

defined in section 5302(a)(6)¹ established to provide, or make a contract providing for, commuter rail passenger transportation;

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

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

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

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

REFERENCES IN TEXT

Section 5302, referred to in par. (4), was amended generally by Pub. L. 112-141, div. B, §20004, July 6, 2012, 126 Stat. 623, and, as so amended, no longer contains a subsec. (a). However, the term “local governmental authority” is defined elsewhere in that section.

§ 28502. Surface Transportation Board mediation of trackage use requests

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

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

REFERENCES IN TEXT

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

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

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

¹ See References in Text note below.

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

REFERENCES IN TEXT

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

§ 28504. Applicability of other laws

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

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

§ 28505. Rules and regulations

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

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

REFERENCES IN TEXT

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

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

PART A—GENERAL

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

PART B—COMMERCIAL

311.	Commercial Motor Vehicle Safety ..	31101¹
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

AMENDMENTS

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

PART A—GENERAL

CHAPTER 301—MOTOR VEHICLE SAFETY

SUBCHAPTER I—GENERAL

Sec.	
30101.	Purpose and policy.

¹ So in original. Probably should be “31100”.

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

SUBCHAPTER II—STANDARDS AND COMPLIANCE

- 30111. Standards.
- 30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment.
- 30113. General exemptions.
- 30114. Special exemptions.
- 30115. Certification of compliance.
- 30116. Defects and noncompliance found before sale to purchaser.
- 30117. Providing information to, and maintaining records on, purchasers.
- 30118. Notification of defects and noncompliance.
- 30119. Notification procedures.
- 30120. Remedies for defects and noncompliance.
- 30120A. Recall obligations and bankruptcy of a manufacturer.
- 30121. Provisional notification and civil actions to enforce.
- 30122. Making safety devices and elements inoperative.
- 30123. Tires.
- 30124. Nonuse of safety belts.
- 30125. Schoolbuses and schoolbus equipment.
- 30126. Used motor vehicles.
- 30127. Automatic occupant crash protection and seat belt use.
- 30128. Vehicle accident ejection protection.¹

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; conditions on importation of vehicles and equipment.
- 30165. Civil penalty.
- 30166. Inspections, investigations, and records.
- 30167. Disclosure of information by the Secretary of Transportation.
- [30168. Repealed.]
- 30169. Annual reports.
- 30170. Criminal penalties.
- 30171. Protection of employees providing motor vehicle safety information.
- 30172. Whistleblower incentives and protections.

SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

- 30181. Policy.
- 30182. Powers and duties.
- 30183. Prohibition on certain disclosures.

AMENDMENTS

2015—Pub. L. 114-94, div. B, title XXIV, § 24352(c), Dec. 4, 2015, 129 Stat. 1720, which directed amendment of the

analysis for subchapter IV of this chapter by adding item 30172 at the end, was executed by adding item 30172 to the analysis for this chapter to reflect the probable intent of Congress.

2012—Pub. L. 112-141, div. C, title I, §§ 31202(b), 31204(b)(1), (2)(A), 31208(1), 31307(c), 31312(b), July 6, 2012, 126 Stat. 758, 760, 761, 769, 772, added items 30120A and 30171, item for subchapter V, and items 30181 to 30183, substituted “Nonuse of safety belts” for “Buzzers indicating nonuse of safety belts” in item 30124 and “Service of process; conditions on importation of vehicles and equipment” for “Service of process” in item 30164, and struck out item 30168 “Research, testing, development, and training”.

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

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

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

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

SUBCHAPTER I—GENERAL

§ 30101. Purpose and policy

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

- (1) to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce; and
- (2) to carry out needed safety research and development.

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

HISTORICAL AND REVISION NOTES

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

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

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-94, div. B, title XXIV, § 24109(a), Dec. 4, 2015, 129 Stat. 1706, provided that: “This section [amending sections 30102, 30120, 30122, and 30166 of this title and enacting provisions set out as notes under section 30102 of this title] may be cited as the ‘Raechel and Jacqueline Houck Safe Rental Car Act of 2015.’”

Pub. L. 114-94, div. B, title XXIV, § 24321, Dec. 4, 2015, 129 Stat. 1713, provided that: “This part [part II (§§ 24321, 24322) of subtitle C of title XXIV of div. B of Pub. L. 114-94, amending section 32302 of this title] may be cited as the ‘Safety Through Informed Consumers Act of 2015.’”

Pub. L. 114-94, div. B, title XXIV, § 24331, Dec. 4, 2015, 129 Stat. 1713, provided that: “This part [part III (§§ 24331-24335) of subtitle C of title XXIV of div. B of Pub. L. 114-94, amending sections 30117 and 32304A of this title and enacting provisions set out as a note under section 30119 of this title] may be cited as the ‘Tire Efficiency, Safety, and Registration Act of 2015’ or the ‘TESR Act.’”

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

Pub. L. 114-94, div. B, title XXIV, §24351, Dec. 4, 2015, 129 Stat. 1716, provided that: “This part [part V (§§24351, 24352) of subtitle C of title XXIV of div. B of Pub. L. 114-94, enacting section 30172 of this title and provisions set out as a note under section 30172 of this title] may be cited as the ‘Motor Vehicle Safety Whistleblower Act’.”

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-196, §1, Oct. 19, 2012, 126 Stat. 1459, provided that: “This Act [amending section 31311 of this title] may be cited as the ‘Military Commercial Driver’s License Act of 2012’.”

Pub. L. 112-141, div. C, title II, §32001, July 6, 2012, 126 Stat. 776, provided that “This title [see Tables for classification] may be cited as the ‘Commercial Motor Vehicle Safety Enhancement Act of 2012’.”

Pub. L. 112-141, div. C, title II, §32401, July 6, 2012, 126 Stat. 795, provided that “This subtitle [subtitle D (§§32401, 32402) of title II of div. C of Pub. L. 112-141, enacting section 31306a of this title and amending section 31306 of this title] may be cited as the ‘Safe Roads Act of 2012’.”

SHORT TITLE OF 2007 AMENDMENT

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

SHORT TITLE OF 2005 AMENDMENT

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

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-414, §1, Nov. 1, 2000, 114 Stat. 1800, provided that: “This Act [enacting section 30170 of this title, amending sections 30115, 30117, 30118, 30120, 30165, and 30166 of this title, and enacting provisions set out as notes under sections 30111, 30115, 30118, 30123, and 30127 of this title] may be cited as the ‘Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act’.”

SHORT TITLE OF 1998 AMENDMENT

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

SHORT TITLE OF 1996 AMENDMENT

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

DRIVER PRIVACY

Pub. L. 114-94, div. B, title XXIV, subtitle C, part I, Dec. 4, 2015, 129 Stat. 1712, provided that:

“SEC. 24301. SHORT TITLE.

“This part may be cited as the ‘Driver Privacy Act of 2015’.

“SEC. 24302. LIMITATIONS ON DATA RETRIEVAL FROM VEHICLE EVENT DATA RECORDERS.

“(a) OWNERSHIP OF DATA.—Any data retained by an event data recorder (as defined in section 563.5 of title

49, Code of Federal Regulations), regardless of when the motor vehicle in which it is installed was manufactured, is the property of the owner, or, in the case of a leased vehicle, the lessee of the motor vehicle in which the event data recorder is installed.

“(b) PRIVACY.—Data recorded or transmitted by an event data recorder described in subsection (a) may not be accessed by a person other than an owner or a lessee of the motor vehicle in which the event data recorder is installed unless—

“(1) a court or other judicial or administrative authority having jurisdiction—

“(A) authorizes the retrieval of the data; and

“(B) to the extent that there is retrieved data, the data is subject to the standards for admission into evidence required by that court or other administrative authority;

“(2) an owner or a lessee of the motor vehicle provides written, electronic, or recorded audio consent to the retrieval of the data for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle, or by agreeing to a subscription that describes how data will be retrieved and used;

“(3) the data is retrieved pursuant to an investigation or inspection authorized under section 1131(a) or 30166 of title 49, United States Code, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data, except that the vehicle identification number may be disclosed to the certifying manufacturer;

“(4) the data is retrieved for the purpose of determining the need for, or facilitating, emergency medical response in response to a motor vehicle crash; or

“(5) the data is retrieved for traffic safety research, and the personally identifiable information of an owner or a lessee of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved data.

“SEC. 24303. VEHICLE EVENT DATA RECORDER STUDY.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Administrator of the National Highway Traffic Safety Administration shall submit to Congress a report that contains the results of a study conducted by the Administrator to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record for retrieval vehicle-related data in conjunction with an event in order to provide sufficient information to investigate the cause of motor vehicle crashes.

“(b) RULEMAKING.—Not later than 2 years after submitting the report required under subsection (a), the Administrator of the National Highway Traffic Safety Administration shall promulgate regulations to establish the appropriate period during which event data recorders installed in passenger motor vehicles may capture and record for retrieval vehicle-related data to the time necessary to provide accident investigators with vehicle-related information pertinent to crashes involving such motor vehicles.”

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OUTREACH TO MANUFACTURER, DEALER, AND MECHANIC PERSONNEL

Pub. L. 112-141, div. C, title I, §31302, July 6, 2012, 126 Stat. 763, provided that: “The Secretary [of Transportation] shall publicize the means for contacting the National Highway Traffic Safety Administration in a manner that targets mechanics, passenger motor vehicle dealership personnel, and manufacturer personnel.”

SIDE-IMPACT CRASH PROTECTION RULEMAKING

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

“(a) RULEMAKING.—The Secretary [of Transportation] shall complete a rulemaking proceeding under chapter 301 of title 49, United States Code, to establish a stand-

ard designed to enhance passenger motor vehicle occupant protection, in all seating positions, in side impact crashes. The Secretary shall issue a final rule by July 1, 2008.

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

- “(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce and explain why that deadline cannot be met; and
- “(2) establish a new deadline.”

VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY;
NONTRAFFIC INCIDENT DATA COLLECTION

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

“SEC. 10304. VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY.

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

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

- “(1) include an analysis of backover prevention technology;
- “(2) identify, evaluate, and compare the available technologies for detecting people or objects behind a motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds for their accuracy, effectiveness, cost, and feasibility for installation; and
- “(3) provide an estimate of cost savings that would result from widespread use of backover prevention devices and technologies in motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds, including savings attributable to the prevention of—
 - “(A) injuries and fatalities; and
 - “(B) damage to bumpers and other motor vehicle parts and damage to other objects.

“SEC. 10305. NONTRAFFIC INCIDENT DATA COLLECTION.

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

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

STUDY ON INTERIOR DEVICE TO RELEASE TRUNK LID

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
AUTHORIZATION ACT OF 1991

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

“SEC. 2500. SHORT TITLE.

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

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

“SEC. 2502. GENERAL PROVISIONS.

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

- “(1) the term ‘bus’ means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons;
- “(2) the term ‘multipurpose passenger vehicle’ means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;
- “(3) the term ‘passenger car’ means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;
- “(4) the term ‘truck’ means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment; and
- “(5) the term ‘Secretary’ means the Secretary of Transportation.

“(b) PROCEDURE.—

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

“(2) SPECIFIC PROCEDURE.—

“(A) INITIATION.—To initiate an action under section 2503, the Secretary shall, not later than May 31, 1992, publish in the Federal Register an advance notice of proposed rulemaking or a notice of proposed rulemaking, except that if the Secretary is unable to publish such a notice by such date, the Secretary shall by such date publish in the Federal Register a notice that the Secretary will begin such action by a certain date which may not be later than January 31, 1993 and include in such notice the reasons for the delay. A notice of delayed action shall not be considered agency action subject to judicial review. If the Secretary publishes an advance notice of proposed rulemaking, the Secretary is not required to follow such notice with a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act ([formerly] 15 U.S.C. 1392), and if the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

“(B) COMPLETION.—

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

“(ii) ACTION.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule (which decision may include

deferral of the action or reinitiation of the action). The Secretary may not decide against promulgation of a final rule because of lack of time to complete rulemaking. Any such rulemaking actions shall be published in the Federal Register, together with the reasons for such decisions, consistent with chapter 5 of title 5, United States Code, and the National Traffic and Motor Vehicle Safety Act of 1966 [formerly 15 U.S.C. 1381 et seq.].

