110–140 added subsec. (g).

1994—Subsec. (b)(1). Pub. L. 103–429 inserted ''on the automobile'' after ''maintain the label'' in introductory provisions.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES

Pub. L. 110–140, title I, §110, Dec. 19, 2007, 121 Stat. 1506, provided that: ''Beginning in December 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

''(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 CFR parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

''(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.''

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32909. Judicial review of regulations

(a) FILING AND VENUE.—(1) A person that may be adversely affected by a regulation prescribed in carrying out any of sections 32901–32904 or 32908 of this title may apply for review of the regulation by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) A person adversely affected by a regulation prescribed under section 32912(c)(1) of this title may apply for review of the regulation by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(b) TIME FOR FILING AND JUDICIAL PROCEDURES.—The petition must be filed not later than 59 days after the regulation is prescribed, except that a petition for review of a regulation prescribing an amendment of a standard submitted to Congress under section 32902(c)(2) of this title must be filed not later than 59 days after the end of the 60-day period referred to in section 32902(c)(2). The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation or the Administrator of the Environmental Protection Agency, whoever prescribed the regulation. The Secretary or the Administrator shall file with the court a record of the proceeding in which the regulation was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) When reviewing a regulation under subsection (a)(1) of this section, the court, on request of the petitioner, may order the Secretary or the Administrator to receive additional submissions if the court is satisfied the additional submissions are material and there were reasonable grounds for not presenting the submissions in the proceeding before the Secretary or Administrator.

(2) The Secretary or the Administrator may amend or set aside the regulation, or prescribe a new regulation because of the additional submissions presented. The Secretary or Administrator shall file an amended or new regulation and the additional submissions with the court. The court shall review a changed or new regulation.

(d) SUPREME COURT REVIEW AND ADDITIONAL REMEDIES.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under subsections (a)(1) and (c) of this section is in addition to any other remedies provided by law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1070; Pub. L. 103–429, §6(38), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32909(a)(1) ..	15:2004(a) (1st sentence words before 4th and after 6th commas, last sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §504; added Dec. 22, 1975, Pub. L. 94–163, §301, 89 Stat. 908.
32909(a)(2) ..	15:2004(a) (4th sentence).	
	15:2008(e)(3)(A) (1st sentence less 15th–31st words), (B).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §508(e)(3); added Nov. 9, 1978, Pub. L. 95–619, §402, 92 Stat. 3256.
32909(b)	15:2004(a) (1st sentence words between 4th and 6th commas, 2d, 3d sentences).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	15:2008(e)(3)(A) (1st sentence 15th–31st words, 2d, last sentences).	
32909(c)	15:2004(b).	
32909(d)	15:2004(c), (d). 15:2008(e)(3)(C).	

In this section, the word ''regulation'' is substituted for ''rule'' for consistency in the revised title and because the terms are synonymous.

In subsection (a)(1) and (2), the words ''apply for review'' are added for clarity.

In subsection (a)(1), the text of 15:2004(a) (last sentence) is omitted because 15:2002(d) is executed and is not a part of the revised title.

In subsection (a)(2), the words ''adversely affected'' are substituted for ''aggrieved'', and the words ''regulation prescribed'' are substituted for ''final rule'', for consistency in the revised title and with other titles of the United States Code. The text of 15:2004(a) (4th sentence) and 2008(e)(3)(B) is omitted because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words ''a regulation prescribing an amendment of a standard submitted to Congress'' are substituted for ''or in the case of an amendment submitted to each House of Congress'' in 15:2004(a), and the words ''the Secretary of Transportation or the Administrator of the Environmental Protection Agency, whoever prescribed the regulation'' are substituted for ''the officer who prescribed the rule'', for clarity. The words ''a record of the proceeding in which the regulation was prescribed'' are substituted for ''the written submissions and other materials in the proceeding upon which such rule was based'' in 15:2004(a) and ''the written submissions to, and transcript of, the written and oral proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code'' in 15:2008(e)(3) for consistency and to eliminate unnecessary words.

In subsection (c)(1), the words ''on request of the petitioner'' are substituted for ''If the petitioner applies to the court in a proceeding under subsection (a) of this section for leave to make additional submissions'', and the words ''to receive additional submissions'' are substituted for ''to provide additional opportunity to make such submissions'', for clarity.

In subsection (c)(2), the words ''amend . . . the regulation'' and ''amended . . . regulation'' are substituted for ''modify . . . the rule'' and ''modified . . . rule'', respectively, for consistency in the chapter and because ''regulation'' is synonymous with ''rule''.

In subsection (d), the words ''affirming or setting aside, in whole or in part'' are omitted as surplus. The words ''and not in lieu of'' in 15:2004(d) are omitted as surplus.

PUB. L. 103–429

This amends 49:32909(a)(1) to correct an erroneous cross-reference.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103–429 substituted ''any of sections 32901–32904'' for ''section 32901–32904''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32910. Administrative

(a) GENERAL POWERS.—(1) In carrying out this chapter, the Secretary of Transportation or the Administrator of the Environmental Protection Agency may—

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) conduct hearings, administer oaths, take testimony, and subpena witnesses and records the Secretary or Administrator considers advisable.

(2) A witness summoned under paragraph (1)(C) of this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(b) CIVIL ACTIONS TO ENFORCE.—A civil action to enforce a subpena or order of the Secretary or Administrator under subsection (a) of this section may be brought in the district court of the United States for any judicial district in which the proceeding by the Secretary or Administrator is conducted. The court may punish a failure to obey an order of the court to comply with the subpena or order of the Secretary or Administrator as a contempt of court.

(c) DISCLOSURE OF INFORMATION.—The Secretary and the Administrator each shall disclose information obtained under this chapter (except information obtained under section 32904(c) of this title) under section 552 of title 5. However, the Secretary or Administrator may withhold information under section 552(b)(4) of title 5 only if the Secretary or Administrator decides that disclosure of the information would cause significant competitive damage. A matter referred to in section 552(b)(4) and relevant to an administrative or judicial proceeding under this chapter may be disclosed in that proceeding. A measurement or calculation under section 32904(c) of this title shall be disclosed under section 552 of title 5 without regard to section 552(b).

(d) REGULATIONS.—The Administrator may prescribe regulations to carry out duties of the Administrator under this chapter.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1070; Pub. L. 103–429, § 6(39), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32910(a)	15:2005(b)(1), (3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 505(b), (d); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 909.
32910(b)	15:2005(b)(2).	
32910(c)	15:2005(d).	
32910(d)	(no source).	

In subsection (a)(1), before clause (A), the words ''or their duly designated agents'' are omitted as surplus because of 49:322(b) and section 3 of Reorganization Plan No. 3 of 1970 (eff. Dec. 2, 1970, 84 Stat. 2089). In clause (A), the words ''inspect and copy records of any person'' are substituted for ''require, by general or special orders, that any person . . . (B) provide . . . access to (and for the purpose of examination, the right to copy) any documentary evidence of such person'' to eliminate unnecessary words. The words ''which is relevant to any functions of the Secretary or the EPA Administrator under this subchapter'' are omitted as covered by ''In carrying out this chapter''. In clause (B), the word ''order'' is substituted for ''require, by general or special orders'', and the words ''including reports or

answers under oath'' are substituted for ''Such reports and answers shall be made under oath or otherwise'', to eliminate unnecessary words. The words ''in such form as the Secretary or EPA Administrator may prescribe'' and ''shall be filed with the Secretary or the EPA Administrator within such reasonable period as either may prescribe'' are omitted as surplus because of subsection (d) of this section and 49:322(a). The words ''relating to any function of the Secretary or the EPA Administrator under this subchapter'' are omitted as surplus. In clause (C), the words ''sit and act at such times and places'' are omitted as being included in ''conduct hearings''. The words ''subpena witnesses'' are substituted for ''require, by subpena, the attendance and testimony of such witnesses'' to eliminate unnecessary words.

In subsection (b), the words ''A civil action to enforce a subpena or order of the Secretary or Administrator under subsection (a) of this section may be brought in the district court of the United States for the judicial district in which the proceeding by the Secretary or Administrator was conducted'' are substituted for 15:2005(b)(2) (1st sentence) for consistency and to eliminate unnecessary words.

In subsection (c), the words ''to the public'' are omitted as surplus. The words ''However, the Secretary or the Administrator may withhold information'' are substituted for ''except that information may be withheld from disclosure'' for clarity.

Subsection (d) is added for convenience because throughout the chapter the Administrator is given authority to prescribe regulations to carry out duties of the Administrator.

PUB. L. 103–429

This amends 49:32910(b) to clarify the restatement of 15:2005(b)(2) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1071).

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–429 substituted ''any judicial district in which the proceeding by the Secretary or Administrator is conducted'' for ''the judicial district in which the proceeding by the Secretary or Administrator was conducted''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32911. Compliance

(a) GENERAL.—A person commits a violation if the person fails to comply with this chapter and regulations and standards prescribed and orders issued under this chapter (except sections 32902, 32903, 32908(b), 32917(b), and 32918 and regulations and standards prescribed and orders issued under those sections). The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a person has committed a violation. Any interested person may participate in a proceeding under this subsection.

(b) AUTOMOBILE MANUFACTURERS.—A manufacturer of automobiles commits a violation if the manufacturer fails to comply with an applicable average fuel economy standard under section 32902 of this title. Compliance is determined after considering credits available to the manufacturer under section 32903 of this title. If average fuel economy calculations under section 32904(c) of this title indicate that a manufacturer has violated this subsection, the Secretary shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a violation has been committed. The Secretary may not conduct the proceeding if further measurements of fuel economy, further calculations of average fuel economy, or other information indicates a violation has not been committed. The results of the measurements and calculations and the information shall be published in the Federal Register. Any interested person may participate in a proceeding under this subsection.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1071; Pub. L. 103–429, § 6(40), Oct. 31, 1994, 108 Stat. 4382.)

Historical and Revision Notes

PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32911(a)	15:2007(a)(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 507(a), 508(a); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 911; Oct. 10, 1980, Pub. L. 96–425, § 6(a)(1), (c)(1), (2), 94 Stat. 1826, 1827.
	15:2008(a)(2).	
32911(b)	15:2007(a)(1), (2).	
	15:2007(b).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 507(b); added Oct. 10, 1980, Pub. L. 96–425, § 6(a)(2), 94 Stat. 1826.
	15:2008(a).	

In this section, the words ''commits a violation if the . . . fails'' are substituted for ''the following conduct is unlawful . . . the failure of any person'' for clarity and consistency in the revised title.

In subsection (a), the reference to 15:2011 is omitted because that provision is not restated in this chapter. The words ''The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide'' are substituted for ''If, on the record after opportunity for agency hearing, the Secretary determines'' in 15:2008 for clarity. The words ''the Secretary shall assess the penalties provided for under subsection (b) of this section'' are omitted as surplus.

In subsection (b), the words ''Compliance is determined after considering credits available to the manufacturer under section 32903 of this title'' are substituted for 15:2007(b) to eliminate unnecessary words. The words ''the Secretary shall conduct a proceeding, with an opportunity for a hearing on the record, to decide'' are substituted for ''the Secretary shall commence a proceeding under paragraph (2) of this subsection'' in 15:2008(a)(1) and ''If, on the record after opportunity for agency hearing, the Secretary determines'' in 15:2008(a)(2) for clarity. The words ''may not conduct'' are substituted for ''(unless'' in 15:2008(a)(1) for clarity.

PUB. L. 103–429

This makes a conforming amendment necessary because of the restatement of 15:2011 as 49:32918 by section 6(43)(A) of the bill.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–429 substituted '', 32917(b), and 32918'' for '', and 32917(b)''.

§ 32912. Civil penalties

(a) GENERAL PENALTY.—A person that violates section 32911(a) of this title is liable to the United States Government for a civil penalty of not more than $10,000 for each violation. A separate violation occurs for each day the violation continues.

(b) PENALTY FOR MANUFACTURER VIOLATIONS OF FUEL ECONOMY STANDARDS.—Except as provided in subsection (c) of this section, a manufacturer that violates a standard prescribed for a model year under section 32902 of this title is liable to the Government for a civil penalty of $5 multiplied by each .1 of a mile a gallon by which the applicable average fuel economy standard under that section exceeds the average fuel economy—

(1) calculated under section 32904(a)(1)(A) or (B) of this title for automobiles to which the standard applies manufactured by the manufacturer during the model year;

(2) multiplied by the number of those automobiles; and

(3) reduced by the credits available to the manufacturer under section 32903 of this title for the model year.

