In subsection (a), the word ''determining'' is substituted for ''reckoning'' for clarity. The words ''who are not or may hereafter be employed'' are omitted as surplus. In clause (1), the words ''or territory'' are omitted because the existing territories of the United States are now connected to the United States by rail. In clause (2), the words ''or possession of the United States'' are added for consistency in the revised title and with other titles of the United States Code.

The text of sections 2 and 3 of the Act of September 3, 5, 1916 (ch. 436, 39 Stat. 721), is omitted to eliminate executed provisions.

Section Referred to in Other Sections .....

This section is referred to in section 28302 of this title.

§ 28302. Penalties

A person violating section 28301 of this title shall be fined under title 18, imprisoned not more than one year, or both.

(Added Pub. L. 104–287, § 5(56)(A), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
28302	45:66.	Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.

The words ''shall be guilty of a misdemeanor'' are omitted, and the words ''shall be fined under title 18'' 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.

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

PART A—GENERAL

Chapter Sec.
301.
303.
305.

PART B—COMMERCIAL

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

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

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.

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.
30120. Remedies for defects and noncompliance.
30121. Provisional notification and civil actions to enforce.
30122. Making safety devices and elements inoperative.
30123. Tires.
30124. Buzzers indicating nonuse of safety belts.
30125. Schoolbuses and schoolbus equipment.
30126. Used motor vehicles.
30127. Automatic occupant crash protection and seat belt use.

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

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.
30147. Responsibility for defects and noncompliance.

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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 105, 32502, 32511, 32705, 32902 of this title; title 18 sections 511, 512, 2721; title 42 sections 4905, 7590, 13257.

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.)

[1] Chapter heading amended by Pub. L. 104–152 without corresponding amendment of subtitle analysis.

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 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'.''

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30111, 30122, 30123, 30167 of this title.

§ 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 surplus 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 2052.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31136 of this title.

§ 30104. Authorization of appropriations

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.

(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)*
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.

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 substituted 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.

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

(a) GENERAL.—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.

(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.)

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.
	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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30114, 30141, 30142, 30143, 30144, 30145, 30165 of this title.

§ 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 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; 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 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 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 exemption 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 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.)

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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30112 of this title.

§ 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, or competitive racing events.

(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)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30112 of this title.

§ 30115. Certification of compliance

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.

(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)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30141, 30165 of this title.

§ 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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 distributor 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 948.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30141, 30147, 30165, 30166, 30167 of this title.

§ 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30117, 30119, 30120, 30121, 30141, 30146, 30147, 30162, 30163, 30165, 30167 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30117, 30118, 30120, 30121, 30141, 30147, 30165, 30167 of this title.

§ 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.

(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.

(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 8 calendar years, or the tire, including an original equipment tire, was bought by the first purchaser more than 3 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 manufac-

turer 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 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 952.)

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).	
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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30117, 30118, 30119, 30121, 30141, 30147, 30165, 30167 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30117, 30119, 30120, 30141, 30147, 30163, 30165, 30167 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30141, 30165 of this title.

§ 30123. Tires

(a) LABELING REQUIREMENT.—The Secretary of Transportation shall require that a pneumatic tire subject to a motor vehicle safety standard prescribed under this chapter be labeled permanently and conspicuously with safety information the Secretary decides is necessary to carry out section 30101 of this title.

(b) CONTENTS OF LABEL.—Labeling required on a tire under subsection (a) of this section shall include—

(1)(A) identification of the manufacturer;

(B) for a retreaded tire, identification of the retreader; or

(C) for a tire containing a brand name (other than the name of the manufacturer), a code mark allowing a seller to identify the manufacturer to the purchaser;

(2) the composition of material used in the ply of the tire;

(3) the number of plies in the tire;

(4) the maximum allowable load for the tire; and

(5)(A) a statement that the tire complies with minimum safe performance standards prescribed under this chapter; or

(B) a mark or symbol the Secretary prescribes for use by a manufacturer or retreader complying with those standards.

(c) ADDITIONAL INFORMATION.—The Secretary may require that additional safety information be disclosed to a purchaser when a tire is sold.

(d) 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 in-

troduction 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.

(e) 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.

(f) 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30165 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30122 of this title.

§ 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 manu-

factured 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30141, 30165, 31136 of this title.

§ 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 every 6 months 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30141, 30165 of this title.

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 30112, 30169 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30142, 30146, 30147, 30165, 32902 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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30146, 30147, 30165, 32902 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30142, 30165 of this title.

§ 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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30142, 30165 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30112, 30165 of this title.

§ 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 misrepresentation. 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30141, 30147, 30165, 30169 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30141, 30165 of this title.

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 Sec-

retary 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.).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30103 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30103 of this title.

§ 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.
	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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30121 of this title.

§ 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) PENALTY.—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.

(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.)

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.

AMENDMENTS

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30163 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 department, 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.

(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.)

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.
	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).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 des-

ignated 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).

AMENDMENTS

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30102, 30103, 30117, 30118, 30141, 30147, 30165 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30103, 30117, 30118 of this title.

§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 Commit-

tees 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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210.

§ 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.

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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 31311 of this title.

§ 30301. Definitions

In this chapter—

(1) ''alcohol'' has the same meaning given that term in regulations prescribed by the Secretary of Transportation.

(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.

§ 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 informa-

tion 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.

(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)*
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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30301 of this title.

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 975.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20135, 30301, 30302, 30303, 30305, 30307, 31311 of this title; title 14 section 93.

§ 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 accident 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.

(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) 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.

(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 paragraph (2) 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.

(8)[1] A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(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.)

[1] So in original. Probably should be "(9)".

HISTORICAL AND REVISION NOTES

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.

REFERENCES IN TEXT

Act of July 14, 1960, referred to in subsec. (d), is set out as a note under section 30302 of this title.

AMENDMENTS

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].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 20135, 30301, 30302, 30307, 44936 of this title; title 14 section 93.

§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) 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;

(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.

§ 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, and $2,550,000 for each of fiscal years 1995 and 1996, 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.)

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

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

1996—Pub. L. 104–152, § 2(c), July 2, 1996, 110 Stat. 1384, substituted ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System'' in chapter heading and in item 30502.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 2721.

§ 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 Automobile[1] 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, § 3(a), July 2, 1996, 110 Stat. 1384.)

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

1996—Par. (6). Pub. L. 104–152 substituted ''Attorney General'' for ''Secretary of Transportation''.

§ 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;

[1] So in original. Probably should be ''Motor Vehicle''.

(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.)

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

1996—Pub. L. 104–152, § 2(c), 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(a), (c), substituted ''December 31, 1967'' for ''January 31, 1966'' and ''National Motor Vehicle Title Information System'' for ''National Automobile Title Information System'' in two places.

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).

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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30501, 30503, 30504 of this title.

§ 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.)

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.
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

1996—Subsec. (a). Pub. L. 104–152, § 2(c), 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30502 of this title; title 42 section 3750c.

§ 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 Automobile[1] Title Information System under section 30502 of this title, an individual or entity engaged in the business of operating a junk yard or salvage yard shall file a monthly report with the operator of the System. The report shall contain an inventory of all junk automobiles or salvage automobiles obtained by the junk yard or salvage yard during the prior month. The inventory shall contain—

(A) the vehicle identification number of each automobile obtained;

(B) the date on which the automobile was obtained;

(C) the name of the individual or entity from whom the automobile was obtained; and

(D) a statement of whether the automobile was crushed or disposed of for sale or other purposes.

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

(A) required by State law to report the acquisition of junk automobiles or salvage automobiles to State or local authorities if those authorities make that information available to the operator; or

(B) issued a verification under section 33110 of this title stating that the automobile or parts from the automobile are not reported as stolen.