“(iii) SPECIAL RULE.—

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

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

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

“SEC. 2503. MATTERS BEFORE THE SECRETARY.

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

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

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

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

“(4) Improved design for safety belts.

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

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

“SEC. 2506. REAR SEATBELTS.

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

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

“Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 [formerly 15 U.S.C. 1381 et seq.], shall publish an advance notice of proposed rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(ii)) not later than 36 months from the date

of initiation of such advance notice of proposed rulemaking. In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

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

“SEC. 2509. HEAD INJURY IMPACT STUDY.

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

FUEL SYSTEM INTEGRITY STANDARD

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

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

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

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

Ex. Ord. No. 11357, June 6, 1967, 32 F.R. 8225, provided: By virtue of the authority vested in me as President of the United States by Section 201 of the Highway Safety Act of 1966, as amended (80 Stat. 735, 943) [set out as a note under section 401 of Title 23, Highways], and by Section 3(f)(3) of the Department of Transportation Act (80 Stat. 932) [former 49 U.S.C. 1652(f)(3)], it is hereby ordered that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718, 943) [formerly 15 U.S.C. 1381 et seq.], shall be carried out through the National Highway Safety Bureau and the Director thereof.

LYNDON B. JOHNSON.

§ 30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

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

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

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

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

(5) “manufacturer” means a person—

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

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

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

(7) “motor vehicle equipment” means—

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

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

(C) any device or an article or apparel, including a motorcycle helmet and excluding medicine or eyeglasses prescribed by a licensed practitioner, that—

(i) is not a system, part, or component of a motor vehicle; and

(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding users of motor vehicles 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; Pub. L. 112–141, div. C, title I, §31201, July 6, 2012, 126 Stat. 757; Pub. L. 114–94, div. B, title XXIV, §24109(b), Dec. 4, 2015, 129 Stat. 1706.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 114–94, div. B, title XXIV, §24109(b), (k), Dec. 4, 2015, 129 Stat. 1706, 1709, provided that, effective on the date that is 180 days after Dec. 4, 2015, subsection (a) of this section is amended:

(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘covered rental vehicle’ means a motor vehicle that—

“(A) has a gross vehicle weight rating of 10,000 pounds or less;

“(B) is rented without a driver for an initial term of less than 4 months; and

“(C) is part of a motor vehicle fleet of 35 or more motor vehicles that are used for rental purposes by a rental company.”; and

(4) by inserting after paragraph (10), as redesignated, the following:

“(11) ‘rental company’ means a person who—

“(A) is engaged in the business of renting covered rental vehicles; and

“(B) uses for rental purposes a motor vehicle fleet of 35 or more covered rental vehicles, on average, during the calendar year.”

See 2015 Amendment notes below.

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; re-stated 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; re-stated 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).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30102(a)(11) 30102(b)	15:1391(12). 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.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94, § 24109(b)(3), added par. (1). Former par. (1) redesignated (2).

Subsec. (a)(2) to (10). Pub. L. 114-94, § 24109(b)(2), redesignated pars. (1) to (9) as (2) to (10), respectively. Former par. (10) redesignated (12).

Subsec. (a)(11). Pub. L. 114-94, § 24109(b)(4), added par. (11). Former par. (11) redesignated (13).

Subsec. (a)(12), (13). Pub. L. 114-94, § 24109(b)(1), redesignated pars. (10) and (11) as (12) and (13), respectively.

2012—Subsec. (a)(7)(C). Pub. L. 112-141 amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: "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."

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114-94, div. B, title XXIV, § 24109(k), Dec. 4, 2015, 129 Stat. 1709, provided that: "The amendments made by this section [amending this section and sections 30120, 30122, and 30166 of this title] shall take effect on the date that is 180 days after the date of enactment of this Act [Dec. 4, 2015]."

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

RULE OF CONSTRUCTION

Pub. L. 114-94, div. B, title XXIV, § 24109(i), Dec. 4, 2015, 129 Stat. 1708, provided that: "Nothing in this section [amending this section and sections 30120, 30122, and 30166 of this title and enacting provisions set out as notes under this section and section 30101 of this title] or the amendments made by this section—

"(1) may be construed to create or increase any liability, including for loss of use, for a manufacturer as a result of having manufactured or imported a motor vehicle subject to a notification of defect or noncompliance under subsection (b) or (c) of section 30118 of title 49, United States Code; or

"(2) shall supersede or otherwise affect the contractual obligations, if any, between such a manufacturer and a rental company (as defined in section 30102(a) of title 49, United States Code)."

RULEMAKING

Pub. L. 114-94, div. B, title XXIV, § 24109(j), Dec. 4, 2015, 129 Stat. 1708, provided that: "The Secretary [probably means Secretary of Transportation] may promulgate rules, as appropriate, to implement this section [amending this section and sections 30120, 30122, and 30166 of this title and enacting provisions set out as notes under this section and section 30101 of this title] and the amendments made by this section."

LOW-SPEED ELECTRIC BICYCLES

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

§ 30103. Relationship to other laws

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30103(a)	15:1392(g).	Sept. 9, 1966, Pub. L. 89–563, §§103(g), 105(a)(6), 116, 80 Stat. 720, 721, 727.
30103(b)	15:1392(d).	Sept. 9, 1966, Pub. L. 89–563, §103(d), 80 Stat. 719; Oct. 15, 1982, Pub. L. 97–331, §3, 96 Stat. 1619.
30103(c)	15:1405.	
30103(d)	15:1394(a)(6). 15:1410a(e).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§124(e), 160; added Oct. 27, 1974, Pub. L. 93–492, §§102(a), 106, 88 Stat. 1477, 1481.
30103(e)	15:1420. 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 1301 of this title.

§ 30104. Authorization of appropriations

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

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

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

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

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

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

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

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

§ 30105. Restriction on lobbying activities

(a) IN GENERAL.—No funds appropriated to the Secretary for the National Highway Traffic

Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

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

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

AMENDMENTS

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

EFFECTIVE DATE OF 1998 AMENDMENT

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

§ 30106. Rented or leased motor vehicle safety and responsibility

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

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

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

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

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

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

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

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

(1) AFFILIATE.—The term “affiliate” means a person other than the owner that directly or

indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term “control” means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

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

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

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

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

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

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

REFERENCES IN TEXT

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

SUBCHAPTER II—STANDARDS AND COMPLIANCE

§ 30111. Standards

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

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

(1) consider relevant available motor vehicle safety information;

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

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

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

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

(d) EFFECTIVE DATES OF STANDARDS.—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. How-

ever, 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.

(f) MOTOR VEHICLE SAFETY GUIDELINES.—

(1) IN GENERAL.—No guidelines issued by the Secretary with respect to motor vehicle safety shall confer any rights on any person, State, or locality, nor shall operate to bind the Secretary or any person to the approach recommended in such guidelines. In any enforcement action with respect to motor vehicle safety, the Secretary shall allege a violation of a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation. The Secretary may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this subtitle, a motor vehicle safety standard issued under this subtitle, or another relevant statute or regulation.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer any authority upon or negate any authority of the Secretary to issue guidelines under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 944; Pub. L. 114-94, div. B, title XXIV, §24406, Dec. 4, 2015, 129 Stat. 1725.)

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).	
30111(c)	15:1392(f).	
30111(d)	15:1396 (related to standards).	
30111(e)	15:1392(c), (e) (last sentence).	
30111(f)	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.

AMENDMENTS

2015—Subsec. (f). Pub. L. 114-94 added subsec. (f).

RULEMAKING ON VISIBILITY OF AGRICULTURAL EQUIPMENT

Pub. L. 112-141, div. C, title I, §31601, July 6, 2012, 126 Stat. 775, provided that:

“(a) DEFINITIONS.—In this section:

“(1) AGRICULTURAL EQUIPMENT.—The term ‘agricultural equipment’ has the meaning given the term ‘agricultural field equipment’ in ASABE Standard 390.4, entitled ‘Definitions and Classifications of Agricultural Field Equipment’, which was published in January 2005 by the American Society of Agriculture and Biological Engineers, or any successor standard.

“(2) PUBLIC ROAD.—The term ‘public road’ has the meaning given the term in section 101(a)(27) of title 23, United States Code.

“(b) RULEMAKING.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary of Transportation, after consultation with representatives of the American Society of Agricultural and Biological Engineers and appropriate Federal agencies, and with other appropriate persons, shall promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

“(2) MINIMUM STANDARDS.—The rule promulgated pursuant to this subsection shall—

“(A) establish minimum lighting and marking standards for applicable agricultural equipment manufactured at least 1 year after the date on which such rule is promulgated; and

“(B) provide for the methods, materials, specifications, and equipment to be employed to comply with such standards, which shall be equivalent to ASABE Standard 279.14, entitled ‘Lighting and Marking of Agricultural Equipment on Highways’, which was published in July 2008 by the American Society of Agricultural and Biological Engineers, or any successor standard.

“(c) REVIEW.—Not less frequently than once every 5 years, the Secretary of Transportation shall—

“(1) review the standards established pursuant to subsection (b); and

“(2) revise such standards to reflect the revision of ASABE Standard 279 that is in effect at the time of such review.

“(d) LIMITATIONS.—

“(1) COMPLIANCE WITH SUCCESSOR STANDARDS.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped in accordance with any adopted revision of ASABE Standard 279 that is later than the revision of such standard that was referenced during the promulgation of the rule.

“(2) NO RETROFITTING REQUIRED.—Any rule promulgated pursuant to this section may not require the retrofitting of agricultural equipment that was manufactured before the date on which the lighting and marking standards are enforceable under subsection (b)(2)(A).

“(3) NO EFFECT ON ADDITIONAL MATERIALS AND EQUIPMENT.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped with materials or equipment that are in addition to the minimum materials and equipment specified in the standard upon which such rule is based.”

UNATTENDED PASSENGER REMINDERS

Pub. L. 112–141, div. C, title I, §31504, July 6, 2012, 126 Stat. 775, as amended by Pub. L. 114–94, div. B, title XXIV, §24114, Dec. 4, 2015, 129 Stat. 1710, provided that:

“(a) SAFETY RESEARCH INITIATIVE.—The Secretary [of Transportation] shall initiate research into effective ways to minimize the risk of hyperthermia or hypothermia to children or other unattended passengers in rear seating positions.

“(b) RESEARCH AREAS.—In carrying out subsection (a), the Secretary may conduct research into the potential viability of—

“(1) vehicle technology to provide an alert that a child or unattended passenger remains in a rear seating position after the vehicle motor is disengaged; or

“(2) public awareness campaigns to educate drivers on the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is disengaged; or

“(3) other ways to mitigate risk.

“(c) COORDINATION WITH OTHER AGENCIES.—The Secretary may collaborate with other Federal agencies in conducting the research under this section.”

PEDESTRIAN SAFETY ENHANCEMENT

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

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Pedestrian Safety Enhancement Act of 2010’.

“SEC. 2. DEFINITIONS.

“As used in this Act—

“(1) the term ‘Secretary’ means the Secretary of Transportation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(3) consider the overall community noise impact.

“(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after

September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

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

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

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

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

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

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

“SEC. 4. FUNDING.

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

CHILD SAFETY STANDARDS FOR MOTOR VEHICLES

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

“SECTION 1. SHORT TITLE.

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

“SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

“(a) POWER WINDOW SAFETY.—

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

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

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

“(B) publish and otherwise make available to the public through the Internet and other means (such as the ‘Buying a Safer Car’ brochure) information regarding which vehicles are or are not equipped

with power windows and panels that automatically reverse direction when an obstruction is detected.

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

“(c) PHASE-IN PERIOD.—

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

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

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

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

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

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

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

“(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

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

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

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

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

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

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

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

“SEC. 4. DEADLINES.