(c) HIGHER PENALTY AMOUNTS.—(1)(A) The Secretary of Transportation shall prescribe by regulation a higher amount for each .1 of a mile a gallon to be used in calculating a civil penalty under subsection (b) of this section, if the Secretary decides that the increase in the penalty—

(i) will result in, or substantially further, substantial energy conservation for automobiles in model years in which the increased penalty may be imposed; and

(ii) will not have a substantial deleterious impact on the economy of the United States, a State, or a region of a State.

(B) The amount prescribed under subparagraph (A) of this paragraph may not be more than $10 for each .1 of a mile a gallon.

(C) The Secretary may make a decision under subparagraph (A)(ii) of this paragraph only when the Secretary decides that it is likely that the increase in the penalty will not—

(i) cause a significant increase in unemployment in a State or a region of a State;

(ii) adversely affect competition; or

(iii) cause a significant increase in automobile imports.

(D) A higher amount prescribed under subparagraph (A) of this paragraph is effective for the model year beginning at least 18 months after the regulation stating the higher amount becomes final.

(2) The Secretary shall publish in the Federal Register a proposed regulation under this subsection and a statement of the basis for the regulation and provide each manufacturer of automobiles a copy of the proposed regulation and the statement. The Secretary shall provide a period of at least 45 days for written public comments on the proposed regulation. The Secretary shall submit a copy of the proposed regulation to the Federal Trade Commission and request the Commission to comment on the proposed regulation within that period. After that period, the Secretary shall give interested persons and the Commission an opportunity at a public hearing to present oral information, views, and arguments and to direct questions about disputed issues of material fact to—

(A) other interested persons making oral presentations;

(B) employees and contractors of the Government that made written comments or an oral presentation or participated in the development or consideration of the proposed regulation; and

(C) experts and consultants that provided information to a person that the person includes, or refers to, in an oral presentation.

(3) The Secretary may restrict the questions of an interested person and the Commission when the Secretary decides that the questions are duplicative or not likely to result in a timely and effective resolution of the issues. A transcript shall be kept of a public hearing under this subsection. A copy of the transcript and written comments shall be available to the public at the cost of reproduction.

(4) The Secretary shall publish a regulation prescribed under this subsection in the Federal Register with the decisions required under paragraph (1) of this subsection.

(5) An officer or employee of a department, agency, or instrumentality of the Government violates section 1905 of title 18 by disclosing, except in an in camera proceeding by the Secretary or a court, information—

(A) provided to the Secretary or the court during consideration or review of a regulation prescribed under this subsection; and

(B) decided by the Secretary to be confidential under section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)).

(d) WRITTEN NOTICE REQUIREMENT.—The Secretary shall impose a penalty under this section by written notice.

(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1072; Pub. L. 110–140, title I, § 112, Dec. 19, 2007, 121 Stat. 1508.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32912(a)	15:2008(b)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 508(b)(1)–(3) (1st sentence); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 913; Oct. 10, 1980, Pub. L. 96–425, §§ 6(c)(1), (3), 8(f), 94 Stat. 1827, 1828, 1829.
32912(b)	15:2008(b)(1).	
32912(c)(1) ..	15:2008(d).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 508(d), (e)(1), (2), (4); added Nov. 9, 1978, Pub. L. 95–619, § 402, 92 Stat. 3255, 3256.
32912(c)(2), (3).	15:2008(e)(1).	
32912(c)(4) ..	15:2008(e)(2).	
32912(c)(5) ..	15:2008(e)(4).	
32912(d)	15:2008(b)(3) (1st sentence).	

In this section, the words ''whom the Secretary determines under subsection (a) of this section'' are omitted as surplus.

In subsection (b), before clause (1)(A), the words ''Except as provided in subsection (c) of this section'' are added for clarity. The words ''that violates a standard prescribed for a model year under section 32902 of this title'' are substituted for ''to have violated a provision of section 2007(a)(1) of this title with respect to any model year'' and ''to have violated section 2007(a)(2) of this title'' to avoid referring, as in the source, to one provision that in turn refers to another provision. In clause (1), the words ''calculated under'' are substituted for ''established under'' for clarity. The reference to section 32904(a)(1)(A), which is a reference to the provision under which average fuel economy for nonpassenger automobiles is calculated, is added for clarity. The reference to section 32904(a)(1)(B), which is a reference to the provision under which average fuel economy for passenger automobiles is calculated, is substituted for the reference in the source to 15:2002(a) and (c), which is a reference to the provision under which the average fuel economy standard for those automobiles is established, for clarity. The words ''in which the violation occurs'' are omitted as surplus.

In subsection (c)(1)(A), before clause (i), the words ''shall prescribe by regulation'' are substituted for ''shall, by rule . . . substitute'' for consistency in the revised title and because ''rule'' and ''regulation'' are synonymous. The words ''in accordance with the provisions of this subsection and subsection (e)'' are omitted as surplus. The words ''be less than $5.00'' are omitted as surplus because under the subsection the Secretary may only raise the amount imposed to $10, or a $5 increase. The words ''in the absence of such rule'' are omitted as surplus. The words ''increase in the penalty'' are substituted for ''additional amount of the civil penalty'' for clarity. In clause (ii), the words ''subject to subparagraph (B)'' are omitted as surplus.

In subsection (c)(1)(C), the words ''the later of'' and the text of 15:2008(d)(3)(A) are omitted as obsolete.

In subsection (c)(2), before clause (A), the words ''After the Secretary of Transportation develops a proposed rule pursuant to subsection (d) of this section'' are omitted as surplus. In clause (B), the words ''written comments or an oral presentation'' are substituted for ''written or oral presentations'' for consistency in the section. The text of 15:2008(e)(1)(B) (last sentence) and (C) is omitted as surplus because of 5:556(d).

In subsection (c)(5), before clause (A), the words ''department, agency, or instrumentality'' are substituted for ''department or agency'' for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2007—Subsec. (e). Pub. L. 110–140 added subsec. (e).

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32913. Compromising and remitting civil penalties

(a) GENERAL AUTHORITY AND LIMITATIONS.—The Secretary of Transportation may compromise or remit the amount of a civil penalty imposed under section 32912(a) or (b) of this title. However, the amount of a penalty imposed under section 32912(b) may be compromised or remitted only to the extent—

(1) necessary to prevent the insolvency or bankruptcy of the manufacturer of automobiles;

(2) the manufacturer shows that the violation was caused by an act of God, a strike, or a fire; or

(3) the Federal Trade Commission certifies under subsection (b)(1) of this section that a reduction in the penalty is necessary to prevent a substantial lessening of competition.

(b) CERTIFICATION BY COMMISSION.—(1) A manufacturer liable for a civil penalty under section 32912(b) of this title may apply to the Commission for a certification that a reduction in the penalty is necessary to prevent a substantial lessening of competition in the segment of the motor vehicle industry subject to the standard that was violated. The Commission shall make the certification when it finds that reduction is necessary to prevent the lessening. The Commission shall state in the certification the maximum amount by which the penalty may be reduced.

(2) An application under this subsection must be made not later than 30 days after the Secretary decides that the manufacturer has violated section 32911(b) of this title. To the maximum extent practicable, the Commission shall make a decision on an application by the 90th day after the application is filed. A proceeding under this subsection may not delay the manufacturer's liability for the penalty for more than 90 days after the application is filed.

(3) When a civil penalty is collected in a civil action under this chapter before a decision of the Commission under this subsection is final, the payment shall be paid to the court in which the action was brought. The court shall deposit the payment in the general fund of the Treasury on the 90th day after the decision of the Commission becomes final. When the court is holding payment of a penalty reduced under subsection (a)(3) of this section, the Secretary shall direct the court to remit the appropriate amount of the penalty to the manufacturer.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1073; Pub. L. 103–429, § 6(41), Oct. 31, 1994, 108 Stat. 4382; Pub. L. 104–287, § 6(d)(1)(A), Oct. 11, 1996, 110 Stat. 3399.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32913(a)	15:2008(b)(3) (2d sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 508(b)(3) (2d sentence), (4), (5); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 913; Oct. 10, 1980, Pub. L. 96–425, § 6(c)(1), 94 Stat. 1827.
32913(b)	15:2008(b)(4), (5).	

In subsection (a), before clause (1), the words ''compromise or remit'' are substituted for ''compromise, modify, or remit, with or without conditions'' for consistency in the revised title. The words ''against any person'' are omitted as surplus. The reference to section 32912(b) (a restatement of 15:2008(b)(1)) is used rather than a reference to 32911(b) (a restatement of 15:2007(a)(1) or (2)) to avoid referring, as in the source, to one provision that in turn refers to another provision. In clause (3), the word ''reduction'' is substituted for ''modification'' for clarity. The words ''as determined under paragraph (4)'' are omitted as surplus.

In subsection (b)(1), the words ''the standard that was violated'' are substituted for ''the standard with respect to which such penalty was assessed'', and the words ''The Commission shall make the certification when it finds that reduction'' are substituted for ''If the manufacturer shows and the Federal Trade Commission determines that modification of the civil penalty for which such manufacturer is otherwise liable . . . the Commission shall so certify'', to eliminate unnecessary words.

In subsection (b)(3), the words ''When a civil penalty is collected in a civil action under this chapter'' are substituted for ''but any payment made'' for clarity. The words ''action was brought'' are substituted for ''the penalty is collected'' for consistency. The words ''and shall (except as otherwise provided in paragraph (5)), be held by such court'' are omitted as surplus. The words ''When the court is holding payment of a penalty reduced under subsection (a)(3) of this section'' are substituted for ''Whenever a civil penalty has been assessed and collected from a manufacturer under this section, and is being held by a court in accordance with paragraph (4), and the Secretary subsequently determines to modify such civil penalty pursuant to paragraph (3)(C)'' to eliminate unnecessary words.

PUB. L. 103–429

This amends 49:32913(b)(1) to clarify the restatement of 15:2008(b)(4) and (5) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1073).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–287 made technical amendment to directory language of Pub. L. 103–429, § 6(41). See 1994 Amendment notes below.

1994—Subsec. (b). Pub. L. 103–429, § 6(41)(A), as amended by Pub. L. 104–287, substituted ''Certification'' for ''Penalty Reduction'' in heading.

Subsec. (b)(1). Pub. L. 103–429, § 6(41)(B), as amended by Pub. L. 104–287, substituted ''a reduction in the penalty is necessary'' for ''the penalty should be reduced''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(d) of Pub. L. 104–287 provided that the amendment made by that section is effective Oct. 31, 1994.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 32914. Collecting civil penalties

(a) CIVIL ACTIONS.—If a person does not pay a civil penalty after it becomes a final order of the Secretary of Transportation or a judgment of a court of appeals of the United States for a circuit, the Attorney General shall bring a civil action in an appropriate district court of the United States to collect the penalty. The validity and appropriateness of the final order imposing the penalty is not reviewable in the action.

(b) PRIORITY OF CLAIMS.—A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer for a civil penalty under section 32912(b) of this title when the creditor's claim is for credit extended before a final judgment (without regard to section 32913(b)(1) and (2) of this title) in an action to collect under subsection (a) of this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1074.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32914(a)	15:2008(b)(3) (last sentence), (c)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 508(b)(3) (last sentence), (6), (c)(2); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 913, 914.
32914(b)	15:2008(b)(6).	

In subsection (a), the text of 15:2008(b)(3) (last sentence) is omitted as surplus because of 28:516 and 2461(a). The words ''an assessment of'' and ''and unappealable'' are omitted as surplus. The words ''of the Secretary of Transportation'' are added for clarity. The words ''for a circuit'' are added for consistency. The words ''in favor of the Secretary'' are omitted as surplus. The words ''shall bring a civil action . . . to collect the penalty'' are substituted for ''shall recover the amount for which the manufacturer is liable'' for consistency.

In subsection (b), the words ''A claim of a creditor against a bankrupt or insolvent manufacturer of automobiles has priority over a claim of the United States Government against the manufacturer'' are substituted for ''A claim of the United States . . . against a manufacturer . . . shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer'' for clarity and to eliminate unnecessary words. The words ''the date on which'' are omitted as surplus.