(b) INSURANCE CARRIERS.—Beginning at a time established by the Attorney General that is not sooner than the 3d month before the establishment or designation of the System, an individual or entity engaged in business as an insurance carrier shall file a monthly report with the operator. The report may be filed directly or through a designated agent. The report shall contain an inventory of all automobiles of the current model year or any of the 4 prior model years that the carrier, during the prior month, has obtained possession of and has decided are junk automobiles or salvage automobiles. The inventory shall contain—

(1) the vehicle identification number of each automobile obtained;

[1] So in original. Probably should be ''Motor Vehicle''.

(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, § 3(a), July 2, 1996, 110 Stat. 1384.)

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

1996—Subsecs. (a)(1), (b), (c). Pub. L. 104–152 substituted ''Attorney General'' for ''Secretary of Transportation'' in subsec. (a)(1), and for ''Secretary'' in subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30502 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

SUBCHAPTER I—STATE GRANTS

Sec.
31101. Definitions.
31102. Grants to States.
31103. United States Government's share of costs.
31104. Availability of amounts.
31105. Employee protections.
31106. Commercial motor vehicle information system program.
31107. Truck and bus accident grant program.
31108. Authorization of appropriations.

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

31111. Length limitations.
31112. Property-carrying unit limitation.

Sec.
31113. Width limitations.
31114. Access to the Interstate System.
31115. Enforcement.

SUBCHAPTER III—SAFETY REGULATION

31131. Purposes and findings.
31132. Definitions.
31133. General powers of the Secretary of Transportation.
31134. Commercial Motor Vehicle Safety Regulatory Review Panel.
31135. Duties of employers and employees.
31136. United States Government regulations.
31137. Monitoring device and brake maintenance regulations.
31138. Minimum financial responsibility for transporting passengers.
31139. Minimum financial responsibility for transporting property.
31140. Submission of State laws and regulations for review.
31141. Review and preemption of State laws and regulations.
31142. Inspection of vehicles.
31143. Investigating complaints and protecting complainants.
31144. Safety fitness of owners and operators.
31145. Coordination of Governmental activities and paperwork.
31146. Relationship to other laws.
31147. Limitations on authority.

SUBCHAPTER IV—MISCELLANEOUS

31161. Procedures to ensure timely correction of safety violations.
31162. Compliance review priority.

SUBCHAPTER I—STATE GRANTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 31114, 31115 of this title.

§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 of at least 10,000 pounds;

(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.

(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.)

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.

§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 the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle 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 adopt and assume responsibility for enforcing regulations, standards, and orders of the Government on commercial motor vehicle 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) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances the agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(C) contains satisfactory assurances the State will devote adequate amounts to the administration of the plan and enforcement of the regulations, standards, and orders;

(D) 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;

(E) provides a right of entry and inspection to carry out the plan;

(F) 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;

(G) provides that the agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations the Secretary prescribes;

(H) 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;

(I) 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;

(J) ensures that activities described in subsection (c) 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);

(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;

(N) 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;

(O) provides satisfactory assurances that the State will promote activities—

(i) to remove 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) to provide an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances;

(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;

(P) 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

(Q) ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31140 and 31146, or regulations issued thereunder.

(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)(D) of this subsection, the Secretary—

(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) 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.

(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.

(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.)

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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31103, 31104, 31133, 31142, 31161 of this title.

§31103. United States Government's share of costs

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 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)(D) of this title may not be included as part of the share not provided by the United States Government. 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.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 987.)

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''.

§31104. Availability of amounts

(a) GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)), the following amounts are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title:

(1) not more than $76,000,000 for the fiscal year ending September 30, 1993.

(2) not more than $80,000,000 for the fiscal year ending September 30, 1994.

(3) not more than $83,000,000 for the fiscal year ending September 30, 1995.

(4) not more than $85,000,000 for the fiscal year ending September 30, 1996.

(5) not more than $90,000,000 for the fiscal year ending September 30, 1997.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—(1) 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.

(2) Amounts made available under section 404(a)(2) of the Surface Transportation Assist-

ance 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.

(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.—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.

(g) SPECIFIC ALLOCATIONS.—(1) Of amounts made available under subsection (a) of this section—

(A) for each fiscal year beginning after September 30, 1992, the Secretary shall obligate at least $1,500,000 to make grants to States for training inspectors to enforce regulations prescribed by the Secretary related to the transportation of hazardous material by commercial motor vehicles;

(B) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31106 of this title;

(C) for each of the fiscal years ending September 30, 1993–1997, the Secretary may obligate not more than $2,000,000 to carry out section 31107 of this title;

(D) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $4,250,000, and for each of the fiscal years ending September 30, 1996, and 1997, the Secretary shall obligate at least $5,000,000, for traffic enforcement activities related to commercial motor vehicle drivers that are carried out in conjunction with an appropriate inspection of a commercial motor vehicle for compliance with Government or State commercial motor vehicle safety regulations;

(E) for each of the fiscal years ending September 30, 1993–1995, the Secretary shall obligate at least $1,000,000 to increase enforcement of the licensing requirements of chapter 313 of this title by motor carrier safety assistance program officers and employees, including the cost of purchasing equipment for, and conducting, inspections to check the current status of licenses issued under chapter 313;

(F) for each fiscal year, the Secretary shall obligate at least $500,000 for research, development, and demonstration of technologies, methodologies, analyses, or information systems designed to carry out section 31102 of this title and that are beneficial to all jurisdictions; and

(G) for each fiscal year, the Secretary shall obligate at least $350,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(2) The Secretary shall announce publicly amounts obligated under paragraph (1)(F) of this subsection and award those amounts competitively, when practicable, to any eligible State for up to 100 percent of the State costs or to other persons as the Secretary decides.

(3) In carrying out educational activities referred to in paragraph (1)(G) of this subsection, the Secretary shall consult with appropriate industry representatives.

(h) 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.

(i) IMPROVED ALLOCATION FORMULA.—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.

(j) 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.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 987.)

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.

REFERENCES IN TEXT

Section 404(a) of the Surface Transportation Assistance Act of 1982, referred to in subsec. (b)(2), is section 404(a) of Pub. L. 97–424, which was classified to section 2304(a) of former Title 49, Transportation, and was repealed and reenacted as subsec. (a) of this section by Pub. L. 103–272, §§1(e), 7(b), July 5, 1994, 108 Stat. 987, 1379.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5708, 31106, 31107, 31161, 31312, 31313, 31708 of this title; title 23 section 157.

§31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

(A) 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 regulation, standard, or order, or has testified or will testify in such a proceeding; or

(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 or health; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition.

(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 unsafe 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 unsafe 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. On receiving the complaint, the Secretary shall notify 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 shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify the complainant and the person alleged to have committed the violation of the findings. If the Secretary decides it is reasonable to believe a violation occurred, the Secretary 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 shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary 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 back pay.

(B) If the Secretary issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary may assess against the person against whom the order is issued the costs (including attorney's fees) reasonably incurred by the complainant in bringing the complaint. The Secretary shall determine the costs that reasonably were incurred.

(c) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing 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. The review shall be heard and decided expeditiously. An order of the Secretary subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

(d) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 990.)

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.

§ 31106. Commercial motor vehicle information system program

(a) DEFINITION.—In this section, ''commercial motor vehicle'' means a self-propelled or towed vehicle used on highways in intrastate or interstate commerce to transport passengers or property, if the vehicle—

(1) has a gross vehicle weight rating of at least 10,001 pounds;

(2) is designed to transport more than 15 passengers, including the driver; or

(3) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and that material is transported in a quantity requiring placarding under regulations the Secretary prescribes under section 5103.

(b) INFORMATION SYSTEM.—(1) In cooperation with the States, the Secretary may establish as part of the motor carrier safety information network system of the Department of Transportation and similar State systems, an information system to serve as a clearinghouse and depository of information related to State registration and licensing of commercial motor vehicles and the safety fitness of the commercial motor vehicle registrants. The Secretary shall include in the system information on the safety fitness of each of the registrants and other information the Secretary considers appropriate, including information on vehicle inspections and out-of-service orders.