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

“(1) establish new deadlines; and

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

IMPROVING CRITERIA USED IN A RECALL

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

“(a) REVIEW OF STANDARDS AND CRITERIA USED IN OPENING A DEFECT OR NONCOMPLIANCE INVESTIGATION.—The Secretary shall, not later than 30 days after the date of the enactment of this Act [Nov. 1, 2000], undertake a comprehensive review of all standards, criteria,

procedures, and methods, including data management and analysis used by the National Highway Traffic Safety Administration in determining whether to open a defect or noncompliance investigation pursuant to subchapter II or IV of chapter 301 of title 49, United States Code, and shall undertake such steps as may be necessary to update and improve such standards, criteria, procedures, or methods, including data management and analysis.

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

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

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

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

(3) Except as provided in this section, section 30114, subsections (i) and (j) of section 30120, and subchapter III, a person may not 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 if the vehicle or equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b). Nothing in this paragraph may be construed to prohibit the importation of a new motor vehicle that receives a required recall remedy before being sold to a consumer in the United States.

(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 reason-

able care, that a motor vehicle or motor vehicle equipment does not comply with applicable motor vehicle safety standards prescribed under this chapter;

(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; or

(C) having no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b);

(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;

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

(10) the introduction of a motor vehicle in interstate commerce solely for purposes of testing or evaluation by a manufacturer that agrees not to sell or offer for sale the motor vehicle at the conclusion of the testing or evaluation and that prior to the date of enactment of this paragraph—

(A) has manufactured and distributed motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

(B) has submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

(C) if applicable, has identified an agent for service of process in accordance with part 551 of such title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 945; Pub. L. 109-59, title X, §10309(b), Aug. 10, 2005, 119 Stat. 1942; Pub. L. 112-141, div. C, title I, §31207, July 6, 2012, 126 Stat. 761; Pub. L. 114-94, div. B, title XXIV, §24404, Dec. 4, 2015, 129 Stat. 1721.)

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.

REFERENCES IN TEXT

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

The date of enactment of this paragraph, referred to in subsec. (b)(10), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

AMENDMENTS

2015—Subsec. (b)(10). Pub. L. 114-94 added par. (10).
 2012—Subsec. (a)(3). Pub. L. 112-141, §31207(1), added par. (3).
 Subsec. (b)(2)(C). Pub. L. 112-141, §31207(2), added subpar. (C).
 2005—Subsec. (a). Pub. L. 109-59, which directed amendment of section 30112(a), without specifying the title to be amended, by designating existing provisions as par. (1) and adding par. (2), was executed to this section, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30113. General exemptions

(a) DEFINITION.—In this section, “low-emission motor vehicle” means a motor vehicle meeting

the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. 7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards.

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

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

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

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

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

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

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

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

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

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

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

(3) if the application is made under subsection (b)(3)(B)(iii) of this section, a record of

the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.

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

(d) **ELIGIBILITY.**—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) of this section (including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1)) only if the Secretary determines that the manufacturer's total motor vehicle production in the most recent year of production is not more than 10,000. A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iii), or (iv) of this section only if the Secretary determines the 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 or bumper standard prescribed under chapter 325 of this title from which the vehicle is exempt. The Secretary may require that written notice of an exemption be delivered by appropriate means to the dealer and the first purchaser of the vehicle other than for resale.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

AMENDMENTS

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

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

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

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

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

§ 30114. Special exemptions

(A)¹ VEHICLES USED FOR PARTICULAR PURPOSES.² The Secretary of Transportation may exempt a motor vehicle or item of motor vehicle equipment from section 30112(a) of this title on terms the Secretary decides are necessary for research, investigations, demonstrations, training, competitive racing events, show, or display.

(b) EXEMPTION FOR LOW-VOLUME MANUFACTURERS.—

(1) IN GENERAL.—The Secretary shall—

(A) exempt from section 30112(a) of this title not more than 325 replica motor vehicles per year that are manufactured or imported by a low-volume manufacturer; and

(B) except as provided in paragraph (4) of this subsection, limit any such exemption to the Federal Motor Vehicle Safety Standards applicable to motor vehicles and not motor vehicle equipment.

(2) REGISTRATION REQUIREMENT.—To qualify for an exemption under paragraph (1), a low-volume manufacturer shall register with the Secretary at such time, in such manner, and under such terms that the Secretary determines appropriate. The Secretary shall establish terms that ensure that no person may register as a low-volume manufacturer if the person is registered as an importer under section 30141 of this title.

(3) PERMANENT LABEL REQUIREMENT.—

(A) IN GENERAL.—The Secretary shall require a low-volume manufacturer to affix a permanent label to a motor vehicle exempted under paragraph (1) that identifies the specified standards and regulations for which such vehicle is exempt from section 30112(a), states that the vehicle is a replica, and designates the model year such vehicle replicates.

(B) WRITTEN NOTICE.—The Secretary may require a low-volume manufacturer of a motor vehicle exempted under paragraph (1) to deliver written notice of the exemption to—

(i) the dealer; and

¹ So in original. Probably should be “(a)”.

² So in original. Probably should be followed by a dash.

(ii) the first purchaser of the motor vehicle, if the first purchaser is not an individual that purchases the motor vehicle for resale.

(C) REPORTING REQUIREMENT.—A low-volume manufacturer shall annually submit a report to the Secretary including the number and description of the motor vehicles exempted under paragraph (1) and a list of the exemptions described on the label affixed under subparagraph (A).

(4) EFFECT ON OTHER PROVISIONS.—Any motor vehicle exempted under this subsection shall also be exempted from sections 32304, 32502, and 32902 of this title and from section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(5) LIMITATION AND PUBLIC NOTICE.—The Secretary shall have 90 days to review and approve or deny a registration submitted under paragraph (2). If the Secretary determines that any such registration submitted is incomplete, the Secretary shall have an additional 30 days for review. Any registration not approved or denied within 90 days after initial submission, or 120 days if the registration submitted is incomplete, shall be deemed approved. The Secretary shall have the authority to revoke an existing registration based on a failure to comply with requirements set forth in this subsection or a finding by the Secretary of a safety-related defect or unlawful conduct under this chapter that poses a significant safety risk. The registrant shall be provided a reasonable opportunity to correct all deficiencies, if such are correctable based on the sole discretion of the Secretary. An exemption granted by the Secretary to a low-volume manufacturer under this subsection may not be transferred to any other person, and shall expire at the end of the calendar year for which it was granted with respect to any volume authorized by the exemption that was not applied by the low-volume manufacturer to vehicles built during that calendar year. The Secretary shall maintain an up-to-date list of registrants and a list of the make and model of motor vehicles exempted under paragraph (1) on at least an annual basis and publish such list in the Federal Register or on a website operated by the Secretary.

(6) LIMITATION OF LIABILITY FOR ORIGINAL MANUFACTURERS, LICENSORS OR OWNERS OF PRODUCT CONFIGURATION, TRADE DRESS, OR DESIGN PATENTS.—The original manufacturer, its successor or assignee, or current owner, who grants a license or otherwise transfers rights to a low-volume manufacturer shall incur no liability to any person or entity under Federal or State statute, regulation, local ordinance, or under any Federal or State common law for such license or assignment to a low-volume manufacturer.

(7) DEFINITIONS.—In this subsection:

(A) LOW-VOLUME MANUFACTURER.—The term “low-volume manufacturer” means a motor vehicle manufacturer, other than a person who is registered as an importer under section 30141 of this title, whose annual worldwide production, including by a

parent or subsidiary of the manufacturer, if applicable, is not more than 5,000 motor vehicles.

(B) REPLICATOR MOTOR VEHICLE.—The term “replicator motor vehicle” means a motor vehicle produced by a low-volume manufacturer and that—

(i) is intended to resemble the body of another motor vehicle that was manufactured not less than 25 years before the manufacture of the replicator motor vehicle; and

(ii) is manufactured under a license for the product configuration, trade dress, trademark, or patent, for the motor vehicle that is intended to be replicated from the original manufacturer, its successors or assignees, or current owner of such product configuration, trade dress, trademark, or patent rights.

(8) CONSTRUCTION.—Except as provided in paragraphs (1) and (4), a registrant shall be considered a motor vehicle manufacturer for purposes of parts A and C of subtitle VI of this title. Nothing shall be construed to exempt a registrant from complying with the requirements under sections 30116 through 30120A of this title if the motor vehicle excepted under paragraph (1) contains a defect related to motor vehicle safety.

(9) STATE REGISTRATION.—Nothing in this subsection shall be construed to preempt, affect, or supersede any State titling or registration law or regulation for a replicator motor vehicle, or exempt a person from complying with such law or regulation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 947; Pub. L. 105-178, title VII, §7107(a), June 9, 1998, 112 Stat. 469; Pub. L. 114-94, div. B, title XXIV, §24405(a), Dec. 4, 2015, 129 Stat. 1721.)

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

2015—Pub. L. 114-94 designated existing provisions as subsec. “(A)”, inserted heading, and added subsec. (b).

1998—Pub. L. 105-178 substituted “competitive racing events, show, or display” for “or competitive racing events”.

TRANSITION RULE

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

§ 30115. Certification of compliance

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

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

- (1) that it has complied with the specifications set forth in the compliance documentation provided by the incomplete motor vehicle manufacturer in accordance with regulations prescribed by the Secretary; or
- (2) that it has elected to assume responsibility for compliance with that standard.

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

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

HISTORICAL AND REVISION NOTES

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

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

AMENDMENTS

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

FOLLOW-UP REPORT

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

§ 30116. Defects and noncompliance found before sale to purchaser

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

- (1) the manufacturer or distributor immediately shall repurchase the vehicle or equipment at the price paid by the distributor or dealer, plus transportation charges and reasonable reimbursement of at least one percent a month of the price paid prorated from the date of notice of noncompliance or defect to the date of repurchase; or
- (2) if a vehicle, the manufacturer or distributor immediately shall give to the distributor or dealer at the manufacturer’s or distributor’s own expense, the part or equipment needed to make the vehicle comply with the standards or correct the defect.

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

- (1) to each prospective purchaser of a vehicle or equipment before the first sale other than for resale at each location at which the vehi-

cle 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) RULEMAKING.—

(A) IN GENERAL.—The Secretary shall initiate a rulemaking to require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to maintain records of—

- (i) the name and address of tire purchasers and lessors;
- (ii) information identifying the tire that was purchased or leased; and
- (iii) any additional records the Secretary considers appropriate.

(B) ELECTRONIC TRANSMISSION.—The rulemaking carried out under subparagraph (A) shall require a distributor or dealer of tires that is not owned or controlled by a manufacturer of tires to electronically transmit the

records described in clauses (i), (ii), and (iii) of subparagraph (A) to the manufacturer of the tires or the designee of the manufacturer by secure means at no cost to tire purchasers or lessors.

(C) SATISFACTION OF REQUIREMENTS.—A regulation promulgated under subparagraph (A) may be considered to satisfy the requirements of paragraph (2)(B).

(c) ROLLOVER TESTS.—

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

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

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

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

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

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 948; Pub. L. 106–414, §12, Nov. 1, 2000, 114 Stat. 1806; Pub. L. 114–94, div. B, title XXIV, §24333, Dec. 4, 2015, 129 Stat. 1715.)

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)). 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. 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). 15:1418(b)(2), (3).	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. Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §158(b)(2), (3); added Oct. 15, 1982, Pub. L. 97–331, §4(a)(2), 96 Stat. 1620.

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

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

omitted as surplus. The words “legal relationship” are substituted for “contractual, proprietary, or other legal relationship” to eliminate unnecessary words.

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

2015—Subsec. (b)(3). Pub. L. 114–94 amended par. (3) generally. Prior to amendment, par. (3) related to requirement for Secretary to evaluate record maintenance procedures under par. (2) and submit reports to Congress.

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

RETENTION OF SAFETY RECORDS BY MANUFACTURERS

Pub. L. 114–94, div. B, title XXIV, §24403, Dec. 4, 2015, 129 Stat. 1720, provided that:

“(a) RULE.—Not later than 18 months after the date of enactment of this Act [Dec. 4, 2015], the Secretary of Transportation shall issue a final rule pursuant to section 30117 of title 49, United States Code, requiring each manufacturer of motor vehicles or motor vehicle equipment to retain all motor vehicle safety records required to be maintained by manufacturers under section 576.6 of title 49, Code of Federal Regulations, for a period of not less than 10 calendar years from the date on which they were generated or acquired by the manufacturer.