§ 32915. Appealing civil penalties

Any interested person may appeal a decision of the Secretary of Transportation to impose a civil penalty under section 32912(a) or (b) of this title, or of the Federal Trade Commission under section 32913(b)(1) of this title, in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. A person appealing a decision must file a notice of appeal with the court not later than 30 days after the decision and, at the same time, send a copy of the notice by certified mail to the Secretary or the Commission. The Secretary or the Commission promptly shall file with the court a certified copy of the record of the proceeding in which the decision was made.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1074.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32915	15:2008(c)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 508(c)(1); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 914.

The words ''as the case may be'' are omitted as surplus. The text of 15:2008(c)(1) (last sentence) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

§ 32916. Reports to Congress

(a) ANNUAL REPORT.—Not later than January 15 of each year, the Secretary of Transportation shall submit to each House of Congress, and publish in the Federal Register, a report on the review by the Secretary of average fuel economy standards prescribed under this chapter.

(b) JOINT EXAMINATIONS AFTER GRANTING EXEMPTIONS.—(1) After an exemption has been granted under section 32904(b)(6)[1] of this title, the Secretaries of Transportation and Labor shall conduct annually a joint examination of the extent to which section 32904(b)(6)—[1]

(A) achieves the purposes of this chapter;

(B) improves fuel efficiency (thereby facilitating conservation of petroleum and reducing petroleum imports);

(C) has promoted employment in the United States related to automobile manufacturing;

(D) has not caused unreasonable harm to the automobile manufacturing sector in the United States; and

(E) has permitted manufacturers that have assembled passenger automobiles deemed to be manufactured domestically under section 32904(b)(2) of this title thereafter to assemble in the United States passenger automobiles of the same model that have less than 75 percent of their value added in the United States or Canada, together with the reasons.

(2) The Secretary of Transportation shall include the results of the examination under paragraph (1) of this subsection in each report submitted under subsection (a) of this section more than 180 days after an exemption has been granted under section 32904(b)(6) of this title, or submit the results of the examination directly to Congress before the report is submitted when circumstances warrant.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1074; Pub. L. 103–429, § 6(42), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32916(a)	15:2002(a)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 502(a)(2); added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 902.
32916(b)(1) ..	15:2012(c)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 512(c); added Oct. 10, 1980, Pub. L. 96–425, § 4(a)(2), 94 Stat. 1823.
32916(b)(2) ..	15:2012(c)(2).	

In subsection (a), the words ''a report on the review by the Secretary'' are substituted for ''a review'' for clarity. The words ''beginning in 1977'' and the text of 15:2002(a) (2d, last sentences) are omitted as executed.

In subsection (b)(1), before clause (A), reference to section 32904(b)(4) the 2d time it appears is substituted for ''the amendment made to section 2003(b) of this title by section 4(a)(1) of the Automobile Fuel Efficiency Act of 1980'' for clarity and to eliminate unnecessary words. Clause (B) is substituted for ''achieves the purposes of that Act'' for clarity.

In subsection (b)(2), the reference to ''subsection (a) of this section'' is restated to refer to 15:2002(a) rather than 15:2012(a) to reflect the apparent intent of Congress. Although 15:2012(c)(2) refers to an annual report under 15:2012(a), that provision does not provide for an annual report.

PUB. L. 103–429

This makes conforming amendments necessary because of the restatement of 15:2003(b)(2)(G) as 49:32904(b)(3) by section 6(36)(B) of the bill.

REFERENCES IN TEXT

Paragraph (6) of section 32904(b) of this title, referred to in subsec. (b), was repealed by Pub. L. 110–140, title I, § 113(a), Dec. 19, 2007, 121 Stat. 1508.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–429, in par. (1), introductory provisions, substituted ''32904(b)(6)'' for ''32904(b)(4)'' in two places, in par. (1)(E), substituted ''32904(b)(2)'' for ''32904(b)(1)(A)'', and in par. (2), substituted ''32904(b)(6)'' for ''32904(b)(4)''.

§ 32917. Standards for executive agency automobiles

(a) DEFINITION.—In this section, ''executive agency'' has the same meaning given that term in section 105 of title 5.

(b) FLEET AVERAGE FUEL ECONOMY.—(1) The President shall prescribe regulations that require passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year to achieve a fleet average fuel economy (determined under paragraph (2) of this subsection) for that year of at least the greater of—

(A) 18 miles a gallon; or

(B) the applicable average fuel economy standard under section 32902(b) or (c) of this title for the model year that includes January 1 of that fiscal year.

(2) Fleet average fuel economy is—

(A) the total number of passenger automobiles leased for at least 60 consecutive days or bought by executive agencies in a fiscal year (except automobiles designed for combat-related missions, law enforcement work, or emergency rescue work); divided by

(B) the sum of the fractions obtained by dividing the number of automobiles of each model leased or bought by the fuel economy of that model.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1075.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32917(a)	15:2010(b)(2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 510; added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 915.
32917(b)	15:2010(a), (b)(1), (3).	

[1] See References in Text note below.

In subsection (b)(1), before clause (A), the words ''within 120 days after December 22, 1975'' and ''which begins after December 22, 1975'' are omitted as executed. The words ''(determined under paragraph (2) of this subsection)'' are added for clarity.

In subsection (b)(2), before clause (A), the words ''As used in this section: (1) The term'' are omitted as surplus. In clause (A), the words ''to which this section applies'' and ''for the Armed Forces'' are omitted as surplus. In clause (B), the words ''the sum of the fractions obtained'' are substituted for ''a sum of terms, each term of which is a fraction created'' to eliminate unnecessary words.

§ 32918. Retrofit devices

(a) DEFINITION.—In this section, the term ''retrofit device'' means any component, equipment, or other device—

(1) that is designed to be installed in or on an automobile (as an addition to, as a replacement for, or through alteration or modification of, any original component, equipment, or other device); and

(2) that any manufacturer, dealer, or distributor of the device represents will provide higher fuel economy than would have resulted with the automobile as originally equipped,

as determined under regulations of the Administrator of the Environmental Protection Agency. The term also includes a fuel additive for use in an automobile.

(b) EXAMINATION OF FUEL ECONOMY REPRESENTATIONS.—The Federal Trade Commission shall establish a program for systematically examining fuel economy representations made with respect to retrofit devices. Whenever the Commission has reason to believe that any representation may be inaccurate, the Commission shall request the Administrator to evaluate, in accordance with subsection (c) of this section, the retrofit device with respect to which the representation was made.

(c) EVALUATION OF RETROFIT DEVICES.—(1) On application of any manufacturer of a retrofit device (or prototype of a retrofit device), on request of the Commission under subsection (b) of this section, or on the motion of the Administrator, the Administrator shall evaluate, in accordance with regulations prescribed under subsection (e) of this section, any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations, if any, made with respect to the retrofit device are accurate.

(2) If under paragraph (1) of this subsection, the Administrator tests, or causes to be tested, any retrofit device on the application of a manufacturer of the device, the manufacturer shall supply, at the manufacturer's expense, one or more samples of the device to the Administrator and shall be liable for the costs of testing incurred by the Administrator. The procedures for testing retrofit devices so supplied may include a requirement for preliminary testing by a qualified independent testing laboratory, at the expense of the manufacturer of the device.

(d) RESULTS OF TESTS AND PUBLICATION IN FEDERAL REGISTER.—(1) The Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the Administrator's conclusions as to—

(A) the effect of any retrofit device on fuel economy;

(B) the effect of the device on emissions of air pollutants; and

(C) any other information the Administrator determines to be relevant in evaluating the device.

(2) The summary and conclusions shall also be submitted to the Secretary of Transportation and the Commission.

(e) REGULATIONS ESTABLISHING TESTS AND PROCEDURES FOR EVALUATION OF RETROFIT DEVICES.—The Administrator shall prescribe regulations establishing—

(1) testing and other procedures for evaluating the extent to which retrofit devices affect fuel economy and emissions of air pollutants; and

(2) criteria for evaluating the accuracy of fuel economy representations made with respect to retrofit devices.

(Pub. L. 103–429, § 6(43)(B), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32918	15:2011.	Oct. 20, 1972, Pub. L. 92–513, § 511, as added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 915, and amended July 5, 1994, Pub. L. 103–272, § 4(c), 108 Stat. 1361.

This restates 15:2011 to include 15:2011 in the scope of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

In subsection (a), the words ''Administrator of the Environmental Protection Agency'' are substituted for ''Administrator'' for clarity and to conform to the style of the codification which is to state the complete title the first time a descriptive title is used, and thereafter, to use a shorter title unless the context requires the complete title to be used.

In subsections (c) and (e), the word ''regulations'' is substituted for ''rules'' and ''by rule'' for consistency with the restatement of title 49.

In subsection (e)(1), the words ''The Administrator shall prescribe regulations establishing'' are substituted for ''Within 180 days after December 22, 1975, the Administrator shall, by rule, establish'' to eliminate executed words.

PRIOR PROVISIONS

A prior section 32918 was renumbered section 32919 of this title.

§ 32919. Preemption

(a) GENERAL.—When an average fuel economy standard prescribed under this chapter is in effect, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to fuel economy standards or average fuel economy standards for automobiles covered by an average fuel economy standard under this chapter.

(b) REQUIREMENTS MUST BE IDENTICAL.—When a requirement under section 32908 of this title is in effect, a State or a political subdivision of a State may adopt or enforce a law or regulation on disclosure of fuel economy or fuel operating costs for an automobile covered by section 32908 only if the law or regulation is identical to that requirement.

(c) STATE AND POLITICAL SUBDIVISION AUTOMOBILES.—A State or a political subdivision of a State may prescribe requirements for fuel economy for automobiles obtained for its own use.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1075, § 32918; renumbered § 32919, Pub. L. 103–429, § 6(43)(A), Oct. 31, 1994, 108 Stat. 4382.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
32918	15:2009.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 509; added Dec. 22, 1975, Pub. L. 94–163, § 301, 89 Stat. 914.

In subsection (a), the word ''prescribed'' is substituted for ''established'' for consistency.

AMENDMENTS

1994—Pub. L. 103–429 renumbered section 32918 of this title as this section.

CHAPTER 331—THEFT PREVENTION

Sec.
33101. Definitions.
33102. Theft prevention standard for high theft lines.
33103. Theft prevention standard for other lines.
33104. Designation of high theft vehicle lines and parts.
33105. Cost limitations.
33106. Exemption for passenger motor vehicles equipped with anti-theft devices.
33107. Voluntary vehicle identification standards.
33108. Monitoring compliance of manufacturers.
33109. National Stolen Passenger Motor Vehicle Information System.
33110. Verifications involving junk and salvage motor vehicles.
33111. Verifications involving motor vehicle major parts.
33112. Insurance reports and information.
33113. Theft reports.
33114. Prohibited acts.
33115. Civil penalties and enforcement.
33116. Confidentiality of information.
33117. Judicial review.
33118. Preemption of State and local law.

§ 33101. Definitions

In this chapter—

(1) ''chop shop'' means a building, lot, facility, or other structure or premise at which at least one person engages in receiving, concealing, destroying, disassembling, dismantling, reassembling, or storing a passenger motor vehicle or passenger motor vehicle part that has been unlawfully obtained—

(A) to alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate, or remove the identity of the vehicle or part, including the vehicle identification number or a derivative of that number; and

(B) to distribute, sell, or dispose of the vehicle or part in interstate or foreign commerce.

(2) ''covered major part'' means a major part selected under section 33104 of this title for coverage by the vehicle theft prevention standard prescribed under section 33102 or 33103 of this title.

(3) ''existing line'' means a line introduced into commerce before January 1, 1990.

(4) ''first purchaser'' means the person making the first purchase other than for resale.

(5) ''line'' means a name that a manufacturer of motor vehicles applies to a group of motor vehicle models of the same make that have the same body or chassis, or otherwise are similar in construction or design.

(6) ''major part'' means—

(A) the engine;

(B) the transmission;

(C) each door to the passenger compartment;

(D) the hood;

(E) the grille;

(F) each bumper;

(G) each front fender;

(H) the deck lid, tailgate, or hatchback;

(I) each rear quarter panel;

(J) the trunk floor pan;

(K) the frame or, for a unitized body, the supporting structure serving as the frame; and

(L) any other part of a passenger motor vehicle that the Secretary of Transportation by regulation specifies as comparable in design or function to any of the parts listed in subclauses (A)–(K) of this clause.