(2) The operation of the information system established under paragraph (1) of this subsection shall be paid for by a schedule of user fees. The Secretary may authorize the operation of the information system by contract, through an agreement with one or more States, or by designating, after consulting with the States, a third party that represents the interests of the States.

(3) The Secretary shall prescribe standards to ensure—

(A) uniform information collection and reporting by the States necessary to carry out this section; and

(B) the availability and reliability of the information to the States and the Secretary from the information system.

(c) DEMONSTRATION PROJECT.—The Secretary shall make grants to States to carry out a project to demonstrate ways of establishing an information system that will link the motor carrier safety information network system of the Department and similar State systems with the motor vehicle registration and licensing systems of the States. The project shall be designed—

(1) to allow a State when issuing license plates for a commercial motor vehicle to establish through use of the information system the safety fitness of the person seeking to register the vehicle; and

(2) to decide on types of sanctions that may be imposed on the registrant, or the types of conditions or limitations that may be imposed on the operations of the registrant, to ensure the safety fitness of the registrant.

(d) REVIEW OF STATE SYSTEMS.—Not later than December 18, 1992, the Secretary, in cooperation with the States, shall review State motor vehicle registration systems related to license tags for commercial motor vehicles to decide whether those systems can be used in carrying out this section.

(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary shall submit a report to Congress on the cost, benefits, and feasibility of the information system established under subsection (b) of this section. If the Secretary decides that the system would be beneficial on a nationwide basis, the Secretary shall include in the report recommendations on legislation to implement a nationwide system.

(g) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(B) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 991.)

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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31101, 31104 of this title.

§31107. Truck and bus accident grant program

(a) STATE GRANTS.—The Secretary of Transportation shall make grants to States that agree to adopt or have adopted the recommendations of the National Governors' Association related to police accident reports for truck and bus accidents. The Secretary may make a grant under this section only to assist a State in carrying out those recommendations, including—

(1) assisting the State in designing appropriate forms;

(2) drafting instruction manuals;

(3) training appropriate State and local officers on matters, including training on accident investigation techniques to decide on the probable cause of truck and bus accidents;

(4) analyzing and evaluating safety information to develop recommended changes to existing safety programs necessary to address more effectively the causes of truck and bus accidents; and

(5) other activities the Secretary decides are appropriate to carry out this section.

(b) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate grants made under this section with highway safety programs under section 402 of title 23. The Secretary may require that the information from police reports for truck and bus accidents be included in reports made to the Secretary under the uniform information collection and reporting program under section 402.

(c) AUTHORIZATION OF APPROPRIATIONS.—Amounts necessary to carry out this section may be made available to the Secretary under section 31104(g)(1)(C) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 992.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31107	49 App.:2307.	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2155, §408; added Dec. 18, 1991, Pub. L. 102–240, §4004, 105 Stat. 2146.

In subsection (a)(3), the words ''on matters, including training on accident'' are substituted for ''including training on accident'' for clarity.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31104 of this title.

§31108. Authorization of appropriations

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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 993.)

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.

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 31103 of this title.

§ 31111. Length limitations

(a) DEFINITIONS.—In this section—

(1) ''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.

(2) ''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.

(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) 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

(E) 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.)

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 handholds 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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 31112, 31114 of this title; title 23 section 127.

§ 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, AND IOWA.—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.

(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 September 30, 1997.

(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 Sec-

[1] See 1996 Amendment note below.

[2] So in original.

retary 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.)

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).	
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

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).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 23 sections 127, 141.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 31112, 31114 of this title; title 23 section 127.

§ 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 un-

loading 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31112 of this title; title 23 section 127.

§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

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 507, 521, 526 of this title.

§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.

§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 of at least 10,001 pounds;

(B) is designed or used to transport 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;

(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) ''regulation'' includes a standard or order.

(7) ''State'' means a State of the United States, the District of Columbia, and, in sections 31136 and 31140–31142 of this title, a political subdivision of a State.

(8) ''State law'' includes a law enacted by a political subdivision of a State.

(9) ''State regulation'' includes a regulation prescribed by a political subdivision of a State.

(10) ''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.)

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.

AMENDMENTS

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 5113, 14503, 31161 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 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.)

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).	
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.

§ 31134. Commercial Motor Vehicle Safety Regulatory Review Panel

(a) ESTABLISHMENT AND GENERAL DUTY.—The Secretary of Transportation shall establish the

Commercial Motor Vehicle Safety Regulatory Review Panel. The Panel shall analyze and review State laws and regulations under sections 31140 and 31141 of this title.

(b) SPECIFIC DUTIES.—The Panel shall—

(1) carry out those duties and powers designated to be carried out by the Panel under sections 31140 and 31141 of this title;

(2) conduct a study to—

(A) evaluate the need, if any, for additional assistance from the United States Government to the States to enable them to enforce the regulations prescribed by the Secretary under section 31136 of this title; and

(B) decide on other methods of furthering the purposes of this subchapter; and

(3) make recommendations to the Secretary based on the results of the study conducted under clause (2) of this subsection.

(c) COMPOSITION, APPOINTMENT, AND TERMS.—(1) The Panel shall be composed of 15 members as follows:

(A) the Secretary or the Secretary's delegate.

(B) 7 individuals appointed by the Secretary from among individuals who represent the interests of States and political subdivisions of States and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives.

(C) 7 individuals appointed by the Secretary from among individuals who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives.

(2) The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience related to commercial motor vehicle safety. Half of the appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half from names submitted by the Committee on Transportation and Infrastructure of the House of Representatives. Each of these committees shall submit to the Secretary the names of 20 individuals qualified to serve on the Panel.

(3) The term of each member of the Panel appointed under paragraph (1)(B) and (C) of this subsection is 7 years.

(4) A vacancy on the Panel shall be filled in the way the original appointment was made. The vacancy does not affect the Panel's powers.

(d) CHAIRMAN, QUORUM, MEETINGS, AND PAY.—(1) The Secretary is the Chairman of the Panel.

(2) Eight members of the Panel are a quorum, but the Panel may establish a lesser number as a quorum to hold hearings, take testimony, and receive evidence.

(3) The Panel shall meet at the call of the Chairman or a majority of its members.

(4) Members of the Panel shall serve without pay, except that they shall receive expenses under section 5703 of title 5.

(e) PERSONNEL, OFFICE SPACE, AND SUPPORT SERVICES.—On request of the Panel, the Secretary shall—

(1) detail personnel of the Department of Transportation to the Panel as necessary to assist the Panel in carrying out its duties and powers; and

(2) provide office space, supplies, equipment, and other support services to the Panel as necessary for the Panel to carry out its duties and powers.

(f) HEARINGS AND OTHER ACTIONS.—To carry out the duties and powers of the Panel under this subchapter, the Panel or any member authorized by the Panel may hold hearings, sit and act at times and places, take testimony, and take other actions the Panel or the member considers advisable. A member of the Panel may administer oaths to witnesses appearing before the Panel or the member.

(g) TEMPORARY AND INTERMITTENT SERVICES.—Subject to regulations the Panel may prescribe, the Chairman may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31134(a)	49 App.:2508(a).	Oct. 30, 1984, Pub. L. 98–554, §209, 98 Stat. 2838.
31134(b)	49 App.:2508(b).	
31134(c)	49 App.:2508(c), (d)(1), (5).	
31134(d)	49 App.:2508(d) (2)–(4), (6).	
31134(e)	49 App.:2508(e), (f).	
31134(f)	49 App.:2508(g).	
31134(g)	49 App.:2508(h).	

In subsection (a), the words ''As soon as practicable after October 30, 1984'' are omitted as obsolete.

In subsection (d)(4), the words ''per diem and travel'' are omitted as surplus.

In subsection (f), the words ''or affirmations'' are omitted as unnecessary because of 1:1.