“(b) APPLICATION.—The rule required by subsection (a) shall apply with respect to any record described in such subsection that is in the possession of a manufacturer on the effective date of such rule.”

15-PASSENGER VAN SAFETY

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

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

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

§ 30118. Notification of defects and noncompliance

(a) NOTIFICATION BY SECRETARY.—The Secretary of Transportation shall notify the manufacturer of a motor vehicle or replacement equipment immediately after making an initial decision (through testing, inspection, investigation, or research carried out under this chapter,

examining communications under section 30166(f) of this title, or otherwise) that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter. The notification shall include the information on which the decision is based. The Secretary shall publish a notice of each decision under this subsection in the Federal Register. Subject to section 30167(a) of this title, the notification and information are available to any interested person.

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

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

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

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

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

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

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

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

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

reasonably met the notification requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 950; Pub. L. 106–346, §101(a) [title III, §364], Oct. 23, 2000, 114 Stat. 1356, 1356A–37; Pub. L. 106–414, §2, Nov. 1, 2000, 114 Stat. 1800; Pub. L. 114–94, div. B, title XXIV, §24104(b), Dec. 4, 2015, 129 Stat. 1703.)

HISTORICAL AND REVISION NOTES

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

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

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

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

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

In subsection (c), before clause (1), the words “A manufacturer of a motor vehicle or replacement equipment” are substituted for “manufactured by him” in 15:1411 for clarity. The words “shall notify” are substituted for “he shall furnish notification to” to eliminate unnecessary words. The words “to the Secretary, if section 1411 of this title applies” in 15:1413(c) (1st sentence cl. (6)) are omitted because of the restatement. The words “of the vehicle or equipment” are added for

clarity. The words “and he shall remedy the defect or failure to comply in accordance with section 1414 of this title” in 15:1411 are omitted as unnecessary because of the source provisions restated in section 30120 of the revised title.

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

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

AMENDMENTS

2015—Subsec. (c). Pub. L. 114-94 inserted “or electronic mail” after “certified mail” in introductory provisions.

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

CONSTRUCTION OF 2000 AMENDMENT

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

§ 30119. Notification procedures

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

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

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

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

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

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

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

(7) other information the Secretary prescribes by regulation.

(b) EARLIEST REMEDY DATE.—The date specified by a manufacturer in a notification under subsection (a)(5) of this section or section 30121(c)(2) of this title is the earliest date that

parts and facilities reasonably can be expected to be available to remedy the defect or noncompliance. The Secretary may disapprove the date.

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

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

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

(d) MEANS OF PROVIDING NOTIFICATION.—(1) Notification required under section 30118 of this title about a motor vehicle shall be sent in the manner prescribed by the Secretary, by regulation—

(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 shall be sent in the manner prescribed by the Secretary, by regulation, to the most recent purchaser known to the manufacturer.

(3) In addition to the notification required under paragraphs (1) and (2), if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given by the manufacturer 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 in the manner prescribed by the Secretary, by regulation.

(e) ADDITIONAL NOTIFICATION.—

(1) 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.

(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after taking into account the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

(A)(i) to send additional notifications in the manner prescribed by the Secretary, by regulation; or

(ii) to take additional steps to locate and notify each person registered under State

law as the owner or lessee or the most recent purchaser or lessee, as appropriate; and (B) to emphasize the magnitude of the safety risk caused by the defect or non-compliance in such notification.

(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.

(g) INFORMATION REGARDING COMPONENTS INVOLVED IN RECALL.—A manufacturer that is required to furnish a report under section 573.6 of title 49, Code of Federal Regulations (or any successor regulation) for a defect or noncompliance in a motor vehicle or in an item of original or replacement equipment shall, if such defect or noncompliance involves a specific component or components, include in such report, with respect to such component or components, the following information:

- (1) The name of the component or components.
- (2) A description of the component or components.
- (3) The part number of the component or components, if any.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 951; Pub. L. 112–141, div. C, title I, §31310, July 6, 2012, 126 Stat. 771; Pub. L. 114–94, div. B, title XXIV, §24116, Dec. 4, 2015, 129 Stat. 1711.)

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.

HISTORICAL AND REVISION NOTES—CONTINUED

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

AMENDMENTS

2015—Subsec. (g). Pub. L. 114–94 added subsec. (g).

2012—Subsec. (d)(1). Pub. L. 112–141, §31310(a)(1), substituted “in the manner prescribed by the Secretary, by regulation” for “by first class mail” in introductory provisions.

Subsec. (d)(2). Pub. L. 112–141, §31310(a)(2), substituted “shall be sent in the manner prescribed by the Secretary, by regulation,” for “(except a tire) shall be sent by first class mail” and struck out second sentence which read as follows: “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.”

Subsec. (d)(3). Pub. L. 112–141, §31310(a)(3), struck out first sentence which read “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.” and inserted “to the notification required under paragraphs (1) and (2)” after “addition” and “by the manufacturer” after “given” in introductory provisions.

Subsec. (d)(4). Pub. L. 112-141, §31310(a)(4), substituted “in the manner prescribed by the Secretary, by regulation” for “by certified mail or quicker means if available”.

Subsec. (e). Pub. L. 112-141, §31310(b), substituted “Additional” for “Second” in subsec. heading, designated existing provisions as par. (1), inserted par. heading, and added par. (2).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

IMPROVEMENTS IN AVAILABILITY OF RECALL INFORMATION

Pub. L. 114-94, div. B, title XXIV, §24103(a), Dec. 4, 2015, 129 Stat. 1702, provided that: “Not later than 2 years after the date of enactment of this Act [Dec. 4, 2015], the Secretary shall implement current information technology, web design trends, and best practices that will help ensure that motor vehicle safety recall information available to the public on the Federal website is readily accessible and easy to use, including—

- “(1) by improving the organization, availability, readability, and functionality of the website;
- “(2) by accommodating high-traffic volume; and
- “(3) by establishing best practices for scheduling routine website maintenance.”

NOTIFICATION IMPROVEMENT

Pub. L. 114-94, div. B, title XXIV, §24104(a), Dec. 4, 2015, 129 Stat. 1703, provided that:

- “(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary shall prescribe a final rule revising the regulations under section 577.7 of title 49, Code of Federal Regulations, to include notification by electronic means in addition to notification by first class mail.
- “(2) DEFINITION OF ELECTRONIC MEANS.—In this subsection, the term ‘electronic means’ includes electronic mail and may include such other means of electronic notification, such as social media or targeted online campaigns, as determined by the Secretary.”

PILOT GRANT PROGRAM FOR STATE NOTIFICATION TO CONSUMERS OF MOTOR VEHICLE RECALL STATUS

Pub. L. 114-94, div. B, title XXIV, §24105, Dec. 4, 2015, 129 Stat. 1704, provided that:

- “(a) IN GENERAL.—Not later than October 1, 2016, the Secretary shall implement a 2-year pilot program to evaluate the feasibility and effectiveness of a State process for informing consumers of open motor vehicle recalls at the time of motor vehicle registration in the State.
- “(b) GRANTS.—To carry out this program, the Secretary may make a grant to each eligible State, but not more than 6 eligible States in total, that agrees to comply with the requirements under subsection (c). Funds made available to a State under this section shall be used by the State for the pilot program described in subsection (a).
- “(c) ELIGIBILITY.—To be eligible for a grant, a State shall—
 - “(1) submit an application in such form and manner as the Secretary prescribes;
 - “(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;
 - “(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

“(4) provide such other information as the Secretary may require.

“(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State’s methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

“(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

“(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

“(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

“(h) DEFINITIONS.—In this section:

- “(1) CONSUMER.—The term ‘consumer’ includes owner and lessee.
- “(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term under section 30102(a) of title 49, United States Code.
- “(3) OPEN RECALL.—The term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.
- “(4) REGISTRATION.—The term ‘registration’ means the process for registering motor vehicles in the State.
- “(5) STATE.—The term ‘State’ has the meaning given the term under section 101(a) of title 23, United States Code.”

TIRE RECALL DATABASE

Pub. L. 114-94, div. B, title XXIV, §24335, Dec. 4, 2015, 129 Stat. 1716, provided that:

- “(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.
- “(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.”

§ 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, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.

(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 180 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 180-day period, the owner or purchaser must present the tire for remedy during a subsequent 180-day period that begins only after the owner or purchaser receives notification that a replacement will be available during the subsequent period. If tires are available during the subsequent period, only a tire presented for remedy during that period must be remedied.

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

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

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

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

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

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

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

The Secretary may prescribe regulations to carry out this paragraph.

(d) FILING MANUFACTURER'S REMEDY PROGRAM.—A manufacturer shall file with the Secretary a copy of the manufacturer's program under this section for remedying a defect or noncompliance. The Secretary shall make the program available to the public and publish a notice of availability in the Federal Register. A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who

incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan. In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.

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

(f) FAIR REIMBURSEMENT TO DEALERS.—

(1) IN GENERAL.—A manufacturer¹ shall pay fair reimbursement to a dealer providing a remedy without charge under this section if—

(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.

(2) DEFINITION OF OPEN RECALL.—In this subsection, the term "open recall" means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied 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 15 calendar years, or the tire, including an original equipment tire, was bought by the first purchaser more than 5 calendar years, before notice is given under section 30118(c) of this title or an order is issued under section 30118(b) of this title, whichever is earlier.

(2) This section does not apply during any period in which enforcement of an order under sec-

¹ See 2015 Amendment note below.

tion 30118(b) of this title is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

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

(i) LIMITATION ON SALE OR LEASE OF NEW VEHICLES OR EQUIPMENT.—(1) If notification is required by an order under section 30118(b) of this title or is required under section 30118(c) of this title and the manufacturer has provided to a dealer (including retailers of motor vehicle equipment) notification about a new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter, the dealer may sell or lease the motor vehicle or item of replacement equipment only if—

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

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

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

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

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

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

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 952; Pub. L. 105–178, title VII, §7106(a), June 9, 1998, 112 Stat. 467; Pub. L. 106–414, §§4, 6–8, Nov. 1, 2000, 114 Stat. 1803–1805; Pub. L. 112–141, div. C, title I, §31311, July 6, 2012, 126 Stat. 771; Pub. L. 114–94, div. B, title XXIV, §§24107, 24108, 24109(c), 24402, Dec. 4, 2015, 129 Stat. 1705, 1706, 1720.)

AMENDMENT OF SUBSECTION (i)

Pub. L. 114–94, div. B, title XXIV, §24109(c), (k), Dec. 4, 2015, 129 Stat. 1706, 1709, provided that, effective on the date that is 180 days after Dec. 4, 2015, subsection (i) of this section is amended:

(1) in the subsection heading, by inserting “; or Rental” at the end;

(2) in paragraph (1)—

(A) by striking “(1) If notification” and inserting:

“(1) In general.—If notification”;

(B) by indenting subparagraphs (A) and (B) four ems from the left margin;

(C) by inserting “or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification” after “time of notification”;

(D) by striking “the dealer may sell or lease,” and inserting “the dealer or rental company may sell, lease, or rent”; and

(E) in subparagraph (A), by striking “sale or lease” and inserting “sale, lease, or rental agreement”;

(3) by amending paragraph (2) to read as follows:

“(2) Rule of construction.—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.”; and

(4) by adding at the end the following:

(3) Specific rules for rental companies.—

(A) In general.—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(B) Special rule for large vehicle fleets.—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(C) Special rule for when remedies not immediately available.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

(D) Inapplicability to junk automobiles.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

(ii) is retitled as a junk automobile pursuant to applicable State law; and
 (iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).
 See 2015 Amendment notes below.

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)). 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. 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)).	
30120(c)	15:1414(a)(5). 15:1397(a)(1)(D) (related to 15:1414(b)(1), (2) (1st sentence)).	
30120(d)	15:1414(b)(1), (2) (1st sentence).	
30120(e)	15:1397(a)(1)(D) (related to 15:1414(c)).	
30120(f)	15:1414(c). 15:1397(a)(1)(D) (related to 15:1416). 15:1416 (related to remedy).	
30120(g)(1) ..	15:1397(a)(1)(D) (related to 15:1414(a)(3)).	
30120(g)(2) ..	15:1414(a)(3). 15:1397(a)(1)(D) (related to 15:1414(a)(4)).	
30120(h)	15:1414(a)(4). 15:1397(a)(1)(D) (related to 15:1417). 15:1417 (related to remedy).	
30120(i)	15:1414(d).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §154(d); added Dec. 18, 1991, Pub. L. 102-240, §2504(b), 105 Stat. 2083.