(7) ''major replacement part'' means a major part that is—

(A) an original major part in or on a completed motor vehicle and customized or modified after manufacture of the vehicle but before the time of its delivery to the first purchaser; or

(B) not installed in or on a motor vehicle at the time of its delivery to the first purchaser and the equitable or legal title to the vehicle has not been transferred to a first purchaser.

(8) ''model year'' has the same meaning given that term in section 32901(a) of this title.

(9) ''new line'' means a line introduced into commerce after December 31, 1989.

(10) ''passenger motor vehicle'' includes a multipurpose passenger vehicle or light duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight.

(11) ''vehicle theft prevention standard'' means a minimum performance standard for identifying major parts of new motor vehicles and major replacement parts by inscribing or affixing numbers or symbols on those parts.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1076; Pub. L. 103–429, § 6(44), Oct. 31, 1994, 108 Stat. 4383; Pub. L. 104–287, § 6(d)(1)(B), Oct. 11, 1996, 110 Stat. 3399.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33101(1)	15:2021(11).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 601(11); added Oct. 25, 1992, Pub. L. 102–519, § 301(b), 106 Stat. 3394.
33101(2)	15:2021(6).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 601(2)–(7), (9), (10); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2755, 2756.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33101(3)	15:2021(3).	
33101(4)	15:2021(5).	
33101(5)	15:2021(2).	
33101(6)	15:2021(7).	
33101(7)	15:2021(8).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 601(1), (8); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2755; restated Oct. 25, 1992, Pub. L. 102–519, § 301(a), (c), 106 Stat. 3393, 3394.
33101(8)	15:2021(9).	
33101(9)	15:2021(4).	
33101(10)	15:2021(1).	
33101(11)	15:2021(10).	

In clause (2), the words ''section 33102(c)(1)'' are substituted for ''section 2022(d)(1)(B)'' to correct an erroneous cross-reference. Section 302(1) of the Act of October 25, 1992 (Public Law 102–519, 106 Stat. 3394), restated section 602(d)(1)(A) and (B) of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947) as section 602(d)(1) without making a corresponding change in the cross-reference restated in this section.

In clause (3), the words ''before January 1, 1990'' are substituted for ''before the beginning of the 2-year period specified in section 2023(a)(1)(A) of this title'' for clarity. See the revision notes for section 33104 of the revised title.

In clause (5), the words ''of motor vehicles'' are added for consistency in this chapter.

Clause (6)(I) is substituted for ''rear quarter panels'' for clarity and consistency.

In clause (7)(A), the word ''completed'' is omitted as unnecessary because of the restatement.

In clause (9), the words ''after December 31, 1989'' are substituted for ''on or after the beginning of the 2-year period specified in section 2023(a)(1)(A) of this title'' for clarity and consistency.

PUB. L. 103–429, § 6(44)(A)

This corrects a cross-reference in 49:33101(2) by eliminating the reference to 49:33102(c)(1). Section 302(1) of the Anti Car Theft Act of 1992 (Public Law 102–519, 106 Stat. 3394) restated section 602(d)(1)(A) and (B) of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947) as section 602(d)(1) without making a change in the cross-reference in section 601(6) to section 602(d)(1)(B).

PUB. L. 103–429, § 6(44)(B)

This makes a conforming amendment for consistency with the style of title 49.

AMENDMENTS

1996—Pub. L. 104–287 made technical amendment to directory language of Pub. L. 103–429, § 6(44)(B). See 1994 Amendment note below.

1994—Par. (2). Pub. L. 103–429, § 6(44)(B), as amended by Pub. L. 104–287, inserted ''of this title'' before period at end.

Pub. L. 103–429, § 6(44)(A), substituted ''section 33104'' for ''sections 33102(c)(1) and 33104''.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(d) of Pub. L. 104–287 provided that the amendment made by that section is effective Oct. 31, 1994.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 33102. Theft prevention standard for high theft lines

(a) GENERAL.—(1) The Secretary of Transportation by regulation shall prescribe a vehicle theft prevention standard that conforms to the requirements of this chapter. The standard shall apply to—

(A) covered major parts that manufacturers install in passenger motor vehicles in lines designated under section 33104 of this title as high theft lines; and

(B) major replacement parts for the major parts described in clause (A) of this paragraph.

(2) The standard may apply only to—

(A) major parts that manufacturers install in passenger motor vehicles having a model year designation later than the calendar year in which the standard takes effect; and

(B) major replacement parts manufactured after the standard takes effect.

(b) STANDARD REQUIREMENTS.—The standard shall be practicable and provide relevant objective criteria.

(c) LIMITATIONS ON MAJOR PART AND REPLACEMENT PART STANDARDS.—(1) For a major part installed by the manufacturer of the motor vehicle, the standard may not require a part to have more than one identification.

(2) For a major replacement part, the standard may not require—

(A) identification of a part not designed as a replacement for a major part required to be identified under the standard; or

(B) the inscribing or affixing of identification except a symbol identifying the manufacturer and a common symbol identifying the part as a major replacement part.

(d) RECORDS AND REPORTS.—This chapter does not authorize the Secretary to require a person to keep records or make reports, except as provided in sections 33104(c), 33106(c), 33108(a), and 33112 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1077.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33102(a)(1) ..	15:2022(a).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 602(a), (b), (c)(1)–(3), (5), (d)(2); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2756.
33102(a)(2) ..	15:2022(c)(1)–(3), (5).	
33102(b)	15:2022(b).	
33102(c)	15:2022(d)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 602(d)(1); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2756; restated Oct. 25, 1992, Pub. L. 102–519, § 302(1), 106 Stat. 3394.
33102(d)	15:2022(e).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 602(e); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2756; Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.

In subsection (a)(1), before clause (A), the words ''in accordance with this section'' are omitted as surplus.

In subsection (a)(2), the text of 15:2022(c)(1)–(3) is omitted as obsolete because the standard has already been prescribed. See 49 C.F.R. part 541.

§ 33103. Theft prevention standard for other lines

(a) GENERAL.—Not later than October 25, 1994, the Secretary of Transportation shall prescribe

a vehicle theft standard that conforms to the requirements of this chapter for covered major parts that manufacturers install in passenger motor vehicles (except light duty trucks) in not more than 50 percent of the lines not designated under section 33104 of this title as high theft lines.

(b) EXTENSION OF APPLICATION.—(1) Not later than 3 years after the standard is prescribed under subsection (a) of this section and based on the finding of the Attorney General under subsection (c) of this section to apply the standard, the Secretary shall apply that standard to covered major parts and major replacement parts for covered parts that manufacturers install in the lines of passenger motor vehicles (except light duty trucks)—

(A) not designated under section 33104 of this title as high theft lines; and

(B) not covered by the standard prescribed under subsection (a) of this section.

(2) The Secretary shall include as part of the regulatory proceeding under this subsection the finding of, and the record developed by, the Attorney General under subsection (c) of this section.

(c) INITIAL REVIEW OF EFFECTIVENESS.—Before the Secretary begins a regulatory proceeding under subsection (b) of this section, the Attorney General shall make a finding that the Secretary shall apply the standard prescribed under subsection (a) of this section unless the Attorney General finds, based on information collected and analyzed under section 33112 of this title and other information the Attorney General develops after providing notice and an opportunity for a public hearing, that applying the standard prescribed in subsection (a) to the remaining lines of passenger motor vehicles (except light duty trucks) not covered by that standard would not substantially inhibit chop shop operations and motor vehicle thefts. The Attorney General also shall consider and include in the record additional costs, effectiveness, competition, and available alternative factors. The Attorney General shall submit to the Secretary the finding and record on which the finding is based.

(d) LONG RANGE REVIEW OF EFFECTIVENESS.—(1) Not later than December 31, 1999, the Attorney General shall make separate findings, after notice and an opportunity for a public hearing, on the following:

(A) whether the application of the standard under subsection (a) or (b) of this subsection, or both, have been effective in substantially inhibiting the operation of chop shops and motor vehicle theft.

(B) whether the anti-theft devices for which the Secretary has granted exemptions under section 33106 of this title are an effective substitute for parts marking in substantially inhibiting motor vehicle theft.

(2)(A) In making the finding under paragraph (1)(A) of this subsection, the Attorney General shall—

(i) consider the additional cost, competition, and available alternatives;

(ii) base that finding on information collected and analyzed under section 33112 of this title;

(iii) consider the effectiveness, the extent of use, and the extent to which civil and criminal penalties under section 33115(b) of this title and section 2322 of title 18 on chop shops have been effective in substantially inhibiting operation of chop shops and motor vehicle theft;

(iv) base that finding on the 3-year and 5-year reports issued by the Secretary under section 33113 of this title; and

(v) base that finding on other information the Attorney General develops and includes in the public record.

(B) The Attorney General shall submit a finding under paragraph (1)(A) of this subsection promptly to the Secretary. If the Attorney General finds that the application of the standard under subsection (a) or (b) of this section, or both, has not been effective, the Secretary shall issue, not later than 180 days after receiving that finding, an order terminating the standard the Attorney General found was ineffective. The termination is effective for the model year beginning after the order is issued.

(3) In making a finding under paragraph (1)(B) of this subsection, the Secretary shall consider the additional cost, competition, and available alternatives. If the Attorney General finds that the anti-theft devices are an effective substitute, the Secretary shall continue to grant exemptions under section 33106 of this title for the model years after model year 2000 at one of the following levels that the Attorney General decides: at the level authorized before October 25, 1992, or at the level provided in section 33106(b)(2)(C) of this title for model year 2000.

(e) EFFECTIVE DATE OF STANDARD.—A standard prescribed under this section takes effect at least 6 months after the date the standard is prescribed, except that the Secretary may prescribe an earlier effective date if the Secretary—

(1) decides with good cause that the earlier date is in the public interest; and

(2) publishes the reasons for the decision.

(f) NOTIFICATION OF CONGRESS.—The Secretary and the Attorney General shall inform the appropriate legislative committees of Congress with jurisdiction over this part and section 2322 of title 18 of actions taken or planned under this section.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1078.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33103(a)	15:2022(f)(1) (1st sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 602(f); added Oct. 25, 1992, Pub. L. 102–519, § 302(2), 106 Stat. 3394.
33103(b)	15:2022(f)(2) (1st, 2d sentences), (3) (last sentence).	
33103(c)	15:2022(f)(3) (1st–3d sentences).	
33103(d)	15:2022(f)(4), (5).	
33103(e)	15:2022(c)(4).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 602(c)(4); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2756.
	15:2022(f)(1) (last sentence), (2) (last sentence).	
33103(f)	15:2022(f)(6).	

In subsection (a), the words ''foreign and domestic'' are omitted as unnecessary. The words ''as high theft lines'' are added for clarity.

In subsection (b)(1), the words ''to apply the standard'' are added for clarity. The words ''shall apply that standard to covered major parts and major replacement parts for covered parts that manufacturers install in the lines of passenger motor vehicles (except light duty trucks) . . . not designated under section 33104 of this title as high theft lines; and . . . not covered by the standard prescribed under subsection (a) of this section'' are substituted for ''the Secretary . . . shall designate all the remaining such lines of such passenger motor vehicles (other than light-duty trucks) and apply such standard to such lines in conformance with the requirements of this subchapter'' for clarity and because of the restatement.

In subsection (b)(2), the words ''The Secretary shall include as part of the regulatory proceeding under this subsection . . . developed by the Attorney General under subsection (c) of this section'' are substituted for ''shall be a part of the Secretary's rulemaking record'' for clarity.

In subsection (c), the words ''Before the Secretary begins a regulatory proceeding under subsection (b) of this section'' are substituted for ''prior to the Secretary's initiation and promulgation of a rule'' for clarity. The words ''applying the standard prescribed in subsection (a) to the remaining lines of passenger motor vehicles (except light duty trucks) not covered by that standard'' are substituted for ''requiring such additional parts marking for all of the applicable passenger motor vehicles'' for clarity and because of the restatement.

In subsection (d)(1)(A), the words ''whether the application of the standard under subsection (a) or (b) of this subsection, or both'' are substituted for ''whether one or both rules promulgated under this subsection'' for clarity.