AMENDMENTS

1996—Subsec. (c)(1), (2). Pub. L. 104–287 substituted ''Transportation and Infrastructure'' for ''Public Works and Transportation'' wherever appearing.

§31135. Duties of employers and employees

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.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1003.)

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.

§ 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

(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) WAIVERS.—

(1) IN GENERAL.—After notice and an opportunity for comment, the Secretary may waive any part of a regulation prescribed under this section as it applies to a person or class of persons, if the Secretary decides that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive the regulations prescribed under this section as they apply to schoolbuses (as defined in section 30125(a) of this title) unless the Secretary decides that making the regulations applicable to schoolbuses is necessary for public safety, considering all laws of the United States and States applicable to schoolbuses. A waiver under this subsection shall be published in the Federal Register, with the reasons for the waiver.

(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

(A) IN GENERAL.—Not later than the 270th day following November 28, 1995, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the ''program'') to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

(i) if the applicant has a satisfactory safety rating issued by the Secretary or meets criteria established by the Secretary pursuant to subparagraph (J) instead of such rating; and

(ii) if the applicant and the Secretary enter into an agreement that provides that the applicant while participating in the program—

(I) shall operate safely;

(II) shall provide the Secretary with accident and nonconfidential insurance-related information relevant to the safety performance of the applicant and vehicles and drivers of the applicant subject to the program;

(III) shall use in the program only drivers with good safety records in the preceding 36 months and who maintain such good safety records while in the program; and

(IV) shall implement such safety management controls as the Secretary (in cooperation with the applicant) determines are necessary to carry out the objectives of this subsection.

(B) SAFETY MANAGEMENT CONTROLS.—Safety management controls implemented by participants in the program shall be designed to achieve a level of operational safety equal to or greater than that resulting from compliance with the regulations prescribed under this section and sections 504 and 31502.

(C) PAPERWORK BURDEN TO BE MINIMIZED.—The Secretary shall ensure that participants in the program are subject to a minimum of paperwork and regulatory burdens necessary to ensure compliance with the requirements of the program.

(D) ENCOURAGEMENT OF ADVANCED TECHNOLOGY.—The Secretary shall encourage participants in the program to use such advanced technologies as may be necessary to ensure compliance with the requirements of the program.

(E) APPROVAL FACTORS.—In approving applicants for participation in the program, the Secretary shall—

(i) ensure that the participants represent a broad cross-section of fleet size and drivers of eligible vehicles; and

(ii) ensure participation by qualified applicants, except to the extent limited by

resources of the Secretary that are necessary to permit effective monitoring under subparagraph (G).

(F) MODIFICATIONS TO REFLECT CHANGES IN REGULATIONS.—If there is a material change in the regulations prescribed under this section or section 504 or 31502, the Secretary shall require each participant in the program to modify the safety management controls applicable to such participant, and the agreement provided for in subparagraph (A)(ii), to the extent necessary to reflect the material change.

(G) MONITORING.—The Secretary and participants in the program shall monitor periodically the safety of vehicles and drivers subject to the program.

(H) TERMINATION OF PARTICIPATION.—A participant shall participate in the program until—

(i) the Secretary finds that—

(I) the participant has exceeded the average ratio of preventable accidents to vehicle miles traveled for a period of 12 months for eligible vehicles;

(II) the participant has failed to comply with the requirements established by the Secretary for participation in the program (including applicable safety management controls); or

(III) continued participation in the program is not in the public interest; or

(ii) the participant voluntarily withdraws from the program.

(I) EMERGENCIES.—The Secretary may suspend or modify participation in the program in case of emergency.

(J) GUIDELINES.—

(i) IN GENERAL.—Not later than the 270th day following November 28, 1995, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

(ii) LIMITATION.—Notwithstanding clause (i), the program shall take effect on or before the 270th day following November 28, 1995. If the rulemaking described in clause (i) is not completed on or before such 270th day, the Secretary shall issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

(K) ELIGIBLE VEHICLES.—For purposes of this subsection, the term ''eligible vehicle'' means a commercial motor vehicle with a gross vehicle weight rating of at least 10,001 pounds, but not more than 26,000 pounds, other than a vehicle—

(i) designed to transport more than 15 passengers, including the driver; or

(ii) used in transporting material found by the Secretary to be hazardous under section 5103 and transported in a quantity requiring placarding under the regulations issued under such section.

(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on November 28, 1995. Upon completion of the review, the Secretary shall, after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.

(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.)

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

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).

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

Section 345 of Pub. L. 104–59 provided that:

''(a) EXEMPTIONS.—

''(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary 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 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 and is during the planting and harvesting seasons within such State, as determined by the State.

''(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.

''(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) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, 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.

''(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.—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 may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (2)) 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.

''(f) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the 180th day following the date of the enactment of this Act [Nov. 28, 1995]; except that paragraphs (1) and (2) of subsection (a) shall take effect on such date of enactment.''

WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM

Section 346 of Pub. L. 104–59 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].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31132, 31134, 31140, 31141, 31142, 31146 of this title.

§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.—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—

(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.

(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.

(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 Treasury as miscellaneous receipts.

(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, having a seating capacity of not more than 6 passengers, and not being operated on a regular route or between specified places;

(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.)

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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 507, 521, 526, 10927, 13101, 13902, 13906 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 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) The level of financial responsibility established under paragraph (1) of this subsection shall be at least $750,000.

(c) 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).

(d) 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.

(e) 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.

(f) 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 Treasury as miscellaneous receipts.

(g) 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.)

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

1995—Subsec. (e)(3). Pub. L. 104–88 added par. (3).

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 507, 521, 526, 10927, 13906 of this title; title 42 section 9608.

§31140. Submission of State laws and regulations for review

(a) GENERAL.—A State 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 of Transportation and the Commercial Motor Vehicle Safety Regulatory Review Panel immediately after the enactment or issuance.

(b) ADDITIONAL INFORMATION.—As soon as practicable but not later than a date the Panel may establish, a State that submits a State law or regulation under this section to the Panel shall—

(1) indicate in writing to the Panel whether the law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

(B) is less stringent than that regulation; or

(C) is additional to or more stringent than that regulation; and

(2) submit to the Panel other information the Panel or the Secretary may require to carry out this subchapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1008.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31140(a)	49 App.:2506(a)–(c).	Oct. 30, 1984, Pub. L. 98–554, §207, 98 Stat. 2835.
31140(b)	49 App.:2506(d), (e).	

In subsection (a), the text of 49 App.:2506(a) and (c) is omitted as expired.

In subsection (b)(1), the reference to section 31136 was in the original ''section 6'' and was translated as if the reference was to section 206 to reflect the probable intent of Congress. The text of 49 App.:2506(e) is omitted as surplus because of section 31141 of the revised title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31102, 31132, 31134 of this title.

§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) ANALYSIS AND DECISIONS BY THE PANEL.—(1) The Commercial Motor Vehicle Safety Regulatory Review Panel annually shall analyze State laws and regulations and decide which of those laws and regulations are related to commercial motor vehicle safety.

(2) Not later than one year after the date the Secretary prescribes a regulation under section 31136 of this title or one year after the date the Panel decides under paragraph (1) of this subsection that a State law or regulation is related to commercial motor vehicle safety, whichever is later, the Panel shall—

(A) decide whether the State law or regulation—

(i) has the same effect as the regulation prescribed by the Secretary;

(ii) is less stringent than that regulation; or

(iii) is additional to or more stringent than that regulation;

(B) decide, for each State law or regulation that the Panel decides is additional to or more stringent than the regulation prescribed by the Secretary, whether—

(i) the State law or regulation has no safety benefit;

(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce; and

(C) notify the Secretary of the Panel's decisions under this subsection.