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

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

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

In subsection (b)(1), before clause (A), the words “shall remedy a defective or noncomplying tire if” are substituted for “shall not be obligated to remedy such

tire if such tire is not” to eliminate unnecessary words and for consistency. The words “pursuant to notification” are omitted as surplus. In clause (B), the words “decides to replace the tire” are substituted for “elects replacement” for clarity.

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

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

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

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

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

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

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

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-94, §24108(1), substituted “180 days” for “60 days” in introductory provisions.

Subsec. (b)(2). Pub. L. 114-94, §24108(2), substituted “180-day” for “60-day” in two places.

Subsec. (f). Pub. L. 114-94, §24107(1), which directed amendment of subsec. (f) by inserting “(1) IN GENERAL. A manufacturer”, without specifying the location of such insertion, and indenting appropriately, was executed by striking “A manufacturer” and inserting “(1) IN GENERAL.—A manufacturer” after the subsec. heading, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 114-94, §24107(2), substituted “section if—” for “section.” and added subpars. (A) and (B).

Subsec. (f)(2). Pub. L. 114-94, §24107(3), added par. (2).

Subsec. (g)(1). Pub. L. 114-94, §24402, substituted “15 calendar years” for “10 calendar years”.

Subsec. (i). Pub. L. 114-94, §24109(c)(1), inserted “, or Rental” after “Equipment” in heading.

Subsec. (i)(1). Pub. L. 114-94, §24109(c)(2)(D), which directed substitution of “the dealer or rental company may sell, lease, or rent” for “the dealer may sell or lease,” was executed by making the substitution for “the dealer may sell or lease” to reflect the probable intent of Congress.

Pub. L. 114-94, §24109(c)(2)(A)–(C), inserted heading, inserted “or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification” after “time of notification” in introductory provisions, and realigned margins of subpars. (A) and (B).

Subsec. (i)(1)(A). Pub. L. 114-94, §24109(c)(2)(E), substituted “sale, lease, or rental agreement” for “sale or lease”.

Subsec. (i)(2). Pub. L. 114-94, §24109(c)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “This subsection does not prohibit a dealer from offering for sale or lease the vehicle or equipment.”

Subsec. (i)(3). Pub. L. 114-94, §24109(c)(4), added par. (3).

2012—Subsec. (a)(1)(B). Pub. L. 112-141, §31311(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “if replacement equipment, by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment.”

Subsec. (i). Pub. L. 112-141, §31311(2), inserted “of New Vehicles or Equipment” after “Lease” in heading.

Subsec. (j). Pub. L. 112-141, §31311(3), which directed substitution of “REPLACEMENT” for “REPLACED” in heading, was executed by substituting “REPLACEMENT” for “REPLACED”, to reflect the probable intent of Congress.

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

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

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

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

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

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

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 24109(c) of Pub. L. 114-94 effective on the date that is 180 days after Dec. 4, 2015, see section 24109(k) of Pub. L. 114-94, set out as a note under section 30102 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30120A. Recall obligations and bankruptcy of a manufacturer

A manufacturer’s filing of a petition in bankruptcy under chapter 7 or chapter 11 of title 11 does not negate the manufacturer’s duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer’s obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority pursuant to section 3713(a)(1)(A) of such chapter, notwith-

standing section 3713(a)(2), to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer’s products. This section shall apply equally to actions of a manufacturer taken before or after the filing of a petition in bankruptcy.

(Added Pub. L. 112-141, div. C, title I, §31312(a), July 6, 2012, 126 Stat. 772; amended Pub. L. 114-94, div. B, title XXIV, §24106, Dec. 4, 2015, 129 Stat. 1705.)

AMENDMENTS

2015—Pub. L. 114-94 substituted “chapter 7 or chapter 11 of title 11” for “chapter 11 of title 11,”.

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 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—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	15:1415(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §155(a); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1474; Nov. 8, 1984, Pub. L. 98–620, §402(17), 98 Stat. 3358.

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

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

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

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

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

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

§ 30122. Making safety devices and elements inoperative

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

(b) PROHIBITION.—A manufacturer, distributor, dealer, or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30121(a)	15:1397(a)(1)(D) (related to 15:1415(b)). 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. 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)).	
30121(c)	15:1397(a)(1)(D) (related to 15:1415(d)).	
30121(d)	15:1397(a)(1)(D) (related to 15:1415(a)).	

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”.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 956; Pub. L. 112–141, div. C, title I, §31202(a)(1), July 6, 2012, 126 Stat. 757; Pub. L. 114–94, div. B, title XXIV, §24109(d), Dec. 4, 2015, 129 Stat. 1707.)

AMENDMENT OF SUBSECTION (b)

Pub. L. 114–94, div. B, title XXIV, §24109(d), (k), Dec. 4, 2015, 129 Stat. 1707, 1709, provided that, effective on the date that is 180 days after Dec. 4, 2015, subsection (b) of this section is amended by inserting “rental company,” after “dealer,” each place such term appears. See 2015 Amendment note below.

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.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–94 inserted “rental company,” after “dealer,” in two places.

2012—Subsec. (d). Pub. L. 112–141 struck out subsec. (d). Text read as follows: “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.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective on the date that is 180 days after Dec. 4, 2015, see section 24109(k) of Pub. L. 114–94, set out as a note under section 30102 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30123. Tires

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

In subsection (b)(1)(C), the words “for a tire containing” are substituted for “unless the tire contains . . .

in which case it shall also contain” to eliminate unnecessary words. The word “allowing” is substituted for “which would permit” for consistency.

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

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

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

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

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

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

AMENDMENTS

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

TIRE PRESSURE MONITORING SYSTEM

Pub. L. 114-94, div. B, title XXIV, §24115, Dec. 4, 2015, 129 Stat. 1710, provided that:

“(a) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary shall publish a proposed rule that—

“(1) updates the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure monitoring system that is installed in a new motor vehicle after the effective date of such updated standards cannot be overridden, reset, or recalibrated in such a way that the system will no longer detect when the inflation pressure in one or more of the vehicle’s tires has fallen to or below a significantly underinflated pressure level; and

“(2) does not contain any provision that has the effect of prohibiting the availability of direct or indirect tire pressure monitoring systems that meet the requirements of the standards updated pursuant to paragraph (1).

“(b) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, after providing the public with sufficient opportunity for notice and comment on the proposed rule published pursuant to subsection (a), the Secretary shall issue a final rule based on the proposed rule described in subsection (a) that—

“(1) allows a manufacturer to install a tire pressure monitoring system that can be reset or recalibrated to accommodate—

“(A) the repositioning of tire sensor locations on vehicles with split inflation pressure recommendations;

“(B) tire rotation; or

“(C) replacement tires or wheels of a different size than the original equipment tires or wheels; and

“(2) to address the accommodations described in subparagraphs (A), (B), and (C) of paragraph (1), ensures that a tire pressure monitoring system that is reset or recalibrated according to the manufacturer’s instructions would illuminate the low tire pressure warning telltale when a tire is significantly underinflated until the tire is no longer significantly underinflated.

“(c) SIGNIFICANTLY UNDERINFLATED PRESSURE LEVEL DEFINED.—In this section, the term ‘significantly underinflated pressure level’ means a pressure level that is—

“(1) below the level at which the low tire pressure warning telltale must illuminate, consistent with the TPMS detection requirements contained in S4.2(a) of section 571.138 of title 49, Code of Federal Regulations, or any corresponding similar or successor regulation or ruling (as determined by the Secretary); and

“(2) in the case of a replacement wheel or tire, below the recommended cold inflation pressure of the wheel or tire manufacturer.”

IMPROVED TIRE INFORMATION

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

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

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

TIRE PRESSURE WARNING

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

§ 30124. Nonuse of safety belts

A motor vehicle safety standard prescribed under this chapter may not require 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.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 957; Pub. L. 112-141, div. C, title I, §31202(a)(2), July 6, 2012, 126 Stat. 757.)

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.

AMENDMENTS

2012—Pub. L. 112–141 amended section generally. Prior to amendment, text read as follows: “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.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30125. Schoolbuses and schoolbus equipment

(a) DEFINITIONS.—In this section—

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

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

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

- (1) emergency exits;
- (2) interior protection for occupants;
- (3) floor strength;
- (4) seating systems;
- (5) crashworthiness of body and frame (including protection against rollover hazards);
- (6) vehicle operating systems;
- (7) windows and windshields; and
- (8) fuel systems.

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

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

HISTORICAL AND REVISION NOTES

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

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30125(c)	15:1392(i)(2), 15:1397(a)(1)(F).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(a)(1)(F); added Oct. 27, 1974, Pub. L. 93–492, §203, 88 Stat. 1485.

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

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

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

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

§ 30126. Used motor vehicles

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 30127. Automatic occupant crash protection and seat belt use

(a) DEFINITIONS.—In this section—

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

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

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

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

(b) INFLATABLE RESTRAINT REQUIREMENTS.—(1) Not later than September 1, 1993, the Secretary of Transportation shall prescribe under this chapter an amendment to Federal Motor Vehicle Safety Standard 208 issued under the National Traffic and Motor Vehicle Safety Act of 1966. The amendment shall require that the automatic occupant crash protection system for both of the front outboard seating positions for each of the following vehicles be an inflatable restraint (with lap and shoulder belts) complying with the occupant protection requirements under section 4.1.2.1 of Standard 208:

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

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

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

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

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

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

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

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

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

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

(d) SEAT BELT USE LAWS.—Congress finds that it is in the public interest for each State to

adopt and enforce mandatory seat belt use laws and for the United States Government to adopt and enforce mandatory seat belt use regulations.

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

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

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

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

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

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

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

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

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

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

(g) REPORT.—(1) On October 1, 1992, and annually after that date through October 1, 2000, the Secretary of Transportation shall submit reports on the effectiveness of occupant restraint systems expressed as a percentage reduction in fatalities or injuries of restrained occupants compared to unrestrained occupants for—

- (A) a combination of inflated restraints and lap and shoulder belts;
- (B) inflated restraints only; and
- (C) lap and shoulder belts only.

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

- (A) military personnel;
- (B) Government, State, and local law enforcement officers;
- (C) other Government and State employees; and
- (D) the public.

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

- (1) after September 30, 1994, for use by the Government be equipped, to the maximum extent practicable, with driver-side inflatable restraints; and
- (2) after September 30, 1996, for use by the Government be equipped, to the maximum extent practicable, with inflatable restraints for both front outboard seating positions.

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

tation 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.

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 Transpor-

REFERENCES IN TEXT

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

AMENDMENTS

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

IMPROVEMENT OF DATA COLLECTION ON CHILD OCCUPANTS IN VEHICLE CRASHES

Pub. L. 114–94, div. B, title XXIV, §24407, Dec. 4, 2015, 129 Stat. 1726, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Sec-

retary shall revise the crash investigation data collection system of the National Highway Traffic Safety Administration to include the collection of the following data in connection with vehicle crashes whenever a child restraint system was in use in a vehicle involved in a crash:

“(1) The type or types of child restraint systems in use during the crash in any vehicle involved in the crash, including whether a five-point harness or belt-positioning booster. [sic]

“(2) If a five-point harness child restraint system was in use during the crash, whether the child restraint system was forward-facing or rear-facing in the vehicle concerned.

“(b) CONSULTATION.—In implementing subsection (a), the Secretary shall work with law enforcement officials, safety advocates, the medical community, and research organizations to improve the recordation of data described in subsection (a) in police and other applicable incident reports.

“(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on child occupant crash data collection in the crash investigation data collection system of the National Highway Traffic Safety Administration pursuant to the revision required by subsection (a).”

CHILD SAFETY SEATS

Pub. L. 112-141, div. C, title I, §31501, July 6, 2012, 126 Stat. 773, provided that:

“(a) SIDE IMPACT CRASHES.—Not later than 2 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to improve the protection of children seated in child restraint systems during side impact crashes.