In subsection (d)(2)(A)(iii), the words ''civil . . . penalties under section 33115(b) of this title'' are substituted for ''civil . . . penalties under section 2027(b) of this title'' to correct an erroneous cross-reference.

In subsection (d)(3), the words ''for the model years after model year 2000'' are substituted for ''Nothing in this paragraph affects exemptions granted in model year 2000 or earlier to any manufacturer'' to eliminate unnecessary words. The words ''at one of the following levels that the Attorney General decides'' are substituted for ''as determined by the Attorney General'' for clarity.

In subsection (e), the text of 15:2022(c)(4) (related to the standard under 15:2022(c)(1)) is omitted as obsolete because the standard under 15:2022(c)(1) has already been prescribed. See 49 C.F.R. 541.

§ 33104. Designation of high theft vehicle lines and parts

(a) DESIGNATION, NONAPPLICATION, SELECTION, AND PROCEDURES.—(1) For purposes of the standard under section 33102 of this title, the following are high theft lines:

(A) a passenger motor vehicle line determined under subsection (b) of this section to have had a new passenger motor vehicle theft rate in the 2-year period covering calendar years 1990 and 1991 greater than the median theft rate for all new passenger motor vehicle thefts in that 2-year period.

(B) a passenger motor vehicle line initially introduced into commerce in the United States after December 31, 1989, that is selected under paragraph (3) of this subsection as likely to have a theft rate greater than the median theft rate referred to in clause (A) of this paragraph.

(C) subject to paragraph (2) of this subsection, a passenger motor vehicle line having (for existing lines) or likely to have (for new lines) a theft rate below the median theft rate referred to in clause (A) of this paragraph, if the major parts in the vehicles are selected under paragraph (3) of this subsection as interchangeable with the majority of the major parts that are subject to the standard and are contained in the motor vehicles of a line described in clause (A) or (B) of this paragraph.

(2) The standard may not apply to any major part of a line described in paragraph (1)(C) of this subsection if all the passenger motor vehicles of lines that are, or are likely to be, below the median theft rate, and that contain parts interchangeable with the major parts of the line involved, account (for existing lines), or the Secretary of Transportation determines they are likely to account (for new lines), for more than 90 percent of the total annual production of all lines of that manufacturer containing those interchangeable parts.

(3) The lines, and the major parts of the passenger motor vehicles in those lines, that are to be subject to the standard may be selected by agreement between the manufacturer and the Secretary. If the manufacturer and the Secretary disagree on the selection, the Secretary shall select the lines and parts, after notice to the manufacturer and opportunity for written comment, and subject to the confidentiality requirements of this chapter.

(4) To the maximum extent practicable, the Secretary shall prescribe reasonable procedures designed to ensure that a selection under paragraph (3) of this subsection is made at least 6 months before the first applicable model year beginning after the selection.

(5) A manufacturer may not be required to comply with the standard under a selection under paragraph (3) of this subsection for a model year beginning earlier than 6 months after the date of the selection.

(6) A passenger motor vehicle line subject on October 25, 1992, to parts marking requirements under sections 602 and 603 of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947), as added by section 101(a) of the Motor Vehicle Theft Law Enforcement Act of 1984 (Public Law 98–547, 98 Stat. 2756), continues to be subject to the requirements of this section and section 33102 of this title unless the line is exempted under section 33106 of this title.

(b) DETERMINING THEFT RATE FOR PASSENGER VEHICLES.—(1) In this subsection, ''new passenger motor vehicle thefts'', when used in reference to a calendar year, means thefts in the United States in that year of passenger motor vehicles with the same model-year designation as that calendar year.

(2) Under subsection (a) of this section, the theft rate for passenger motor vehicles of a line shall be determined by a fraction—

(A) the numerator of which is the number of new passenger motor vehicle thefts for that line during the 2-year period referred to in subsection (a)(1)(A) of this section; and

(B) the denominator of which is the sum of the respective production volumes of all passenger motor vehicles of that line (as reported to the Administrator of the Environmental Protection Agency under chapter 329 of this

title) that are of model years 1990 and 1991 and are distributed for sale in commerce in the United States.

(3) Under subsection (a) of this section, the median theft rate for all new passenger motor vehicle thefts during that 2-year period is the theft rate midway between the highest and the lowest theft rates determined under paragraph (2) of this subsection. If there is an even number of theft rates determined under paragraph (2), the median theft rate is the arithmetic average of the 2 adjoining theft rates midway between the highest and the lowest of those theft rates.

(4) In consultation with the Director of the Federal Bureau of Investigation, the Secretary periodically shall obtain from the most reliable source accurate and timely theft and recovery information and publish the information for review and comment. To the greatest extent possible, the Secretary shall use theft information reported by United States Government, State, and local police. After publication and opportunity for comment, the Secretary shall use the theft information to determine the median theft rate under this subsection. The Secretary and the Director shall take any necessary actions to improve the accuracy, reliability, and timeliness of the information, including ensuring that vehicles represented as stolen are really stolen.

(5) The Secretary periodically (but not more often than once every 2 years) may redetermine and prescribe by regulation the median theft rate under this subsection.

(c) PROVIDING INFORMATION.—The Secretary by regulation shall require each manufacturer to provide information necessary to select under subsection (a)(3) of this section the high theft lines and the major parts to be subject to the standard.

(d) APPLICATION.—Except as provided in section 33106 of this title, the Secretary may not make the standard inapplicable to a line that has been subject to the standard.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1079.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33104(a)	15:2023(a)(1)–(4).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 603(a)(1)–(4), (b)–(d); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2757; Oct. 25, 1992, Pub. L. 102–519, § 303(1)–(3), (5), 106 Stat. 3396.
	15:2023(a)(5).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§ 602(g), 603(a)(5); added Oct. 25, 1992, Pub. L. 102–519, §§ 302(2), 303(4), 106 Stat. 3395, 3396.
33104(b)	15:2022(g).	
	15:2023(b).	
33104(c)	15:2023(c).	
33104(d)	15:2023(d).	

In subsection (a)(1)(A), the words ''the 2-year period covering calendar years 1990 and 1991'' are substituted for ''the 2 calendar years immediately preceding the year in which the Anti Car Theft Act of 1992 is enacted'' because that Act was enacted on October 25, 1992. The substitution also makes it clear that the 2-year period is to be treated as a single period.

In subsection (a)(1)(B), the words ''after December 31, 1989,'' are substituted for ''after the beginning of the 2-year period specified in subparagraph (A)'' for consistency with clause (A).

In subsection (a)(6), the word ''passenger'' is added because the source provisions in the revised chapter apply to passenger motor vehicles.

In subsection (b)(2)(B), the words ''Administrator of the'' are added for clarity and consistency because of section 1(b) of Reorganization Plan No. 3 of 1970 (eff. Dec. 2, 1970, 84 Stat. 2086). The words ''model years 1983 and 1984'' are substituted for ''the 2 model years having the same model-year designations as the 2 calendar years specified in subsection (a)(1)(A) of this section'' because the particular years are now known.

In subsection (b)(4), the words ''Immediately upon enactment of this subchapter'' are omitted as executed. The words ''or sources'' are omitted because of 1:1.

REFERENCES IN TEXT

Sections 602 and 603 of the Motor Vehicle Information and Cost Savings Act, referred to in subsec. (a)(6), are sections 602 and 603 of Pub. L. 92–513, which were classified to sections 2022 and 2023, respectively, of Title 15, Commerce and Trade, and were repealed and reenacted as sections 33102 to 33104 of this title by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1077, 1379.

§ 33105. Cost limitations

(a) MAXIMUM MANUFACTURER COSTS.—A standard under section 33102 or 33103 of this title may not impose—

(1) on a manufacturer of motor vehicles, compliance costs of more than $15 a motor vehicle; or

(2) on a manufacturer of major replacement parts, compliance costs for each part of more than the reasonable amount (but less than $15) that the Secretary of Transportation specifies in the standard.

(b) COSTS INVOLVED IN ENGINES AND TRANSMISSIONS.—For a manufacturer engaged in identifying engines or transmissions on October 25, 1984, in a way that substantially complies with the standard—

(1) the costs of identifying engines and transmissions may not be considered in calculating the manufacturer's costs under subsection (a) of this section; and

(2) the manufacturer may not be required under the standard to conform to any identification system for engines and transmissions that imposes greater costs on the manufacturer than are incurred under the identification system used by the manufacturer on October 25, 1984.

(c) COST ADJUSTMENTS.—(1) In this subsection—

(A) ''base period'' means calendar year 1984.

(B) ''price index'' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Secretary of Labor.

(2) At the beginning of each calendar year, as necessary data become available from the Bureau of Labor Statistics, the Secretary of Labor shall certify to the Secretary of Transportation and publish in the Federal Register the percentage difference between the price index for the 12 months before the beginning of the calendar year and the price index for the base period. For model years beginning in that calendar year, the amounts specified in subsection (a) of this section shall be adjusted by the percentage difference.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1081.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33105	15:2024.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 604; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2758.

In subsection (a)(1) and (2), the words ''compliance costs'' are substituted for ''costs . . . to comply with such standard'' to eliminate unnecessary words. In clause (2), the words ''reasonable amount (but less than $15)'' are substituted for ''reasonable lesser amount'' for clarity.

In subsection (c)(2), the words ''commencing on or after January 1, 1985'' are omitted as obsolete.

§ 33106. Exemption for passenger motor vehicles equipped with anti-theft devices

(a) DEFINITIONS.—In this section—

(1) ''anti-theft device'' means a device to reduce or deter theft that—

(A) is in addition to the theft-deterrent devices required by motor vehicle safety standard numbered 114 in section 571.114 of title 49, Code of Federal Regulations;

(B) the manufacturer believes will be effective in reducing or deterring theft of motor vehicles; and

(C) does not use a signaling device reserved by State law for use on police, emergency, or official vehicles, or on schoolbuses.

(2) ''standard equipment'' means equipment already installed in a motor vehicle when it is delivered from the manufacturer and not an accessory or other item that the first purchaser customarily has the option to have installed.

(b) GRANTING EXEMPTIONS AND LIMITATIONS.—(1) A manufacturer may petition the Secretary of Transportation for an exemption from a requirement of a standard prescribed under section 33102 or 33103 of this title for a line of passenger motor vehicles equipped as standard equipment with an anti-theft device that the Secretary decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the standard.

(2) The Secretary may grant an exemption—

(A) for model year 1987, for not more than 2 lines of a manufacturer;

(B) for each of the model years 1988–1996, for not more than 2 additional lines of a manufacturer;

(C) for each of the model years 1997–2000, for not more than one additional line of a manufacturer; and

(D) for each of the model years after model year 2000, for the number of lines that the Attorney General decides under section 33103(d)(3) of this title.

(3) An additional exemption granted under paragraph (2)(B) or (C) of this subsection does not affect an exemption previously granted.

(c) PETITIONING PROCEDURE.—A petition must be filed not later than 8 months before the start of production for the first model year covered by the petition. The petition must include—

(1) a detailed description of the device;

(2) the reasons for the manufacturer's conclusion that the device will be effective in reducing and deterring theft of motor vehicles; and

(3) additional information the Secretary reasonably may require to make the decision described in subsection (b)(1) of this section.

(d) DECISIONS AND APPROVALS.—The Secretary shall make a decision about a petition filed under this section not later than 120 days after the date the petition is filed. A decision approving a petition must be based on substantial evidence. The Secretary may approve a petition in whole or in part. If the Secretary does not make a decision within the 120-day period, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year.

(e) RESCISSIONS.—The Secretary may rescind an exemption if the Secretary decides that the anti-theft device has not been as effective in reducing and deterring motor vehicle theft as compliance with the standard. A rescission may be effective only—

(1) for a model year after the model year in which the rescission occurs; and

(2) at least 6 months after the manufacturer receives written notice of the rescission from the Secretary.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1082; Pub. L. 103–429, § 6(45), Oct. 31, 1994, 108 Stat. 4383.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33106(a)(1) ..	15:2025(e).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 605(a)(1), (3), (b)–(e); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2759.
33106(a)(2) ..	15:2025(a)(3).	
33106(b)	15:2025(a)(1), (2).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 605(a)(2); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2759; Oct. 25, 1992, Pub. L. 102–519, § 304, 106 Stat. 3396.
33106(c)	15:2025(b).	
33106(d)	15:2025(c).	
33106(e)	15:2025(d).	