(c) REVIEW AND DECISIONS BY SECRETARY.—(1) The Secretary shall review each State law and regulation on commercial motor vehicle safety. Not later than 18 months after the date the Panel notifies the Secretary of a decision under subsection (b) of this section, the Secretary shall—

(A) conduct a regulatory proceeding to decide under this subsection whether the State law or regulation may be enforced; and

(B) prescribe a final regulation.

(2) 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) 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) 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)(A) In deciding about a State law or regulation under this subsection, the Secretary shall give great weight to the corresponding decision made by the Panel about that law or regulation under subsection (b) of this section.

(B) In deciding under paragraph (4) of this subsection 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) CONSOLIDATING PROCEEDINGS.—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.

(f) 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.

(g) 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.

(h) 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31132, 31134 of this title.

§ 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 part 393 of title 49, Code of Federal Regulations.

(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 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

(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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31132 of this title.

§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).	

§31144. Safety fitness of owners and operators

(a) PROCEDURE.—(1) The Secretary of Transportation shall prescribe regulations establishing a procedure to decide on the safety fitness of

owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

(A) specific initial and continuing requirements to be met by the owners, operators, and persons to prove safety fitness;

(B) a means of deciding whether the owners, operators, and persons meet the safety fitness requirements under clause (A) of this paragraph; and

(C) specific time deadlines for action by the Secretary in making fitness decisions.

(2) Regulations prescribed under this subsection supersede all regulations of the United States Government on safety fitness and safety rating of motor carriers in effect on October 30, 1984.

(b) FINDINGS AND ACTION ON REGISTRATIONS.—The Secretary shall find that a person seeking to register as a motor carrier is unfit if such person does not meet the safety fitness requirements established under subsection (a) and shall not register such person.

(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.)

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

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 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13902, 13905 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31102 of this title.

§ 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.

SUBCHAPTER IV—MISCELLANEOUS

§ 31161. Procedures to ensure timely correction of safety violations

(a) DEFINITION.—Section 31132(1) of this title applies to this section.

(b) GENERAL.—Not later than August 3, 1991, the Secretary of Transportation shall prescribe regulations establishing procedures to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with money authorized under section 31104 of this title.

(c) VERIFICATION PROGRAM.—The regulations shall establish a verification program for United States Government inspectors and States participating under section 31102 of this title to ensure that commercial motor vehicles and their operators found in violation of safety requirements have been brought into compliance with those requirements. The regulations shall include—

(1) a nationwide system for random reinspection of the commercial motor vehicles and their operators that have been declared out-of-service because of those safety violations, with the main purpose of the system being to verify that the violations have been corrected on a timely basis;

(2) a program of accountability for correcting all safety violations that shall provide that—

(A) the operator of a commercial motor vehicle for which a safety violation has been noted shall be issued a form prescribed by the Secretary;

(B) the person making the repairs necessary to correct the violation shall certify on the form the making of repairs and the date, location, and time of the repairs;

(C) the motor carrier responsible for the commercial motor vehicle or operator shall certify on the form that, based on the carrier's knowledge, the repairs necessary to correct the violation have been made; and

(D) appropriate State penalties shall be imposed for a false statement on the form or a failure to return the form to the appropriate State entity; and

(3) a system for ensuring that appropriate State penalties are imposed for failure to correct any of those safety violations.

(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)*
31161	49 App.:2501 (note).	Nov. 3, 1990, Pub. L. 101–500, §15(d), (g)(1), 104 Stat. 1219, 1221.

In subsection (b), the words ''to carry out the motor carrier safety assistance program'' are omitted as surplus.

In subsection (c), the words ''section 31102 of this title'' are substituted for ''the motor carrier safety assistance program'' for clarity.

§31162. Compliance review priority

If the Secretary of Transportation identifies a pattern of violations of State or local traffic safety laws or regulations or commercial motor vehicle safety regulations, standards, or orders among drivers of commercial motor vehicles employed by a particular motor carrier, the Secretary or a State representative shall ensure that the motor carrier receives a high priority for review of that carrier's compliance with applicable United States Government and State commercial motor vehicle safety regulations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31162	49 App.:2511a.	Dec. 18, 1991, Pub. L. 102–240, §4014, 105 Stat. 2158.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.
31301. Definitions.
31302. Limitation on the number of driver's licenses.
31303. Notification requirements.
31304. Employer responsibilities.
31305. General driver fitness and testing.
31306. Alcohol and controlled substances testing.
31307. Minimum training requirements for operators of longer combination vehicles.
31308. Commercial driver's license.
31309. Commercial driver's license information system.
31310. Disqualifications.
31311. Requirements for State participation.
31312. Grants for testing and ensuring the fitness of operators of commercial motor vehicles.
31313. Grants for issuing commercial drivers' licenses and complying with State participation requirements.
31314. Withholding amounts for State noncompliance.
31315. Waiver authority.
31316. Limitation on statutory construction.
31317. Procedure for prescribing regulations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 11303, 31104 of this title; title 18 section 2721; title 20 section 1211b.

§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 of at least 26,001 pounds or a lesser gross vehicle weight rating 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 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 not otherwise regulated by the Secretary or 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; and

(D) 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.)

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.

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 345(a)(5) of Pub. L. 104–59, set out as a note under section 31136 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 31316 of this title; title 21 section 849.

§ 31302. Limitation on the number of driver's licenses

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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1015.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 31304 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 521 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 521 of this title.

§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; and

(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;

(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 to operate the vehicle that meet the minimum standards prescribed by the Secretary under subsection (a) of this section.

(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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 31308, 31311, 31312 of this title.

§ 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 pre-

employment, 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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5331, 31301 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31317 of this title.

§ 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 by the States and for information to be contained on each of the licenses. 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) the license be tamperproof to the maximum extent practicable; and

(3) the license contain—

(A) the name and address of the individual issued the license 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;

(D) the name of the State that issued the license; and

(E) the dates between which the license is valid.

(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)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31311 of this title.

§ 31309. Commercial driver's license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section, 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 Secretary shall consult with the States in carrying out this section.

(b) STATE AGREEMENTS.—If the Secretary 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.

(c) ESTABLISHMENT BY SECRETARY.—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.

(d) 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 to the operator;

(E) the dates between which the license is valid; and

(F) whether the operator had a commercial motor vehicle driver's license 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) 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.

(e) AVAILABILITY OF INFORMATION.—(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).

(f) FEE SYSTEM.—If the Secretary establishes an information system under this section, the Secretary shall 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).

(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)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31311, 31313 of this title.

§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; or

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section).

(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; or

(D) committing any combination of single violations or use described in clauses (A)–(C) of this paragraph.

(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) STATE DISQUALIFICATION.—Notwithstanding subsections (b)–(e) of this section, the Secretary does not have to disqualify an individual 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)–(e). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.

(g) 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) Not later than December 18, 1992, 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 90 days and liable for a civil penalty of at least $1,000;

(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 one year and not more than 5 years and liable for a civil penalty of at least $1,000; and

(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 $10,000.

(h) 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.)

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''.

AMENDMENTS

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].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 31311 of this title.

§ 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.

(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, the State shall request from any other State that has issued a commercial 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.

(9) 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.

(10) 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.

(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 the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle when the individual—

(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.

(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

(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 section 31310(b)–(e) of this title.

(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 section 31310(g)(1)(A) and (2) of this title.

(18) The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(h) of this title.

(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.)

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.

AMENDMENTS

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31309, 31312, 31313, 31314 of this title.

§ 31312. Grants for testing and ensuring the fitness of operators of commercial motor vehicles

(a) BASIC GRANTS.—(1) The Secretary of Transportation may make a grant to a State under this subsection if the State—

(A) makes an agreement with the Secretary—

(i) to adopt and carry out in the fiscal year in which the grant is made a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles under the minimum standards prescribed by the Secretary under section 31305(a) of this title; and

(ii) to require that operators of commercial motor vehicles have passed written and driving tests that meet the minimum standards; and

(B) has in effect and enforces in that fiscal year a law providing that an individual with a blood alcohol concentration of at least .10 percent when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(2) A State may—

(A) administer driving tests referred to in paragraph (1) of this subsection and section 31311(a) of this title; or

(B) make an agreement, approved by the Secretary, for the tests to be administered by a person (including a department, agency, or instrumentality of a local government) that meets minimum standards the Secretary prescribes by regulation if—

(i) the agreement allows the Secretary and the State each to conduct random examinations, inspections, and audits of the testing without prior notification; and

(ii) the State annually conducts at least one onsite inspection of the testing.