“(b) FRONTAL IMPACT TEST PARAMETERS.—

“(1) COMMENCEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend the standard seat assembly specifications under Federal Motor Vehicle Safety Standard Number 213 to better simulate a single representative motor vehicle rear seat.

“(2) FINAL RULE.—Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to paragraph (1).”

CHILD RESTRAINT ANCHORAGE SYSTEMS

Pub. L. 112-141, div. C, title I, §31502, July 6, 2012, 126 Stat. 774, provided that:

“(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorage systems) to improve the ease of use for lower anchorages and tethers in all rear seat seating positions if such anchorages and tethers are feasible.

“(b) FINAL RULE.—

“(1) IN GENERAL.—Except as provided under paragraph (2) and section 31505 [set out as a note below], the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.

“(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary

shall submit a report describing the reasons for not prescribing such a standard to—

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

“(B) the Committee on Energy and Commerce of the House of Representatives.”

REAR SEAT BELT REMINDERS

Pub. L. 112-141, div. C, title I, §31503, July 6, 2012, 126 Stat. 774, provided that:

“(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 2 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 208 (relating to occupant crash protection) to provide a safety belt use warning system for designated seating positions in the rear seat.

“(b) FINAL RULE.—

“(1) IN GENERAL.—Except as provided under paragraph (2) and section 31505 [set out as a note below], the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.

“(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

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

“(B) the Committee on Energy and Commerce of the House of Representatives.”

NEW DEADLINE

Pub. L. 112-141, div. C, title I, §31505, July 6, 2012, 126 Stat. 775, provided that: “If the Secretary [of Transportation] determines that any deadline for issuing a final rule under this Act [probably should be “this title”, see Tables for classification] cannot be met, the Secretary shall—

“(1) provide the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives with an explanation for why such deadline cannot be met; and

“(2) establish a new deadline for that rule.”

IMPROVING THE SAFETY OF CHILD RESTRAINTS

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

“SECTION 1. SHORT TITLE.

“This Act may be cited as ‘Anton’s Law’.

“SEC. 2. FINDINGS.

“Congress finds the following:

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

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

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

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

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

“(a) IN GENERAL.—The Secretary of Transportation (hereafter referred to as the ‘Secretary’) shall initiate

a rulemaking proceeding to establish performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2002], the Sec-

retary shall initiate an evaluation of integrated or built-in child restraints and booster seats. The evaluation should include—

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

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

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

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

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

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

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

“SEC. 7. DEFINITIONS.

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

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

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

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

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

“(B) are Hybrid III anthropomorphic test devices;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IMPROVING AIR BAG SAFETY

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

“(a) RULEMAKING TO IMPROVE AIR BAGS.—

“(1) NOTICE OF PROPOSED RULEMAKING.—Not later than September 1, 1998, the Secretary of Transpor-

tation shall issue a notice of proposed rulemaking to improve occupant protection for occupants of different sizes, belted and unbelted, under Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

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

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

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

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

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

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

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

§ 30128. Vehicle rollover prevention and crash mitigation

(a) IN GENERAL.—The Secretary shall initiate rulemaking proceedings, for the purpose of establishing rules or standards that will reduce vehicle rollover crashes and mitigate deaths and injuries associated with such crashes for motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds.

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

(c) OCCUPANT EJECTION PREVENTION.—

(1) IN GENERAL.—The Secretary shall also initiate a rulemaking proceeding to establish performance standards to reduce complete and

partial ejections of vehicle occupants from outboard seating positions. In formulating the standards the Secretary shall consider various ejection mitigation systems. The Secretary shall issue a final rule under this paragraph no later than October 1, 2009.

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

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

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

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

§ 30141. Importing motor vehicles capable of complying with standards

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

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

(A) the vehicle is—

- (i) substantially similar to a motor vehicle originally manufactured for import into and sale in the United States;
- (ii) certified under section 30115 of this title;
- (iii) the same model year (as defined under regulations of the Secretary of Transportation) as the model of the motor vehicle it is being compared to; and
- (iv) capable of being readily altered to comply with applicable motor vehicle safe-

ty 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30141(a)	15:1397(c)(3)(A), (C)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(c)(2), (3)(A)–(D); added Oct. 31, 1968, Pub. L. 100–562, §2(b), 102 Stat. 2818.
30141(b)	15:1397(c)(3)(C) (ii)–(iv).	
30141(c)	15:1397(c)(3)(D).	
30141(d)	15:1397(c)(2).	
30141(e)	15:1397(c)(3)(B).	

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

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

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

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

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

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

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

PUB. L. 103–429

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

AMENDMENTS

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 30142. Importing motor vehicles for personal use

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

(1) the vehicle is imported for personal use, and not for resale, by an individual (except an individual described in sections 30143 and 30144 of this title);

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

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

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

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

- (i) an appropriate bond in an amount determined under section 30141(d) of this title;
- (ii) a copy of an agreement with an importer registered under section 30141(c) of this title for bringing the motor vehicle into compliance with applicable motor vehicle safety standards prescribed under this chapter; and
- (iii) a certification that the vehicle meets the requirement of section 30141(a)(1)(A) or (B) of this title; and

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

- (i) will be brought into compliance with those standards within a reasonable time (specified by the Secretary of Transportation) after the vehicle is imported; or
- (ii) will be exported (at no cost to the United States Government) by the Secretary of the Treasury or abandoned to the Government.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

- (1) the principal location at which an individual is permanently or indefinitely assigned to work; and
- (2) for a member of the uniformed services, the individual’s permanent duty station.

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

REFERENCES IN TEXT

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

§ 30144. Importing motor vehicles on a temporary basis

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

- (1)(A) the personnel of the government of a foreign country on assignment in the United States or a member of the Secretariat of a public international organization designated

under the International Organizations Immunities Act (22 U.S.C. 288 et seq.); and

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

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

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

- (1) resides in the United States; and
- (2) is a member described under subsection (a) of this section.

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

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

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

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

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

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

PUB. L. 104-287

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

REFERENCES IN TEXT

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

AMENDMENTS

1996—Subsec. (a)(1)(A). Pub. L. 104-287 substituted “International Organizations” for “International Organization”.

§ 30145. Importing motor vehicles or equipment requiring further manufacturing

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 30146. Release of motor vehicles and bonds

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

(2) The Secretaries of Transportation and the Treasury shall prescribe regulations—

(A) ensuring the release of a motor vehicle and bond required under section 30141(d) of this title at the end of the 30-day period, unless the Secretary of Transportation issues a notice of an inspection under subsection (c) of this section; and

(B) providing that the Secretary of Transportation shall release the vehicle and bond promptly after an inspection under subsection (c) of this section showing compliance with the standards applicable to the vehicle.

(3) Each registered importer shall include on each motor vehicle released under this subsection a label prescribed by the Secretary of Transportation identifying the importer and stating that the vehicle has been altered by the importer to comply with the standards applicable to the vehicle.

(b) RELIANCE ON MANUFACTURER'S CERTIFICATION.—In making a certification under subsection (a)(1) of this section, the registered importer may rely on the manufacturer's certification for the model to which the motor vehicle involved is substantially similar if the importer certifies that any alteration made by the importer did not affect the compliance of the safety features of the vehicle and the importer keeps records verifying the certification for the period the Secretary of Transportation prescribes.

(c) EVIDENCE OF COMPLIANCE.—(1) The Secretary of Transportation may require that the certification under subsection (a)(1) of this section be accompanied by evidence of compliance the Secretary considers appropriate or may inspect the certified motor vehicle, or both. If the Secretary gives notice of an inspection, an importer may release the vehicle only after—

(A) an inspection showing the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter for which the inspection was made; and

(B) release of the vehicle by the Secretary.

(2) The Secretary of Transportation shall inspect periodically a representative number of motor vehicles for which certifications have been filed under subsection (a)(1) of this section. In carrying out a motor vehicle testing program under this chapter, the Secretary shall include a representative number of motor vehicles for which certifications have been filed under subsection (a)(1).

(d) CHALLENGING THE CERTIFICATION.—A motor vehicle or bond may not be released under subsection (a) of this section if the Secretary of Transportation, not later than 30 days after receiving a certification under subsection (a)(1) of this section, gives written notice that the Secretary believes or has reason to believe that the certification is false or contains a misrepresentation.¹ The vehicle and bond may be released only after the Secretary is satisfied with the certification and any modification of the certification.

(e) BOND RELEASE.—A release of a bond required under section 30141(d) of this title is deemed an acceptance of a certification or completion of an inspection under this section but is not a decision by the Secretary of Transportation under section 30118(a) or (b) of this title of compliance with applicable motor vehicle safety standards prescribed under this chapter.

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

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).	

¹ So in original. Probably should be "misrepresentation."

In subsection (a)(1), the words "Except as provided in subsections (c) and (d) of this section" are added because of the restatement.

In subsection (a)(2)(B), the words "showing compliance with the standards" are substituted for "showing no such failure to comply" for clarity.

§ 30147. Responsibility for defects and non-compliance

(a) DEEMING DEFECT OR NONCOMPLIANCE TO CERTAIN VEHICLES AND IMPORTER AS MANUFACTURER.—(1) In carrying out sections 30117(b), 30118-30121, and 30166(f) of this title—

(A) for a defect or noncompliance with an applicable motor vehicle safety standard prescribed under this chapter for a motor vehicle originally manufactured for import into the United States, an imported motor vehicle having a valid certification under section 30146(a)(1) of this title and decided to be substantially similar to that motor vehicle shall be deemed as having the same defect or as not complying with the same standard unless the manufacturer or importer registered under section 30141(c) of this title demonstrates otherwise to the Secretary of Transportation; and

(B) the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual under section 30142 of this title.

(2) The Secretary shall publish in the Federal Register notice of any defect or noncompliance under paragraph (1)(A) of this subsection.

(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—The Secretary shall require by regulation each registered importer (including any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under sections 30117(b), 30118-30121, and 30166(f) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30147(a)	15:1397(d)(1).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §108(d); added Oct. 31, 1988, Pub. L. 100-562, §2(b), 102 Stat. 2821.
30147(b)	15:1397(d)(2).	

In this section, the words "(relating to discovery, notification, and remedy of motor vehicle defects)" are omitted as surplus.

In subsection (a)(1)(A), the words "for a motor vehicle" are substituted for "in, or regarding, any motor vehicle" to eliminate unnecessary words.

In subsection (a)(1)(B), the word "compliance" is substituted for "conformity" for consistency in this chapter.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

§ 30161. Judicial review of standards

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for re-

view in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

(d) CERTIFIED COPIES OF RECORDS OF PROCEEDINGS.—The Secretary shall give any interested person a certified copy of the transcript of the record in a proceeding under this section on request and payment of costs. A certified copy of the record of the proceeding is admissible in a proceeding arising out of a matter under this chapter, regardless of whether the proceeding under this section has begun or becomes final.

(e) FINALITY OF JUDGMENT AND SUPREME COURT REVIEW.—A judgment of a court under this section is final and may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30161(a)	15:1394(a)(1) (1st sentence), (3).	Sept. 9, 1966, Pub. L. 89-563, §105(a)(1)-(5), (b), 80 Stat. 720, 721.
30161(b)	15:1394(a)(1) (2d, last sentences).	
30161(c)	15:1394(a)(2).	
30161(d)	15:1394(b).	
30161(e)	15:1394(a)(4), (5).	

In subsection (a), the words “In a case of actual controversy as to the validity of” and “who will be . . . when it is effective” are omitted as surplus. The words “an order prescribing a motor vehicle safety standard under this chapter” are substituted for “any order under section 1392 of this title” for consistency. The words “apply for review” are added for clarity. The words “The petition must be filed” are substituted for “at any time” for clarity. The text of 15:1394(a)(3) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words “or other officer designated by him for that purpose” are omitted as surplus because of 49:322(b). The words “in which the order was prescribed” are substituted for “on which the Secretary based his order” for consistency. The words “as provided in section 2112 of title 28” are omitted as surplus.