In subsection (b)(1), the words ''the application of any of'' are omitted as surplus. The words ''or lines'' are omitted because of 1:1.

In subsection (b)(2)(A), the words ''for model year 1987'' are substituted for ''For the initial model year to which such standard applies'' for clarity. See 50 Fed. Reg. 43166 (1985). In clause (D), the words ''that the Attorney General decides'' are substituted for ''for which the Secretary may grant such an exemption (if any) shall be determined'' for clarity and because of the restatement.

In subsection (d), the words ''for the line covered by the petition'' are added for clarity.

Subsection (e) is substituted for 15:2025(d) for clarity and to eliminate unnecessary words.

PUB. L. 103–429

This amends 49:33106(b)(3) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1082).

AMENDMENTS

1994—Subsec. (b)(3). Pub. L. 103–429 substituted ''paragraph (2)(B) or (C) of this subsection'' for ''subparagraph (2)(B) or (C) of this paragraph''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 33107. Voluntary vehicle identification standards

(a) ELECTION TO INSCRIBE OR AFFIX IDENTIFYING MARKS.—The Secretary of Transportation by regulation may prescribe a vehicle theft prevention standard under which a person may elect to inscribe or affix an identifying number or symbol on major parts of a motor vehicle manufactured or owned by the person for purposes of section 511 of title 18 and related provisions. The standard may include provisions for registration of the identification with the Secretary or a person designated by the Secretary.

(b) STANDARD REQUIREMENTS.—The standard under this section shall be practicable and provide relevant objective criteria.

(c) VOLUNTARY COMPLIANCE.—Compliance with the standard under this section is voluntary. Failure to comply does not subject a person to a penalty or enforcement under this chapter.

(d) COMPLIANCE WITH OTHER STANDARDS.—Compliance with the standard under this section does not relieve a manufacturer from a requirement of a standard prescribed under section 33102 or 33103 of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33107	15:2033.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 616; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2765; Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.

§ 33108. Monitoring compliance of manufacturers

(a) RECORDS, REPORTS, INFORMATION, AND INSPECTION.—To enable the Secretary of Transportation to decide whether a manufacturer of motor vehicles containing a part subject to a standard prescribed under section 33102 or 33103 of this title, or a manufacturer of major replacement parts subject to the standard, is complying with this chapter and the standard, the Secretary may require the manufacturer to—

(1) keep records;

(2) make reports;

(3) provide items and information; and

(4) allow an officer or employee designated by the Secretary to inspect the vehicles and parts and relevant records of the manufacturer.

(b) ENTRY AND INSPECTION.—To enforce this chapter, an officer or employee designated by the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which motor vehicles containing major parts subject to the standard, or major replacement parts subject to the standard, are manufactured, held for introduction into interstate commerce, or held for sale after introduction into interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(c) CERTIFICATION OF COMPLIANCE.—(1) A manufacturer of a motor vehicle subject to the standard, and a manufacturer of a major replacement part subject to the standard, shall provide at the time of delivery of the vehicle or part a certification that the vehicle or part conforms to the applicable motor vehicle theft prevention standard. The certification shall accompany the vehicle or part until its delivery to the first purchaser. The Secretary by regulation may prescribe the type and form of the certification.

(2) This subsection does not apply to a motor vehicle or major replacement part that is—

(A) intended only for export;

(B) labeled only for export on the vehicle or replacement part and the outside of any container until exported; and

(C) exported.

(d) NOTIFICATION OF ERROR.—A manufacturer shall notify the Secretary if the manufacturer discovers that—

(1) there is an error in the identification (required by the standard) applied to a major part installed by the manufacturer in a motor vehicle during its assembly, or to a major replacement part manufactured by the manufacturer; and

(2) the motor vehicle or major replacement part has entered interstate commerce.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33108(a)	15:2026(a).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 606; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2760.
33108(b)	15:2026(b).	
33108(c)	15:2026(c).	
33108(d)	15:2026(d).	

In subsection (a), before clause (1), the words ''is complying'' are substituted for ''has acted or is acting in compliance'' and ''determining whether such manufacturer has acted or is acting in compliance'' to eliminate unnecessary words. The word ''reasonably'' is omitted as surplus. In clause (1), the word ''keep'' is substituted for ''establish and maintain'' for consistency in the revised title and to eliminate unnecessary words. In clause (4), the words ''upon request'', ''duly'', and ''such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe'' are omitted as surplus.

In subsection (b), the words ''duly'' and ''enter and'' are omitted as surplus.

In subsection (c)(2)(B), the words ''or tagged'' and ''if any'' are omitted as surplus.

Subsection (d) is substituted for 15:2026(d) for clarity.

§ 33109. National Stolen Passenger Motor Vehicle Information System

(a) GENERAL REQUIREMENTS.—(1) Not later than July 25, 1993, the Attorney General shall

establish, and thereafter maintain, a National Stolen Passenger Motor Vehicle Information System containing the vehicle identification numbers of stolen passenger motor vehicles and stolen passenger motor vehicle parts. The System shall be located in the National Crime Information Center and shall include at least the following information on each passenger motor vehicle reported to a law enforcement authority as stolen and not recovered:

(A) the vehicle identification number.

(B) the make and model year.

(C) the date on which the vehicle was reported as stolen.

(D) the location of the law enforcement authority that received the report of the theft of the vehicle.

(E) the identification numbers of the vehicle parts (or derivatives of those numbers), at the time of the theft, if those numbers are different from the vehicle identification number of the vehicle.

(2) In establishing the System, the Attorney General shall consult with—

(A) State and local law enforcement authorities; and

(B) the National Crime Information Center Policy Advisory Board to ensure the security of the information in the System and that the System will not compromise the security of stolen passenger motor vehicle and passenger motor vehicle parts information in the System.

(3) If the Attorney General decides that the Center is not able to perform the functions of the System, the Attorney General shall make an agreement for the operation of the System separate from the Center.

(4) The Attorney General shall prescribe by regulation the effective date of the System.

(b) REQUESTS FOR INFORMATION.—(1) The Attorney General shall prescribe by regulation procedures under which an individual or entity intending to transfer a passenger motor vehicle or passenger motor vehicle part may obtain information on whether the vehicle or part is listed in the System as stolen.

(2) On request of an insurance carrier, a person lawfully selling or distributing passenger motor vehicle parts in interstate commerce, or an individual or enterprise engaged in the business of repairing passenger motor vehicles, the Attorney General (or the entity the Attorney General designates) immediately shall inform the insurance carrier, person, individual, or enterprise whether the System has a record of a vehicle or vehicle part with a particular vehicle identification number (or derivative of that number) being reported as stolen. The Attorney General may require appropriate verification to ensure that the request is legitimate and will not compromise the security of the System.

(c) ADVISORY COMMITTEE.—(1) Not later than December 24, 1992, the Attorney General shall establish in the Department of Justice an advisory committee. The Attorney General shall develop the System with the advice and recommendations of the committee.

(2)(A) The committee is composed of the following 10 members:

(i) the Attorney General.

(ii) the Secretary of Transportation.

(iii) one individual who is qualified to represent the interests of the law enforcement community at the State level.

(iv) one individual who is qualified to represent the interests of the law enforcement community at the local level.

(v) one individual who is qualified to represent the interests of the automotive recycling industry.

(vi) one individual who is qualified to represent the interests of the automotive repair industry.

(vii) one individual who is qualified to represent the interests of the automotive rebuilders industry.

(viii) one individual who is qualified to represent the interests of the automotive parts suppliers industry.

(ix) one individual who is qualified to represent the interests of the insurance industry.

(x) one individual who is qualified to represent the interests of consumers.

(B) The Attorney General shall appoint the individuals described in subparagraph (A)(iii)–(x) of this paragraph and shall serve as chairman of the committee.

(3) The committee shall make recommendations on developing and carrying out—

(A) the National Stolen Passenger Motor Vehicle Information System; and

(B) the verification system under section 33110 of this title.

(4) Not later than April 25, 1993, the committee shall submit to the Attorney General, the Secretary, and Congress a report including the recommendations of the committee.

(d) IMMUNITY.—Any person performing any activity under this section or section 33110 or 33111 in good faith and with the reasonable belief that such activity was in accordance with such section 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1084; Pub. L. 104–152, § 5, July 2, 1996, 110 Stat. 1385.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33109(a)	15:2026c(a), (b) (last sentence), (c), (f).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 609; added Oct. 25, 1992, Pub. L. 102–519, § 306(e), 106 Stat. 3398.
33109(b)	15:2026c(b) (1st sentence), (e).	
33109(c)	15:2026c(d).	

In the section, the words ''National Stolen Passenger Motor Vehicle Information System'' are substituted for ''National Stolen Auto Part Information System'' for consistency with the terminology used and with the source provisions restated in the revised chapter.

In subsection (a)(1), before clause (A), the words ''establish, and thereafter maintain'' are substituted for ''maintain'' for clarity. The words ''shall be located'' are added for clarity.

In subsection (a)(2)(B), the words ''stolen passenger motor vehicle and passenger motor vehicle parts information'' are substituted for ''stolen vehicle and vehicle

parts information'' for consistency with the terminology used in the revised chapter.

In subsection (a)(4), the text of 15:2026c(f) (1st sentence) is omitted as surplus. The words ''the effective date of the System'' are substituted for ''shall be effective as provided'' because of the restatement.

In subsection (b)(1), the words ''intending to transfer'' are substituted for ''seeking to transfer'' for clarity. The words ''passenger motor vehicle or passenger motor vehicle part'' are substituted for ''a vehicle or vehicle parts'' for consistency with the terminology used in the revised chapter. The words ''whether the vehicle or part'' are substituted for ''whether a part'' for consistency with source provisions restated in the revised section.

In subsection (b)(2), the words ''shall inform the insurance carrier, person, individual, or enterprise whether'' are substituted for ''provide such insurance carrier or person with a determination as to whether'' for clarity and consistency in the revised subsection. The words ''may require appropriate verification'' are substituted for ''may require such verification as the Attorney General deems appropriate'' to eliminate unnecessary words.

In subsection (c)(1), the words ''and appoint'' are omitted as unnecessary because of the restatement.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–152 added subsec. (d).

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of 2-year period beginning on date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 33110. Verifications involving junk and salvage motor vehicles

(a) DEFINITION.—In this section, ''vehicle identification number'' means a unique identification number (or derivative of that number) assigned to a passenger motor vehicle by a manufacturer in compliance with applicable regulations.

(b) GENERAL REQUIREMENTS.—(1) If an insurance carrier selling comprehensive motor vehicle insurance coverage obtains possession of and transfers a junk motor vehicle or a salvage motor vehicle, the carrier shall—

(A) under procedures the Attorney General prescribes by regulation under section 33109 of this title in consultation with the Secretary of Transportation, verify whether the vehicle is reported as stolen; and

(B) provide the purchaser or transferee of the vehicle from the insurance carrier verification identifying the vehicle identification number and verifying that the vehicle has not been reported as stolen or, if reported as stolen, that the carrier has recovered the vehicle and has proper legal title to the vehicle.

(2)(A) This subsection does not prohibit an insurance carrier from transferring a motor vehicle if, within a reasonable period of time during normal business operations (as decided by the Attorney General under section 33109 of this title) using reasonable efforts, the carrier—

(i) has not been informed under the procedures prescribed in section 33109 of this title that the vehicle has not been reported as stolen; or

(ii) has not otherwise established whether the vehicle has been reported as stolen.

(B) When a carrier transfers a motor vehicle for which the carrier has not established whether the vehicle has been reported as stolen, the carrier shall provide written certification to the transferee that the carrier has not established whether the vehicle has been reported as stolen.

(c) REGULATIONS.—In consultation with the Secretary, the Attorney General shall prescribe regulations necessary to ensure that verification performed and provided by an insurance carrier under subsection (b)(1)(B) of this section is uniform, effective, and resistant to fraudulent use.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33110(a)	15:2026a(a) (2d sentence).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 607; added Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.
33110(b)	15:2026a(a) (1st, last sentences).	
33110(c)	15:2026a(b).	

In subsection (b)(1)(B), the words ''or derivative thereof'' are omitted as unnecessary because of the definition of ''vehicle identification number'' in subsection (a) of the revised section.