(3) The Secretary shall decide on the amount of a grant in a fiscal year to be made under this subsection to a State eligible to receive the grant in the fiscal year. However—

(A) a grant to a State under this subsection shall be at least $100,000 in a fiscal year; and

(B) to the extent each State grant under this subsection is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

(4) A State receiving a grant under this subsection may use the amounts provided under the grant only to test operators of commercial motor vehicles.

(5) There is available to the Secretary to carry out this subsection $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

(b) SUPPLEMENTAL GRANTS.—(1) The Secretary may make a grant under this subsection in a fiscal year to a State eligible to receive a grant under subsection (a) of this section in that fiscal year. A grant made under this subsection shall be used for testing operators of commercial motor vehicles.

(2) Amounts of grants under this subsection shall be distributed among the States eligible to receive grants under subsection (a) of this section in the fiscal year on the basis of the number of written and driving tests administered, and the number of drivers' licenses for the operation of commercial motor vehicles issued, in the prior fiscal year.

(3) There is available to the Secretary to carry out this subsection $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

(c) 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 United States Government amounts, for testing operators of commercial motor vehicles will be maintained at a level at least equal to the average level of that expenditure for its last 2 fiscal years before October 27, 1986.

(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

(2) Amounts made available to the Secretary under this section remain available until expended.

(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the Government for payment of the amount of the grant.

(f) TESTING AND FITNESS PROGRAM STUDIES.—In this section, development of a program for testing and ensuring the fitness of individuals who operate commercial motor vehicles includes studies of—

(1) the number of vehicles that will need to be tested under the program in a calendar year;

(2) facilities at which testing of those individuals could be conducted; and

(3) additional resources (including personnel) that will be necessary to conduct the testing.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1025.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31312(a)	49 App.:2704(c)(1)–(5), (7).	Oct. 27, 1986, Pub. L. 99–570, §12005(c)–(e), 100 Stat. 3207–173.
31312(b)	49 App.:2704(d).	
31312(c)	49 App.:2704(e)(1).	
31312(d)	49 App.:2704(e)(2).	
31312(e)	49 App.:2704(e)(3).	
31312(f)	49 App.:2704(c)(6).	

In subsections (a) and (b), the words ''in a fiscal year beginning after September 30, 1989'' and ''in any fiscal year beginning after September 30, 1989'' are omitted as obsolete.

In subsection (a)(1), before clause (A), the text of 49 App.:2704(c)(1) is omitted as obsolete.

In subsection (a)(4), the text of 49 App.:2704(c)(5)(A) is omitted as obsolete.

In subsections (a)(5) and (b)(3), the word ''under'' is substituted for ''to carry out'' the 2d time they appear for clarity.

In subsection (a)(5), the references to fiscal years 1987–1991 are omitted as obsolete.

In subsection (b)(1), the text of 49 App.:2704(d)(1) (2d sentence) is omitted as obsolete.

In subsection (b)(3), the text of 49 App.:2704(d)(3)(A) and the references to fiscal years 1989–1991 are omitted as obsolete.

In subsection (d)(1), the words ''made available to a State under this section'' are substituted for ''made available to carry out this subsection'' for clarity and to correct a cross-reference error in the source provisions.

In subsection (d)(2), the words ''to the Secretary'' are added for clarity.

In subsection (e), the words ''Notwithstanding any other provision of law'' are omitted as surplus. The words ''shall be deemed'' are omitted as unnecessary because the text is a restatement of a legal conclusion.

§31313. Grants for issuing commercial drivers' licenses and complying with State participation requirements

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant under this section to a State in a fiscal year if the State makes an agreement with the Secretary to participate in that fiscal year in the commercial driver's license program established by this chapter and the information system required by section 31309 of this title and to comply with the requirements of section 31311(a) of this title.

(b) AMOUNTS OF GRANTS.—The Secretary shall decide on the amount of a grant in a fiscal year to be made under this section to a State eligible to receive the grant in the fiscal year. However—

(1) a grant to a State under this section shall be at least $100,000 in a fiscal year; and

(2) to the extent each State grant under this section is more than $100,000 in a fiscal year, the Secretary shall ensure that those States are treated equitably.

(c) LIMITATION ON USE.—A State receiving a grant under this section may use the amounts provided under the grant only for issuing commercial drivers' licenses and complying with the requirements of section 31311(a) of this title.

(d) AVAILABILITY OF AMOUNTS.—(1) Amounts made available to a State under this section remain available for obligation by the State for the fiscal year for which the amounts are made available. Any of those amounts not obligated before the last day of that fiscal year are no longer available for obligation by the State and are available to the Secretary to carry out this chapter.

(2) Amounts made available to the Secretary under this section remain available until expended.

(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under this section is a contractual obligation of the United States Government for payment of the amount of the grant.

(f) AUTHORIZATION.—There is available to the Secretary to carry out this section $_____ from amounts made available under section 31104 of this title for the fiscal year ending September 30, 19__.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1027.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31313(a)	49 App.:2709(a).	Oct. 27, 1986, Pub. L. 99–570, §12010, 100 Stat. 3207–183.
31313(b)	49 App.:2709(b).	
31313(c)	49 App.:2709(c).	
31313(d)	49 App.:2709(d).	
31313(e)	49 App.:2709(e).	
31313(f)	49 App.:2709(f).	

In this section, the word ''amounts'' is substituted for ''funds'' for consistency in the revised title.

In subsections (a) and (c), the cross-reference to section 31311 of the revised title is limited to section 31311(a) to be more precise and to be consistent with the cross-reference to section 31311(a) in section 31314 of the revised title.

In subsection (d)(2), the words ''to the Secretary'' are added for clarity.

In subsection (e), the words ''shall be deemed'' are omitted as unnecessary because the text is a restatement of a legal conclusion.

In subsection (f), the word ''under'' is substituted for ''to carry out'' the 2d time they appear for clarity. The references to fiscal years 1989–1991 are omitted as obsolete.

§31314. Withholding amounts for State noncompliance

(a) FIRST FISCAL YEAR.—The Secretary of Transportation shall withhold 5 percent of the amount required to be apportioned to a State under section 104(b)(1), (2), (5), and (6) 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 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (2), (5), and (6) 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.—(1) 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.

(2) Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

(d) APPORTIONMENT AFTER COMPLIANCE.—(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.

(e) LAPSE.—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. 103–272, § 1(e), July 5, 1994, 108 Stat. 1028.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31311 of this title.

§ 31315. Waiver authority

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.

(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)*
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.

§ 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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 104, 302, 501 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 501 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 require-

ments 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.

(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.)

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.
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.

AMENDMENTS

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.''

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 507, 521, 526, 31136, 31504 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	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. Working group.
31703. Grants.
31704. Vehicle registration.
31705. Fuel use tax.
31706. Enforcement.
31707. Limitations on statutory construction.
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.

§ 31702. Working group

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the American Association of Motor Vehicle Administrators, the National Conference of State Legislatures, the Federation of Tax Ad-

ministrators, and the Board of Directors for the International Fuel Tax Agreement, and a representative of the Regional Fuel Tax Agreement.

(b) PURPOSES.—The purposes of the working group are—

(1) to propose procedures to resolve disputes among States participating in the International Registration Plan and among States participating in the International Fuel Tax Agreement, including designating the Secretary or any other person to resolve the disputes; and

(2) to provide technical assistance to States participating or seeking to participate in the Plan or Agreement.