In subsection (c)(1), the words “in such manner and upon such terms and conditions as to the court may seem proper” are omitted as surplus. The words “is satisfied” are substituted for “shows to the satisfaction of” to eliminate unnecessary words. The words “and to be adduced upon the hearing” are omitted as unnecessary.

In subsection (c)(2), the words “with the court” are substituted for “the return of” for clarity.

In subsection (d), the words “thereof” and “criminal, exclusion of imports, or other” are omitted as surplus. The words “under this section” are substituted for “with respect to the order” for clarity. The word “previously” is omitted as surplus.

In subsection (e), the words “under this section is final and may be reviewed only” are substituted for “affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review” to eliminate unnecessary words. The text of 15:1394(a)(5) is omitted because of rule 43 of the Federal Rules of Appellate Procedure (28 App. U.S.C.).

§ 30162. Petitions by interested persons for standards and enforcement

(a) FILING.—Any interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding—

(1) to prescribe a motor vehicle safety standard under this chapter; or

(2) to decide whether to issue an order under section 30118(b) of this title.

(b) STATEMENT OF FACTS.—The petition must state facts that the person claims establish that a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) PROCEEDINGS.—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant the petition.

(d) ACTIONS OF SECRETARY.—The Secretary shall grant or deny a petition not later than 120 days after the petition is filed. If a petition is granted, the Secretary shall begin the proceeding promptly. If a petition is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30162(a)	15:1410a(a).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §124(a)-(d); added Oct. 27, 1974, Pub. L. 93-492, §106, 88 Stat. 1481.
30162(b)	15:1410a(b).	
30162(c)	15:1410a(c).	
30162(d)	15:1410a(d).	

Subsection (a)(1) is substituted for “the issuance of an order pursuant to section 1392 of this title” for clarity and because of the restatement.

In subsection (b), the words “a motor vehicle safety standard” are added because of the restatement. The words “referred to in subsection (a) of this section” are added for clarity. The words “of the substance” are omitted as surplus.

In subsection (c), the words “as he deems appropriate in order” and “or not” are omitted as surplus.

In subsection (d), the words “described in subsection (b) of this section”, “either”, and “requested in the petition” are omitted as surplus.

§ 30163. Actions by the Attorney General

(a) CIVIL ACTIONS TO ENFORCE.—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) PRIOR NOTICE.—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person's views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) VENUE.—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena 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.

§30164. Service of process; conditions on importation of vehicles and equipment

(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.

(c) IDENTIFYING INFORMATION.—A manufacturer (including an importer) offering a motor vehicle or motor vehicle equipment for import shall provide, upon request, such information that is necessary to identify and track the products as the Secretary, by rule, may specify, including—

(1) the product by name and the manufacturer's address; and

(2) each retailer or distributor to which the manufacturer directly supplied motor vehicles or motor vehicle equipment over which the Secretary has jurisdiction under this chapter.

(d) REGULATIONS ON THE IMPORT OF A MOTOR VEHICLE.—The Secretary may issue regulations that—

(1) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer's compliance with—

(A) the requirements under this section;

(B) paragraph (1) or (3) of section 30112(a) with respect to such motor vehicle or motor vehicle equipment;

(C) the provision of reports and records required to be maintained with respect to such motor vehicle or motor vehicle equipment under this chapter;

(D) a request for inspection of premises, vehicle, or equipment under section 30166;

(E) an order or voluntary agreement to remedy such vehicle or equipment; or

(F) any rules implementing the requirements described in this subsection;

(2) provide an opportunity for the manufacturer to present information before the Secretary's determination as to whether the manufacturer's imports should be restricted; and

(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment.

(e) EXCEPTION.—The requirements of subsections (c) and (d) shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012—

(1) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

(2) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

(3) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.

(f) RULEMAKING.—In issuing regulations under this section, the Secretary shall seek to reduce duplicative requirements by coordinating with the Department of Homeland Security.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 112-141, div. C, title I, §31208(2), July 6, 2012, 126 Stat. 761.)

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 sub-

stituted 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.

REFERENCES IN TEXT

The date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, referred to in subsec. (e), is the date of enactment of title I of div. C of Pub. L. 112-141, which was approved July 6, 2012.

AMENDMENTS

2012—Pub. L. 112-141, §31208(2)(A), inserted "conditions on importation of vehicles and equipment" after "process" in section catchline.

Subsecs. (c) to (f). Pub. L. 112-141, §31208(2)(B), added subsecs. (c) to (f).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30165. Civil penalty

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(a), 30125(c), 30127, 30141 through 30147, or 31137, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$35,000,000.

(2) SCHOOL BUSES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be \$10,000 in the case of—

(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

(ii) a violation of section 30112(a)(2) of this title.

(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is \$15,000,000.

(3) SECTION 30166.—Except as provided in paragraph (4), a person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that

section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$35,000,000.

(4) FALSE OR MISLEADING REPORTS.—A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same information as accurate under the certification process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than \$5,000 per day. The maximum penalty under this paragraph for a related series of daily violations is \$1,000,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

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

(c) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY OR COMPROMISE.—In determining the amount of a civil penalty or compromise under this section, the Secretary of Transportation shall consider the nature, circumstances, extent, and gravity of the violation. Such determination shall include, as appropriate—

- (1) the nature of the defect or noncompliance;
- (2) knowledge by the person charged of its obligations under this chapter;
- (3) the severity of the risk of injury;
- (4) the occurrence or absence of injury;
- (5) the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance;
- (6) actions taken by the person charged to identify, investigate, or mitigate the condition;
- (7) the appropriateness of such penalty in relation to the size of the business of the person charged, including the potential for undue adverse economic impacts;
- (8) whether the person has been assessed civil penalties under this section during the most recent 5 years; and
- (9) other appropriate factors.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 103–429, §6(23), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 106–414, §5(a), Nov. 1, 2000, 114 Stat. 1803; Pub. L. 109–59, title X, §10309(c), Aug. 10, 2005, 119 Stat. 1942; Pub. L. 112–141, div. C, title I, §§31203(a), 31304(b), title II, §32301(c), July 6, 2012, 126 Stat. 758, 764, 788; Pub. L. 114–94, div. B, title XXIV, §24110(a), Dec. 4, 2015, 129 Stat. 1709.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 114–94, div. B, title XXIV, §24110(a), (b), Dec. 4, 2015, 129 Stat. 1709, provided that, effective on the date the Secretary of Transportation makes the certification required by section 31203(b) of Pub. L. 112–141, set out as a note below, subsection (a) of this section is amended:

- (1) in paragraph (1)—
 - (A) by striking “\$5,000” and inserting “\$21,000”; and
 - (B) by striking “\$35,000,000” and inserting “\$105,000,000”; and
- (2) in paragraph (3)—
 - (A) by striking “\$5,000” and inserting “\$21,000”; and
 - (B) by striking “\$35,000,000” and inserting “\$105,000,000”.

See 2015 Amendment notes below.

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

2015—Subsec. (a)(1). Pub. L. 114–94, §24110(a)(1), substituted “\$21,000” for “\$5,000” and “\$105,000,000” for “\$35,000,000”.

Subsec. (a)(3). Pub. L. 114–94, §24110(a)(2), substituted “\$21,000” for “\$5,000” and “\$105,000,000” for “\$35,000,000”.

2012—Subsec. (a)(1). Pub. L. 112–141, §32301(c), substituted “30141 through 30147, or 31137” for “or 30141 through 30147”.

Pub. L. 112–141, §31203(a)(1)(A), substituted “30123(a)” for “30123(d)” and “\$35,000,000” for “\$15,000,000”.

Subsec. (a)(3). Pub. L. 112–141, §31304(b)(1), substituted “Except as provided in paragraph (4), a person” for “A person”.

Pub. L. 112–141, §31203(a)(1)(B), substituted “\$35,000,000” for “\$15,000,000”.

Subsec. (a)(4). Pub. L. 112–141, §31304(b)(2), added par. (4).

Subsec. (c). Pub. L. 112–141, §31203(a)(2), amended subsec. (c) generally. Prior to amendment, text read as follows: “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.”

2005—Subsec. (a)(2), (3). Pub. L. 109–59, which directed amendment of section 30165(a), without specifying the title to be amended, by adding par. (2) and redesignating former par. (2) as (3), was executed to this section, to reflect the probable intent of Congress.

2000—Subsec. (a). Pub. L. 106–414 amended heading and text generally. Prior to amendment, text read as follows: “A person that violates any of sections 30112, 30115, 30117–30122, 30123(d), 30125(c), 30127, 30141–30147, or 30166 of this title or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$800,000.”

1994—Subsec. (a). Pub. L. 103–429 substituted “any of sections 30112” for “section 30112” and inserted “any of” before “those sections” in two places.

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–94, div. B, title XXIV, §24110(b), (c), Dec. 4, 2015, 129 Stat. 1709, provided that:

“(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section [amending this section] take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note).

“(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register.”

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–141, div. C, title I, §31203(c), July 6, 2012, 126 Stat. 758, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is the earlier of the date on which final regulations are issued under subsection (b) [set out as a note below] or 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways].”

Amendment by sections 31304(b) and 32301(c) of Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

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.

CIVIL PENALTY CRITERIA

Pub. L. 112–141, div. C, title I, §31203(b), July 6, 2012, 126 Stat. 758, provided that: “Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(c) of title 49, United States Code.”

§ 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;

(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 (including at United States ports of entry), 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;

(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security for inspections and sampling of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter.

(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.—

(1) IN GENERAL.—A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website, 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.

(2) INDEX.—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, that—

(A) identifies the make, model, and model year of the affected vehicles;

(B) includes a concise summary of the subject matter of the communication; and

(C) shall be made available by the Secretary to the public on the Internet in a searchable format.

(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 subpoena 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 subpoena 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 subpoena 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.

(l) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.

(m) EARLY WARNING REPORTING REQUIREMENTS.—

(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

(3) REPORTING ELEMENTS.—

(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

(i) data on claims submitted to the manufacturer for serious injuries (including

death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

(A) SECRETARY'S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

(iii) the manner and form of reporting such information, including in electronic form.

(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Secretary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements

unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.

(n) SALE OR LEASE OF DEFECTIVE OR NON-COMPLIANT TIRE.—

(1) IN GENERAL.—The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

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

(o) CORPORATE RESPONSIBILITY FOR REPORTS.—

(1) IN GENERAL.—The Secretary shall promulgate rules requiring a senior official responsible for safety in any company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that—

(A) the signing official has reviewed the submission; and

(B) based on the official's knowledge, the submission does not—

(i) contain any untrue statement of a material fact; or

(ii) omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

(2) NOTICE.—The certification requirements of this section shall be clearly stated on any request for information under paragraph (1).

(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 969; Pub. L. 103-429, §6(24), Oct. 31, 1994, 108 Stat.

4380; Pub. L. 104-88, title III, §308(j), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104-287, §6(f)(3), Oct. 11, 1996, 110 Stat. 3399; Pub. L. 106-414, §3(a)-(c), Nov. 1, 2000, 114 Stat. 1800-1802; Pub. L. 112-141, div. C, title I, §§31209, 31303(a), 31304(a), July 6, 2012, 126 Stat. 762, 764; Pub. L. 114-94, div. B, title XXIV, §§24109(e), 24112, Dec. 4, 2015, 129 Stat. 1707, 1709.)

AMENDMENT OF SECTION

Pub. L. 114-94, div. B, title XXIV, §24109(e), (k), Dec. 4, 2015, 129 Stat. 1707, 1709, provided that, effective on the date that is 180 days after Dec. 4, 2015, this section is amended as follows:

(1) in subsection (c)(2), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”;

(2) in subsection (e), by striking “or dealer” each place such term appears and inserting “dealer, or rental company”; and

(3) in subsection (f), by striking “or to owners” and inserting “, rental companies, or other owners”.

See 2015 Amendment notes below.