In subsection (b)(2)(A)(i), the words ''has not been informed under the procedures prescribed'' are substituted for ''has not received a determination under'' for clarity and consistency in the revised chapter. In clause (ii), the words ''has not otherwise established whether'' are substituted for ''to otherwise determine whether'' for clarity.

In subsection (b)(2)(B), the words ''When a carrier transfers a motor vehicle for which the carrier has not established whether the vehicle has been reported as stolen, the carrier shall provide written certification to the transferee that the carrier has not established whether the vehicle has been reported as stolen'' are substituted for ''except that such carrier shall provide a written certification of such lack of determination'' for clarity and because of the restatement.

EFFECTIVE DATE

Section 4(u) of Pub. L. 103–272 provided that: ''Not later than April 25, 1993, the Attorney General shall prescribe the regulations required under section 33110(c) of title 49, United States Code, as enacted by section 1 of this Act. Section 33110(b) of title 49 is effective not later than 3 months after those regulations are prescribed but not before the date on which the National Stolen Passenger Motor Vehicle Information System established under section 33109 of title 49 is operational.''

§ 33111. Verifications involving motor vehicle major parts

(a) GENERAL REQUIREMENTS.—A person engaged in the business of salvaging, dismantling, recycling, or repairing passenger motor vehicles may not knowingly sell in commerce or transfer or install a major part marked with an identification number without—

(1) first establishing, through a procedure the Attorney General by regulation prescribes in consultation with the Secretary of Transportation under section 33109 of this title, that the major part has not been reported as stolen; and

(2) providing the purchaser or transferee with a verification—

(A) identifying the vehicle identification number (or derivative of that number) of that major part; and

(B) verifying that the major part has not been reported as stolen.

(b) NONAPPLICATION.—(1) Subsection (a) of this section does not apply to a person that—

(A) is the manufacturer of the major part;

(B) has purchased the major part directly from the manufacturer; or

(C) has received a verification from an insurance carrier under section 33110 of this title that the motor vehicle from which the major part is derived has not been reported as stolen, or that the carrier has not established whether that vehicle has been stolen.

(2) A person described under paragraph (1)(C) of this subsection that subsequently transfers or sells in commerce the motor vehicle or a major part of the vehicle shall provide the verification received from the carrier to the person to whom the vehicle or part is transferred or sold.

(c) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this section. The regulations shall include regulations prescribed in consultation with the Secretary that are necessary to ensure that a verification a person provides under subsection (a)(2) of this section is uniform, effective, and resistant to fraudulent use.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33111(a)	15:2026b(a).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 608; added Oct. 25, 1992, Pub. L. 102–519, § 306(c), 106 Stat. 3397.
33111(b)	15:2026b(c) (1st, 2d sentences).	
33111(c)	15:2026b(b), (c) (last sentence).	

In subsection (a), before clause (1), the word ''distribute'' is omitted as being included in ''sell''. In clause (1), the word ''establishing'' is substituted for ''determining'' for clarity and consistency in the revised title.

Subsection (b)(2) is substituted for 15:2026b(c) (2d sentence) for clarity.

EFFECTIVE DATE

Section 4(v) of Pub. L. 103–272 provided that: ''Section 33111 of title 49, United States Code, as enacted by section 1 of this Act, is effective on the date on which the National Stolen Passenger Motor Vehicle Information System is established under section 33109 of title 49.''

§ 33112. Insurance reports and information

(a) PURPOSES.—The purposes of this section are—

(1) to prevent or discourage the theft of motor vehicles, particularly those stolen for the removal of certain parts;

(2) to prevent or discourage the sale and distribution in interstate commerce of used parts that are removed from those vehicles; and

(3) to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

(b) DEFINITIONS.—In this section—

(1) ''insurer'' includes a person (except a governmental authority) having a fleet of at least 20 motor vehicles that are used primarily for rental or lease and are not covered by a theft insurance policy issued by an insurer of passenger motor vehicles.

(2) ''motor vehicle'' includes a truck, a multipurpose passenger vehicle, and a motorcycle.

(c) ANNUAL INFORMATION REQUIREMENT.—(1) An insurer providing comprehensive coverage for motor vehicles shall provide annually to the Secretary of Transportation information on—

(A) the thefts and recoveries (in any part) of motor vehicles;

(B) the number of vehicles that have been recovered intact;

(C) the rating rules and plans, such as loss information and rating characteristics, used by the insurer to establish premiums for comprehensive coverage, including the basis for the premiums, and premium penalties for motor vehicles considered by the insurer as more likely to be stolen;

(D) the actions taken by the insurer to reduce the premiums, including changing rate levels for comprehensive coverage because of a reduction in thefts of motor vehicles;

(E) the actions taken by the insurer to assist in deterring or reducing thefts of motor vehicles; and

(F) other information the Secretary requires to carry out this chapter and to make the report and findings required by this chapter.

(2) The information on thefts and recoveries shall include an explanation on how the information is obtained, the accuracy and timeliness of the information, and the use made of the information, including the extent and frequency of reporting the information to national, public, and private entities such as the Federal Bureau of Investigation and State and local police.

(d) REPORTS ON REDUCED CLAIMS PAYMENTS.—An insurer shall report promptly in writing to the Secretary if the insurer, in paying a claim under an adjustment or negotiation between the insurer and the insured for a stolen motor vehicle—

(1) reduces the payment to the insured by the amount of the value, salvage or otherwise, of a recovered part subject to a standard prescribed under section 33102 or 33103 of this title; and

(2) the reduction is not made at the express election of the insured.

(e) GENERAL EXEMPTIONS.—The Secretary shall exempt from this section, for one or more years, an insurer that the Secretary decides should be exempted because—

(1) the cost of preparing and providing the information is excessive in relation to the size of the insurer's business; and

(2) the information from that insurer will not contribute significantly to carrying out this chapter.

(f) SMALL INSURER EXEMPTIONS.—(1) In this subsection, ''small insurer'' means an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including a pooling arrangement established under State law or regulation for the issuance of motor vehicle insurance, account for—

(A) less than one percent of the total premiums for all forms of motor vehicle insurance issued by insurers in the United States; and

(B) less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers in any State.

(2) The Secretary shall exempt by regulation a small insurer from this section if the Secretary finds that the exemption will not significantly affect the validity or usefulness of the information collected and compiled under this section, nationally or State-by-State. However, the Secretary may not exempt an insurer under this paragraph that is considered an insurer only because of subsection (b)(1) of this section.

(3) Regulations under this subsection shall provide that eligibility as a small insurer shall be based on the most recent calendar year for which adequate information is available, and that, once attained, the eligibility shall continue without further demonstration of eligibility for one or more years, as the Secretary considers appropriate.

(g) PRESCRIBED FORM.—Information required by this section shall be provided in the form the Secretary prescribes.

(h) PERIODIC COMPILATIONS.—Subject to section 552 of title 5, the Secretary periodically shall compile and publish information obtained by the Secretary under this section, in a form that will be helpful to the public, the police, and Congress.

(i) CONSULTATION.—In carrying out this section, the Secretary shall consult with public and private agencies and associations the Secretary considers appropriate.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1087.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33112(a)	15:2032(a)(1) (1st sentence words before 4th comma).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 615; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.
33112(b)(1) ..	15:2032(a)(3).	
33112(b)(2) ..	15:2032(f).	
33112(c)	15:2032(a)(1) (1st sentence words after 4th comma, last sentence), (2).	
33112(d)	15:2032(d).	
33112(e)	15:2032(a)(4).	
33112(f)	15:2032(a)(5).	
33112(g)	15:2032(e).	
33112(h)	15:2032(b).	
33112(i)	15:2032(c).	

In subsection (b)(1), the word ''authority'' is substituted for ''entity'' for clarity and consistency in the revised title.

In subsection (c)(1), before clause (A), the words ''(or their designated agents)'' are omitted as surplus. The words ''beginning 2 years after October 25, 1984'' are omitted as executed.

In subsection (c)(2), the words ''by the insurer'' are omitted as surplus.

Subsection (f)(1)(B) is substituted for 15:2032(a)(5)(C)(ii) for clarity and to eliminate unnecessary words.

In subsection (f)(2), the words ''the requirements of'' are omitted as surplus.

In subsection (g), the words ''by regulation or otherwise'' are omitted as surplus.

In subsection (h), the words ''the police'' are substituted for ''including Federal, State, and local police'' to eliminate unnecessary words.

In subsection (i), the words ''In carrying out this section'' are added for clarity. The words ''public and private agencies and associations'' are substituted for ''such State and insurance regulatory agencies and other agencies and associations, both public and private'' to eliminate unnecessary words.

§ 33113. Theft reports

(a) TRUCK, MULTIPURPOSE PASSENGER VEHICLE, AND MOTORCYCLE REPORT.—Not later than October 25, 1995, the Secretary of Transportation shall submit a report to Congress that includes—

(1) information on the number of trucks, multipurpose passenger vehicles, and motorcycles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by model, make, and line;

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

(3) a description of the market for the stolen parts;

(4) information on the premiums charged by insurers of comprehensive coverage of trucks, multipurpose passenger vehicles, or motorcycles, including any increase in the premiums charged because any of those motor vehicles is a likely candidate for theft;

(5) an assessment of whether the identification of parts of trucks, multipurpose passenger vehicles, and motorcycles is likely—

(A) to decrease the theft rate of those motor vehicles;

(B) to increase the recovery rate of those motor vehicles;

(C) to decrease the trafficking in stolen parts of those motor vehicles;

(D) to stem the export and import of those stolen motor vehicles or parts; or

(E) to have benefits greater than the costs of the identification; and

(6) recommendations on whether, and to what extent, the identification of trucks, multipurpose passenger vehicles, and motorcycles should be required by law.

(b) MOTOR VEHICLE REPORT.—Not later than October 25, 1997, the Secretary shall submit a report to Congress that includes—

(1) information on—

(A) the methods and procedures used by public and private entities to collect, compile, and disseminate information on the theft and recovery of motor vehicles, including classes of motor vehicles; and

(B) the reliability and timeliness of the information and how the information can be improved;

(2) information on the number of motor vehicles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by class, model, make, and line;

(3) information on the extent to which motor vehicles stolen annually are dismantled to recover parts or are exported;

(4) a description of the market for the stolen parts;

(5) information on—

(A) the costs to manufacturers and purchasers of passenger motor vehicles of compliance with the standards prescribed under this chapter;

(B) the beneficial impacts of the standards and the monetary value of the impacts; and

(C) the extent to which the monetary value is greater than the costs;

(6) information on the experience of officials of the United States Government, States, and localities in—

(A) making arrests and successfully prosecuting persons for violating a law set forth in title II or III of the Motor Vehicle Theft Law Enforcement Act of 1984;

(B) preventing or reducing the number and rate of thefts of motor vehicles that are dismantled for parts subject to this chapter; and

(C) preventing or reducing the availability of used parts that are stolen from motor vehicles subject to this chapter;

(7) information on the premiums charged by insurers of comprehensive coverage of motor vehicles subject to this chapter, including any increase in the premiums charged because a motor vehicle is a likely candidate for theft, and the extent to which the insurers have reduced for the benefit of consumers the premiums, or foregone premium increases, because of this chapter;

(8) information on the adequacy and effectiveness of laws of the United States and the States aimed at preventing the distribution and sale of used parts that have been removed from stolen motor vehicles and the adequacy of systems available to enforcement personnel for tracing parts to determine if they have been stolen from a motor vehicle;

(9) an assessment of whether the identification of parts of other classes of motor vehicles is likely—

(A) to decrease the theft rate of those vehicles;

(B) to increase the recovery rate of those vehicles;

(C) to decrease the trafficking in stolen parts of those vehicles;

(D) to stem the export and import of those stolen vehicles, parts, or components; or

(E) to have benefits greater than the costs of the identification; and

(10) other relevant and reliable information available to the Secretary about the impact, including the beneficial impact, of the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984 on law enforcement, consumers, and manufacturers; and

(11) recommendations (including, as appropriate, legislative and administrative recommendations) for—

(A) continuing without change the standards prescribed under this chapter;

(B) amending this chapter to cover more or fewer lines of passenger motor vehicles;

(C) amending this chapter to cover other classes of motor vehicles; or

(D) ending the standards for all future motor vehicles.