(c) CONSULTATION REQUIREMENT.—In carrying out subsection (b) of this section, the working group shall consult with members of the motor carrier industry.

(d) REPORT.—(1) Not later than December 18, 1993, the working group shall submit a report to—

(A) the Secretary;

(B) the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Committee on Public Works and Transportation of the House of Representatives;

(D) the Committee on the Judiciary of the House of Representatives;

(E) the States participating in the International Registration Plan; and

(F) the States participating in the International Fuel Tax Agreement.

(2) The report shall contain a detailed statement of the working group's findings and conclusions and its joint recommendations about the matters referred to in subsection (b) of this section. After submitting the report, the working group periodically may review and modify the findings and conclusions and the joint recommendations as appropriate and submit a report containing the modifications to the Secretary and the committees specified in paragraph (1) of this subsection.

(e) RELATIONSHIP TO OTHER LAWS.—The Federal Advisory Committee Act (5 App. U.S.C.) does not apply to the working group.

(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)*
31702	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(a)–(d), 105 Stat. 2153.

In subsection (a), the words ''Not later than 180 days after December 18, 1991'' are omitted as obsolete. The word ''comprised'' is omitted as surplus.

In subsection (b)(1), the word ''Secretary'' is substituted for ''Department of Transportation'' for consistency in the revised title.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31708 of this title.

§ 31703. Grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make grants to States and appropriate persons to facilitate participation in the International Registration Plan and the International Fuel Tax Agreement and to make administrative improvements in any other base State fuel use tax agreement in existence as of January 1, 1991. A grant may include amounts for technical assistance, personnel training, travel costs, and technology and equipment associated with the participation.

(b) CONTRACTUAL OBLIGATION.—Approval by the Secretary of a grant with amounts made available under this section is a contractual obligation of the United States Government for payment of the Government's share of the grant.

(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)*
31703	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4008(e), 105 Stat. 2154.

In subsection (b), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31708 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31706, 31707 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31706, 31707 of this title.

§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. Authorization of appropriations

(a) GENERAL.—From amounts made available under section 31104 of this title, the Secretary of Transportation shall provide the following amounts for each of the fiscal years ending September 30, 1993-1997:

(1) $1,000,000 for activities of the working group under section 31702 of this title.

(2) $5,000,000 for grants under section 31703 of this title.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under this section remain available until expended.

(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)*
31708	49:11506 (note).	Dec. 18, 1991, Pub. L. 102–240, §4008(j), 105 Stat. 2155.

In subsection (a), the text of section 4008(j) (1st and 2d sentences) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2155) is omitted as obsolete.

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 15 section 2512; title 18 sections 511, 2721.

CHAPTER 321—GENERAL

Sec.
32101. Definitions.
32102. Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 2721.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32304 of this title; title 18 sections 511, 553.

§ 32102. Authorization of appropriations

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.

(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)*
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.

CHAPTER 323—CONSUMER INFORMATION

Sec.
32301. Definitions.
32302. Passenger motor vehicle information.
32303. Insurance information.
32304. Passenger motor vehicle country of origin labeling.
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

1994—Pub. L. 103–429, § 6(28), Oct. 31, 1994, 108 Stat. 4380, substituted ''Civil'' for ''Criminal'' in item 32309.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 2721.

§ 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). 15:1941(d) (1st–13th words).	Oct. 20, 1972, Pub. L. 92–513, § 201(c), (e), 86 Stat. 956. 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32302 of this title.

§ 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.

(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.

(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, passenger motor vehicle equipment whose purchase price contains at least 70 percent value added in the United States and Canada; 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) 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.

(d) 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.

(e) 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.

(f) 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.)

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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32309 of this title.

§ 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) 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.

(d) VENUE AND SERVICE.—A civil action under this section may be brought in the judicial district in which the violation occurred or the de-

fendant 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.)

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).

§ 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. Annual report.
32511. Relationship to other motor vehicle standards.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 2721.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32510 of this title.

§ 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 any part of a standard—

(1) a multipurpose passenger vehicle; or

(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.

(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 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.)

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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32503, 32504, 32506, 32507, 32508, 32511 of this title.

§ 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 rea-

sonable 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32506, 32507 of this title.

§ 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 eliminate 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, 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32507 of this title.

§ 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.start

§ 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. Annual report

Not later than March 31 of each year, the Secretary of Transportation shall submit to Congress and the President a report on the progress in carrying out section 32501 of this title. The report shall include—

(1) a statement of the cost savings resulting from carrying out this chapter; and

(2) recommendations for legislative or other action the Secretary decides may be appropriate.

(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)*
32510	15:1922.	Oct. 20, 1972, Pub. L. 92–513, § 112, 86 Stat. 955.

In clause (2), the word ''further'' is omitted as surplus.

§ 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 equip-

ment 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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 18 section 2721.

§ 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).	

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32705 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32703 of this title.

§ 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.

(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.)

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

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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30502, 32703 of this title.

§ 32706. Inspections, investigations, and records

(a) AUTHORITY TO INSPECT AND INVESTIGATE.—Subject to section 32707 of this title, the Sec-

retary 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 II[1] of chapter 105 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.)

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.

[1] See References in Text note below.

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).

REFERENCES IN TEXT

Subchapter II of chapter 105 of this title, referred to in subsec. (c), was omitted in the general amendment of subtitle IV of this title by Pub. L. 104–88, title I, § 102(a), Dec. 29, 1995, 109 Stat. 804. Provisions similar to those in subchapter II of chapter 105 are contained in subchapter I of chapter 135 of this title.

AMENDMENTS

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32707 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 appropriate, 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32706 of this title.

§ 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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 con-

sistency 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32705 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32709 of this title.

§ 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.
32904. Calculation of average fuel economy.
32905. Manufacturing incentives for alternative fuel automobiles.
32906. Maximum fuel economy increase for alternative fuel automobiles.
32907. Reports and tests of manufacturers.
32908. Fuel economy information.
32909. Judicial review of regulations.
32910. Administrative.
32911. Compliance.
32912. Civil penalties.
32913. Compromising and remitting civil penalties.
32914. Collecting civil penalties.
32915. Appealing civil penalties.
32916. Reports to Congress.
32917. Standards for executive agency automobiles.
32918. Retrofit devices.
32919. Preemption.

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''.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 32101, 33104 of this title; title 18 section 2721.

§ 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 (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.

(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) ''dedicated automobile'' means an automobile that operates only on alternative fuel.

(8) ''dual fueled automobile'' means an automobile that—

(A) is capable of operating on alternative fuel 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.

(9) ''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.

(10) ''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.

(11) ''import'' means to import into the customs territory of the United States.

(12) ''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.

(13) ''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.

(14) ''model'' means a class of automobiles as decided by regulation by the Administrator after consulting and coordinating with the Secretary.

(15) ''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.

(16) ''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.

(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.)

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).	
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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30501, 32906, 32908, 32909, 33101 of this title; title 15 section 2011; title 26 section 4064; title 42 sections 6291, 6374, 13211.

§ 32902. Average fuel economy standards

(a) NON-PASSENGER AUTOMOBILES.—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 (except passenger 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. The Secretary may prescribe separate standards for different classes of automobiles.

(b) PASSENGER AUTOMOBILES.—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.

(c) AMENDING PASSENGER AUTOMOBILE STANDARDS.—(1) Subject to paragraph (2) of this subsection, 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.

(2) 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.

(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; and

(2) shall consider dual fueled automobiles to be operated only on gasoline or diesel fuel.

(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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1059.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32901, 32903, 32904, 32907, 32909, 32911, 32912, 32917 of this title.

§ 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 manufac-

turer in a particular model year exceeds an applicable average fuel economy standard under section 32902(b)–(d) of this title (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 clause (1) of this subsection, any of the 3 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 section 32902(b)–(d) of this title 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) 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 section 32902(b)–(d) of this title; 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) 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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32902, 32904, 32909, 32911, 32912 of this title.