(c) BASES OF REPORTS.—(1) The reports under subsections (a) and (b) of this section each shall be based on—

(A) information reported under this chapter by insurers of motor vehicles and manufacturers of motor vehicles and major replacement parts;

(B) information provided by the Federal Bureau of Investigation;

(C) experience obtained in carrying out this chapter;

(D) experience of the Government under the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984; and

(E) other relevant and reliable information available to the Secretary.

(2) In preparing each report, the Secretary shall consult with the Attorney General and State and local law enforcement officials, as appropriate.

(3) The report under subsection (b) of this section shall—

(A) cover a period of at least 4 years after the standards required by this chapter are prescribed; and

(B) reflect any information, as appropriate, from the report under subsection (a) of this section, updated from the date of the report.

(4) At least 90 days before submitting each report to Congress, the Secretary shall publish a proposed report for public review and an opportunity of at least 45 days for written comment. The Secretary shall consider those comments in preparing the report to be submitted and include a summary of the comments with the submitted report.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1089.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33113	15:2034.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 617; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2765; Oct. 25, 1992, Pub. L. 102–519, § 306(a), (e), 106 Stat. 3397, 3400.

In this section, the word ''information'' is substituted for ''data'' for consistency in the revised title. The word ''standards'' is substituted for ''standard'' because there is more than one standard prescribed under this chapter.

In subsection (a), before clause (1), the words ''October 25, 1995'' are substituted for ''3 years after October 25, 1992'' (the date of enactment of the Anti-Car Theft

Act of 1992) for clarity and to eliminate unnecessary words. In clause (1), the words ''distributed for sale in interstate commerce that are'' are substituted for ''for all such motor vehicles distributed for sale in interstate commerce'' for clarity. In clause (5)(A), the word ''decrease'' is substituted for ''have . . . a beneficial impact in decreasing'' for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the words ''October 25, 1997'' are substituted for ''5 years after October 25, 1992'' (the date of enactment of the Anti-Car Theft Act of 1992) for clarity and to eliminate unnecessary words. In clause (1)(B), the word ''accuracy'' is omitted as redundant. In clause (2), the words ''distributed for sale in interstate commerce that are'' are substituted for ''for all such motor vehicles distributed for sale in interstate commerce'' for clarity. In clause (9)(A), the word ''decrease'' is substituted for ''have . . . a beneficial impact in decreasing'' for consistency and to eliminate unnecessary words.

In subsection (c)(1)(C), the words ''carrying out'' are substituted for ''the implementation, administration, and enforcement'' for consistency and to eliminate unnecessary words.

REFERENCES IN TEXT

The Motor Vehicle Theft Law Enforcement Act of 1984, referred to in subsecs. (b)(6)(A), (10) and (c)(1)(D), is Pub. L. 98–547, Oct. 25, 1984, 98 Stat. 2754. Titles II and III of that act enacted sections 511, 512, 553, and 2320 [now 2321] of Title 18, Crimes and Criminal Procedure, and section 1627 of Title 19, Customs Duties, and amended sections 1961, 2311, and 2313 of Title 18. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 1901 of Title 15, Commerce and Trade, and Tables.

§ 33114. Prohibited acts

(a) GENERAL.—A person may not—

(1) manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, a motor vehicle or major replacement part subject to a standard prescribed under section 33102 or 33103 of this title, unless it conforms to the standard;

(2) fail to comply with a regulation prescribed by the Secretary of Transportation or Attorney General under this chapter;

(3) fail to keep specified records, refuse access to or copying of records, fail to make reports or provide items or information, or fail or refuse to allow entry or inspection, as required by this chapter;

(4) fail to provide the certification required by section 33108(c) of this title, or provide a certification that the person knows, or in the exercise of reasonable care has reason to know, is false or misleading in a material respect; or

(5) knowingly—

(A) own, operate, maintain, or control a chop shop;

(B) conduct operations in a chop shop; or

(C) transport a passenger motor vehicle or passenger motor vehicle part to or from a chop shop.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to a person establishing that in the exercise of reasonable care the person did not have reason to know that the motor vehicle or major replacement part was not in conformity with the standard.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1091.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33114	15:2027(a), (b).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 610(a), (b); added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2761; Oct. 25, 1992, Pub. L. 102–519, §§ 305(a), 306(a), 106 Stat. 3396, 3397.
	15:2027(c)(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 610(c)(1); added Oct. 25, 1992, Pub. L. 102–519, §§ 305(b), 306(a), 106 Stat. 3396, 3397.

In subsection (a)(1), the words ''which is manufactured on or after the date the standard under section 2022 of this title takes effect under this subchapter for such vehicle or major replacement part'' are omitted as obsolete because the standard applies to passenger motor vehicles and major replacement parts starting with the 1987 model year. See 50 Fed. Reg. 43166 (1985).

In subsection (a)(5)(A), the words ''of any kind'' are omitted as unnecessary because of the definition of ''chop shop'' in section 33101 of the revised title.

§ 33115. Civil penalties and enforcement

(a) GENERAL PENALTY AND CIVIL ACTIONS TO COLLECT.—(1) A person that violates section 33114(a)(1)–(4) of this title is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under section 33102 or 33103 of this title is only a single violation. The maximum penalty under this subsection for a related series of violations is $250,000.

(2) The Secretary of Transportation imposes a civil penalty under this subsection. The Secretary may compromise the amount of a penalty.

(3) In determining the amount of a civil penalty or compromise under this subsection, the Secretary shall consider the size of the person's business and the gravity of the violation.

(4) The Attorney General shall bring a civil action in a United States district court to collect a civil penalty imposed under this subsection.

(5) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(b) CHOP SHOP PENALTY AND ENFORCEMENT.—(1) A person that violates section 33114(a)(5) of this title is liable to the Government for a civil penalty of not more than $100,000 a day for each violation.

(2) As appropriate and in consultation with the Attorney General, the Secretary shall—

(A) bring a civil action for a temporary or permanent injunction to restrain a person violating section 33114(a)(5) of this section;

(B) impose and recover the penalty described in paragraph (1) of this subsection; or

(C) take both the actions described in clauses (A) and (B) of this paragraph.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of this chapter or the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of a passenger motor vehicle containing a major

part, or of a major replacement part, that is subject to the standard and is determined before the sale of the vehicle or part to a first purchaser not to conform to the standard.

(2)(A) When practicable, the Secretary—

(i) shall notify a person against whom an action under this subsection is planned;

(ii) shall give the person an opportunity to present that person's views; and

(iii) except for a knowing and willful violation, shall give the person a reasonable opportunity to comply.

(B) The failure of the Secretary to comply with subparagraph (A) of this paragraph does not prevent a court from granting appropriate relief.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (c) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) VENUE.—A civil action under subsection (a) or (c) of this section may be brought in the judicial district in which the violation occurred or the defendant resides, is found, or transacts business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpena for a witness in the action may be served in any judicial district.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1091.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33115(a)	15:2028(a).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 611; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2762; Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.
33115(b)	15:2027(c)(2).	Oct. 20, 1972, Pub. L. 92–513, § 86 Stat. 947, § 610(c)(2); added Oct. 25, 1992, Pub. L. 102–519, §§ 305(b), 306(a), 106 Stat. 3396, 3397.
33115(c)(1) ..	15:2028(b)(1) (1st sentence).	
33115(c)(2) ..	15:2028(b)(1) (2d, last sentences).	
33115(d)	15:2028(b)(2).	
33115(e)	15:2028(b)(3), (4).	

In subsection (a)(1), the words ''section 33114(a)(1)–(4)'' are used to correct an erroneous cross-reference in section 611(a)(1) of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947) to section 607 of that Act. Sections 607 and 611 were redesignated by section 306(a) of the Anti Car Theft Act of 1992 (Public Law 102–519, 106 Stat. 3397). The words ''is liable to the United States Government for a civil penalty'' are substituted for ''may be assessed a civil penalty'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2), the word ''imposes'' is substituted for ''assessed'' for consistency.

In subsection (a)(3), the words ''the appropriateness of such penalty to'' are omitted as surplus.

In subsection (a)(5), the words ''United States district court'' are added for clarity and consistency in the revised title.

In subsection (c)(1), the words ''The Attorney General may bring a civil action'' are substituted for ''Upon petition by the Attorney General'' for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words ''on behalf of the United States'' are omitted as surplus. The words ''shall have jurisdiction'' are omitted because of 28:1331. The words ''for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure'' are omitted as surplus because the rules apply in the absence of an exception from them. The word ''enjoin'' is substituted for ''restrain'' for consistency in the revised title.

In subsection (d), the words ''the defendant may demand a jury trial'' are substituted for ''trial shall be by the court, or, upon demand of the accused, by a jury'' to eliminate unnecessary words and for consistency in the revised title.

§ 33116. Confidentiality of information

(a) GENERAL.—Information obtained by the Secretary of Transportation under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(1) to another officer or employee of the United States Government for use in carrying out this chapter; or

(2) in a proceeding under this chapter (except a proceeding under section 33104(a)(3)).

(b) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33116	15:2029.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, § 612; added Oct. 25, 1984, Pub. L. 98–547, § 101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102–519, § 306(a), 106 Stat. 3397.

In subsection (a), before clause (1), the words ''reported to, or otherwise'' and ''or the Secretary's representative'' are omitted as surplus. The words ''related to a confidential matter referred to'' are substituted for ''contains or relates to a trade secret or other matter referred to'' to eliminate unnecessary words and for consistency in the revised title. The words ''or in section 552(b)(4) of title 5'' are omitted as surplus because the language in 18:1905 is broader than the language in 5:552(b)(4) and for consistency with similar provisions in other chapters in this part. The words ''shall be considered confidential for the purpose of the applicable section of this subchapter'' are omitted as surplus. In clause (1), the words ''for use in carrying out'' are substituted for ''concerned with carrying out'' for consistency with similar provisions in other chapters in this part. In clause (2), the words ''when relevant'' are omitted as surplus. The cross-reference to 15:2023(a)(3) is omitted. The text of 15:2023(a)(3), originally enacted as section 603(a)(3) of the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, 86 Stat. 947), was repealed by section 303(2) of the Anti Car Theft Act of 1992 (Public Law 102–519, 106 Stat. 3396). Section 303(2) also redesignated subsection (a)(4) as subsection (a)(3). However, a corresponding amendment to correct the cross-reference in the source provisions restated in this section was not made.

In subsection (b), the words ''authorized to have the information'' are added for clarity and consistency with similar provisions in other chapters in this part.

§ 33117. Judicial review

A person that may be adversely affected by a regulation prescribed under this chapter may

obtain judicial review of the regulation under section 32909 of this title. A remedy under this section is in addition to any other remedies provided by law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33117	15:2030.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §613; added Oct. 25, 1984, Pub. L. 98–547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102–519, §306(a), 106 Stat. 3397.

The words ''regulation prescribed'' are substituted for ''any provision of any standard or other rule'' to eliminate unnecessary words and because ''rule'' and ''regulation'' are synonymous. The words ''in the case of any standard, rule, or other action under this subchapter'' are omitted as surplus.

§ 33118. Preemption of State and local law

When a motor vehicle theft prevention standard prescribed under section 33102 or 33103 of this title is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
33118	15:2031.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §614; added Oct. 25, 1984, Pub. L. 98–547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102–519, §306(a), 106 Stat. 3397.

The words ''may not have'' are substituted for ''no . . . shall have any authority either to establish, or to continue in effect'' to eliminate unnecessary words.

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AMENDMENTS

2001—Pub. L. 107–71, title I, §118(c)(2), Nov. 19, 2001, 115 Stat. 628, added item for chapter 483.

1997—Pub. L. 105–102, §2(20), Nov. 20, 1997, 111 Stat. 2205, substituted ''PUBLIC AIRPORTS'' for ''RESERVED'' in item for part D and added item for chapter 491.

1996—Pub. L. 104–287, §5(64), Oct. 11, 1996, 110 Stat. 3395, substituted ''RESERVED'' for ''MISCELLANEOUS'' in item for part D, struck out item for chapter 491 ''Buy-American Preferences'', and added items for part E and chapter 501.

Pub. L. 104–264, title II, §277(b), Oct. 9, 1996, 110 Stat. 3248, added item for chapter 482.

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