§ 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.

(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.

(6)(A) A manufacturer may file with the Secretary of Transportation a petition for an exemption from the requirement of separate calculations under paragraph (1)(A) of this subsection if the manufacturer began automobile production or assembly in the United States—

(i) after December 22, 1975, and before May 1, 1980; or

(ii) after April 30, 1980, if the manufacturer has engaged in the production or assembly in the United States for at least one model year ending before January 1, 1986.

(B) The Secretary of Transportation shall grant the exemption unless the Secretary finds that the exemption would result in reduced employment in the United States related to motor vehicle manufacturing during the period of the exemption. An exemption under this paragraph is effective for 5 model years or, if requested by the manufacturer, a longer period provided by the Secretary in the order granting the exemption. The exemption applies to passenger automobiles manufactured by that manufacturer during the period of the exemption.

(C) Before granting an exemption, the Secretary of Transportation shall provide notice of, and reasonable opportunity for, written or oral comment about the petition. The period for comment shall end not later than 60 days after the petition is filed, except that the Secretary may extend the period for not more than another 30 days. The Secretary shall decide whether to grant or deny the exemption, and publish notice of the decision in the Federal Register, not later than 90 days after the petition is filed, except that the Secretary may extend the time for decision to a later date (not later than 150 days after the petition is filed) if the Secretary publishes notice of, and reasons for, the extension in the Federal Register. If the Secretary does not make a decision within the time provided in this subparagraph, the petition is deemed to have been granted. Not later than 30 days after the end of the decision period, the Secretary shall submit a written statement of the reasons for not making a decision to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives.

(7)(A) A person adversely affected by a decision of the Secretary of Transportation granting or denying an exemption may file, not later than 30 days after publication of the notice of the decision, a petition for review in the United States Court of Appeals for the District of Columbia Circuit. That court has exclusive jurisdiction to review the decision and to affirm, remand, or set aside the decision under section 706(2)(A)–(D) of title 5.

(B) A judgment of the court under this subparagraph may be reviewed by the Supreme Court under section 1254 of title 28. Application for review by the Supreme Court must be made not later than 30 days after entry of the court's judgment.

(C) A decision of the Secretary of Transportation on a petition for an exemption under this paragraph may be reviewed administratively or judicially only as provided in this paragraph.

(8) Notwithstanding section 32903 of this title, during a model year when an exemption under this paragraph is effective for a manufacturer—

(A) credit may not be earned under section 32903(a) of this title by the manufacturer; and

(B) credit may not be made available under section 32903(b)(2) of this title for the manufacturer.

(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.)

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

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32901, 32905, 32906, 32909, 32910, 32911, 32912, 32916 of this title; title 15 section 2512.

§ 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 1993–2004, 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 measured under subsection (a) of this section when operating the model on alternative 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 1993–2004, 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) EXTENDING APPLICATION OF SUBSECTIONS (b) AND (d).—Not later than December 31, 2001, the Secretary of Transportation shall—

(1) extend by regulation the application of subsections (b) and (d) of this section for not more than 4 consecutive model years immediately after model year 2004 and explain the basis on which the extension is granted; or

(2) publish a notice explaining the reasons for not extending the application of subsections (b) and (d) of this section.

(g) STUDY AND REPORT.—Not later than September 30, 2000, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator, shall complete a study of the success of the policy of subsections (b) and (d) of this title, and submit to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate and the Committee on Commerce of the House of Representatives a report on the results of the study, including preliminary conclusions on whether the application of subsections (b) and (d) should be extended for up to 4 more model years. The study and conclusions shall consider—

(1) the availability to the public of alternative fueled automobiles and alternative fuel;

(2) energy conservation and security;

(3) environmental considerations; and

(4) other relevant factors.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1065; Pub. L. 104–287, § 5(63), Oct. 11, 1996, 110 Stat. 3395.)

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

1996—Subsec. (g). Pub. L. 104–287 substituted ''Committee on Commerce'' for ''Committee on Energy and Commerce''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32901, 32906, 32908 of this title.

§ 32906. Maximum fuel economy increase for alternative fuel automobiles

(a) MAXIMUM INCREASES.—(1)(A) For each of the model years 1993–2004 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 1.2 miles a gallon.

(B) If the application of section 32905(b) and (d) of this title is extended under section 32905(f) of this title, for each category of automobile (except an electric automobile) the maximum increase in average fuel economy for a manufacturer for each of the model years 2005–2008 attributable to dual fueled automobiles is .9 mile a gallon.

(2) In applying paragraph (1) of this subsection, 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) of this title the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula in section 32904(a)(1) of this title by including as the denominator for each model of dual fueled automobile the fuel economy when the automobiles are operated on gasoline or diesel fuel. If the increase attributable to dual fueled automobiles for any model year described—

(A) in paragraph (1)(A) of this subsection is more than 1.2 miles a gallon, the limitation in paragraph (1)(A) applies; and

(B) in paragraph (1)(B) of this subsection is more than .9 mile a gallon, the limitation in paragraph (1)(B) applies.

(b) OFFSETS.—Notwithstanding this section and sections 32901(c) and 32905 of this title, if the Secretary of Transportation reduces the average fuel economy standard for passenger automobiles for any model year below 27.5 miles a gallon, an increase in average fuel economy for passenger automobiles of more than .7 mile a gallon to which a manufacturer of dual fueled automobiles would otherwise be entitled is reduced by an amount equal to the amount of the reduction in the standard. However, the increase may not be reduced to less than .7 mile a gallon.

(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)*
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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32906(b)	15:2013(g)(2)(A).	

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32901 of this title.

§ 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.
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.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1068; Pub. L. 103–429, §6(37), Oct. 31, 1994, 108 Stat. 4382.)

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).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	15:2006 (note).	
32908(c)(3) ..	15:2006(b)(1) (last sentence), (2).	
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.

AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103–429 inserted ''on the automobile'' after ''maintain the label'' in introductory provisions.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32304, 32901, 32904, 32909, 32911, 32918 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).	
	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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33117 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 13263.

§ 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).	

Historical and Revision Notes—Continued
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	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)''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32912, 32913 of this title.

§ 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.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1072.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32909, 32913, 32914, 32915 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 32914, 32915 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) of this title, the Secretaries of Transportation and Labor shall conduct annually a joint examination of the extent to which section 32904(b)(6)—

(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.

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).	

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32911 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32911 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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 32705 of this title; title 18 section 2721.

§ 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.
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 32101 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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33101, 33104, 33105, 33106, 33107, 33108, 33112, 33114, 33115, 33118 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33101, 33105, 33106, 33107, 33108, 33112, 33114, 33115, 33118 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33101, 33102, 33103, 33116 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33102, 33103, 33104 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33102, 33114 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33110, 33111 of this title.

§ 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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 30504, 33109, 33111 of this title.

§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.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33109 of this title.

§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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 33102, 33103 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33103 of this title.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33115 of this 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 33103 of this 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.

SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

SUBPART I—GENERAL

Chapter		Sec.
401.	**General Provisions**	**40101**

SUBPART II—ECONOMIC REGULATION

411.	**Air Carrier Certificates**	**41101**
413.	**Foreign Air Transportation**	**41301**
415.	**Pricing**	**41501**
417.	**Operations of Carriers**	**41701**
419.	**Transportation of Mail**	**41901**
421.	**Labor-Management Provisions**	**42101**

SUBPART III—SAFETY

441.	**Registration and Recordation of Aircraft**	**44101**
443.	**Insurance**	**44301**
445.	**Facilities, Personnel, and Research**	**44501**
447.	**Safety Regulation**	**44701**
449.	**Security**	**44901**
451.	**Alcohol and Controlled Substances Testing**	**45101**
453.	**Fees**	**45301**

SUBPART IV—ENFORCEMENT AND PENALTIES

461.	**Investigations and Proceedings**	**46101**