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)). 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. Sept. 9, 1966, Pub. L. 89-563, §112(a)-(c), 80 Stat. 725; re-stated Oct. 27, 1974, Pub. L. 93-492, §104(a), 88 Stat. 1478.
30166(b)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (1st, last sentences)). 15:1401(a)(1) (1st, last sentences).	
30166(c)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(2), (b) (1st sentence 61st-last words), (c)(2)). 15:1401(a)(2), (b) (1st sentence 61st-last words), (c)(2).	
30166(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(A)). 15:1401(a)(3)(A).	
30166(e)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(b) (1st sentence 1st-60th words, last sentence)). 15:1401(b) (1st sentence 1st-60th words, last sentence).	
30166(f)	15:1397(a)(1)(D) (re-lated 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).	

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30166(h)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(4)). 15:1401(c)(4).	
30166(i)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(6)). 15:1401(c)(6).	
30166(j)	15:1396 (related to inspecting and testing).	Sept. 9, 1966, Pub. L. 89-563, §107 (related to inspecting and testing), 80 Stat. 721.
30166(k)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (2d sentence)). 15:1401(a)(1) (2d sentence).	

In this section, the words “regulation prescribed or order issued under this chapter” are substituted for “rules, regulations, or orders issued thereunder” and “regulations and orders promulgated thereunder” for consistency and because “rule” and “regulation” are synonymous. The text of 15:1397(a)(1)(B) and (E) (as 1397(a)(1)(B), (E) relates to 15:1401) is omitted as surplus.

In subsection (a), the words “As used” are omitted as surplus. The word “use” is omitted as being included in “operation”.

In subsection (b)(1)(A), the words “this chapter” are substituted for “this subchapter” because of the restatement.

In subsection (b)(1)(B), the words “the facts, circumstances, conditions, and causes of” are omitted as surplus. The words “designed to carry out” are substituted for “which is for the purposes of carrying out” to eliminate unnecessary words.

In subsection (b)(2), the words “making”, “appropriate”, and “consistent with the purposes of this subsection” are omitted as surplus.

In subsection (c), before clause (1), the words “In carrying out this chapter” are substituted for “For purposes of carrying out paragraph (1)” in 15:1401(a)(2) and “In order to carry out the provisions of this subchapter” in 15:1401(c)(2) for clarity and consistency in this chapter. The words “an officer or employee designated by the Secretary of Transportation” are substituted for “officers or employees duly designated by the Secretary” in 15:1401(a)(2), “an officer or employee duly designated by the Secretary” in 15:1401(b), and “his duly authorized agent” in 15:1401(c)(2) for consistency. In clause (1), the words “may inspect and copy” are substituted for “shall . . . have access to, and for the purposes of examination the right to copy” in 15:1401(c)(2) to eliminate unnecessary words. The words “of any person having materials or information . . . any function of the Secretary under” are omitted as surplus. In clause (2), the word “may” is substituted for “permit such officer or employee to” in 15:1401(b) because of the restatement. The words “appropriate” and “relevant” are omitted as surplus. In clause (3)(A)-(C), the words “inspect with reasonable promptness” are substituted for 15:1401(a)(2) (last sentence) to eliminate unnecessary words and for consistency. In clause (3)(A), the word “premises” is substituted for “factory, warehouse, or establishment” for consistency. In clause (3)(D), the words “not more than” are substituted for “a period not to exceed” for consistency.

In subsection (d), the words “for the purpose of inspection” and “the authority of” are omitted as surplus. The words “is inspected or temporarily impounded under subsection (c)(3) of this section” are substituted for “Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection” for clarity and to correct the cross-reference in the source provision. The words “to its owner” are omitted as surplus.

In subsection (e), the words “establish and” are omitted as surplus. The words “This subsection does not impose” are substituted for “Nothing in this subsection shall be construed as imposing” for consistency and to eliminate unnecessary words.

In subsection (f), the words “notices, bulletins, and other” are omitted as surplus. The words “with a motor vehicle safety standard prescribed under this chapter” are added for clarity. The text of 15:1397(a)(1)(D) (related to 15:1418(a)(1)) is omitted as surplus.

In subsection (g)(1), before clause (A), the words “or on the authorization of the Secretary, any officer or employee of the Department of Transportation” are omitted as surplus because of 49:322(b). In clause (A), the words “in writing”, “in such form as the Secretary may prescribe”, “relating to any function of the Secretary under this subchapter”, and “shall be filed with the Secretary within such reasonable period as the Secretary may prescribe” are omitted as surplus. In clause (B), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”. The word “records” is substituted for “such books, papers, correspondence, memorandums, contracts, agreements, or other records” for consistency in the revised title and with other titles of the United States Code.

In subsection (h), the words “A civil action to enforce a subpoena 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 subpoena 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 subpoena or order” are substituted for “such order of the court” for clarity.

In subsection (i), the words “United States” are substituted for “Federal” for consistency. The words “to provide” are substituted for “from” because of the restatement. The words “his functions under” are omitted as surplus. The words “head of the” are added for consistency. The words “to the Department of Transportation . . . made by the Secretary” are omitted as surplus. The words “detail personnel on a reimbursable basis” are substituted for 15:1401(c)(6)(B) to eliminate unnecessary words and because of the restatement. The word “otherwise” is added for clarity. The words “be deemed to” and “provision of” are omitted as surplus.

In subsection (j), the words “departments, agencies, and instrumentalities of the Government, States, and other public and private agencies” are substituted for “other Federal departments and agencies, and State and other interested public and private agencies” for consistency.

In subsection (k), the words “for appropriate action” are omitted as surplus.

PUB. L. 103-429

This amends 49:30166(h) to clarify the restatement of 15:1401(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 970).

REFERENCES IN TEXT

The date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, referred to in subssecs. (m)(1) and (n)(1), is the date of enactment of Pub. L. 106-414, which was approved Nov. 1, 2000.

The date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, referred to in subsec. (o)(3), probably means the date of enactment of div. B of Pub. L. 114-94, which was approved Dec. 4, 2015. That Act name is the heading for div. B of Pub. L. 114-94, but no such Short Title was enacted.

AMENDMENTS

2015—Subsec. (c)(2). Pub. L. 114-94, §24109(e)(1), substituted “dealer, or rental company” for “or dealer” in two places.

Subsec. (e). Pub. L. 114-94, §24109(e)(2), substituted “dealer, or rental company” for “or dealer” wherever appearing.

Subsec. (f)(1). Pub. L. 114-94, §24109(e)(3), substituted “rental companies, or other owners” for “or to owners”.

Subsec. (o)(1). Pub. L. 114-94, §24112(1), substituted “shall promulgate” for “may promulgate” in introductory provisions.

Subsec. (o)(3). Pub. L. 114-94, §24112(2), added par. (3). 2012—Subsec. (c)(3)(A). Pub. L. 112-141, §31209(2)(A), inserted “(including at United States ports of entry)” after “held for introduction in interstate commerce”.

Subsec. (c)(4). Pub. L. 112-141, §31209(1), (2)(B), (3), added par. (4).

Subsec. (f). Pub. L. 112-141, §31303(a), designated existing provisions as par. (1), inserted heading, substituted “A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website,” for “A manufacturer shall give the Secretary of Transportation”, and added par. (2).

Subsec. (o). Pub. L. 112-141, §31304(a), added subsec. (o).

2000—Subsecs. (l) to (n). Pub. L. 106-414 added subssecs. (l) to (n).

1996—Subsec. (d). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 104-88, §308(j). See 1995 Amendment note below.

1995—Subsec. (d). Pub. L. 104-88, §308(j), as amended by Pub. L. 104-287, substituted “subchapter I of chapter 135” for “subchapter II of chapter 105”.

1994—Subsec. (h). Pub. L. 103-429 substituted “any judicial district” for “the judicial district”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 24109(e) of Pub. L. 114-94 effective on the date that is 180 days after Dec. 4, 2015, see section 24109(k) of Pub. L. 114-94, set out as a note under section 30102 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, §6(f)(3), Oct. 11, 1996, 110 Stat. 3399, 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 1301 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.

PUBLIC AVAILABILITY OF RECALL INFORMATION

Pub. L. 112-141, div. C, title I, §31301, July 6, 2012, 126 Stat. 763, as amended by Pub. L. 114-94, div. B, title XXIV, §24103(c), Dec. 4, 2015, 129 Stat. 1702, provided that:

“(a) VEHICLE RECALL INFORMATION.—Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall require that motor vehicle safety recall information—

- “(1) be available to the public on the Internet;
- “(2) be searchable by vehicle make and model and vehicle identification number;
- “(3) be in a format that preserves consumer privacy; and
- “(4) includes [sic] information about each recall that has not been completed for each vehicle.

“(b) RULEMAKING.—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in subsection (a), with respect to that manufacturer’s motor vehicles, on a publicly accessible Internet website. Any rules promulgated under this subsection—

“(1) shall limit the information that must be made available under this section to include only those recalls issued not more than 15 years prior to the date of enactment of this Act;

“(2) may require information under paragraph (1) to be provided to a dealer or an owner of a vehicle at no charge; and

“(3) shall permit a manufacturer a reasonable period of time after receiving information from a dealer with respect to a vehicle to update the information about the vehicle on the publicly accessible Internet website.

“(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.”

§ 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 infor-

mation 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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)). 15:1401(e) (1st sentence). 15:1402(b)(2) (1st sentence). 15:1418(a)(2)(B).	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. Sept. 9, 1966, Pub. L. 89–563, §112(e), 80 Stat. 725; Oct. 27, 1974, Pub. L. 93–492, §104(b), 88 Stat. 1480. Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §113; added Oct. 27, 1974, Pub. L. 93–492, §105, 88 Stat. 1480. 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)).	
30167(c)	15:1418(a)(2)(A), (C). 15:1402(a), (b)(1), (c)–(e).	
30167(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(e) (last sentence)). 15:1401(e) (last sentence). 15:1402(b)(2) (last sentence).	

In this section, the text of 15:1397(a)(1)(B) (related to 15:1401(e)), (D) (related to 15:1418(a)(2)), and (E) (related to 15:1401(e)) is omitted as surplus.

In subsection (a), before clause (1), the words “Except as otherwise provided in section 1418(a)(2) and section 1402(b) of this title” in 15:1401(e) (1st sentence) are omitted, and the words “Information obtained under this chapter related to a confidential matter” are substituted for “all information reported to or otherwise obtained by the Secretary or his representative pursuant to this subchapter which information contains or relates to a trade secret or other matter” in 15:1401(e) (1st sentence) and “described in subparagraph (A)” in 15:1418(a)(2)(B), because of the restatement. The words “shall be considered confidential for the purpose of that section” are omitted as surplus. The words “may be disclosed only in the following ways” are substituted for “except that such information may be disclosed” in 15:1401(e) (1st sentence) and 15:1402(b)(2) (1st sentence) and “and shall not be disclosed; unless” in 15:1418(a)(2)(B) to eliminate unnecessary words. Clause (3) is substituted for 15:1402(b)(2) (1st sentence words before 2d comma) to eliminate unnecessary words.

In subsection (b), the words “Subject to” are substituted for “Except as provided in” for consistency. The words “to the public so much of any” and “which is” are omitted as surplus. The words “which relates to motor vehicle safety” and “with an applicable Federal motor vehicle safety standard” are omitted because of the restatement. The words “the purposes of” and “and not in lieu of” are omitted as surplus.

In subsection (c), the words “For purposes of this section, the term ‘cost information’ means” and “such cost information” are omitted because of the restatement. The words “alleged”, “both”, and “resulting from action by the Secretary, in such form” are omitted as surplus. The words “Such term includes” are omitted because of the restatement. The words “to evaluate” are substituted for “to make an informed judgment” to eliminate unnecessary words and for consistency in the subsection. The words “(in such detail as the Secretary may by regulation or order prescribe)”

are omitted as surplus because of 49:322(a). The word “thereafter” is omitted as surplus. The word “evaluate” is substituted for “prepare an evaluation of” to eliminate unnecessary words. The words “The Secretary” are added for clarity. The text of 15:1402(d) is omitted as surplus because of 49:322(a). The text of 15:1402(e) is omitted as surplus because of the restatement.

In subsection (d), the words “by the Secretary or any officer or employee under his control” and “duly” are omitted as surplus. The words “to have the information” are added for clarity.

§ 30168. Repealed. Pub. L. 112-141, div. C, title I, § 1204(b)(2)(B), July 6, 2012, 126 Stat. 760

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 971; Pub. L. 104-287, §5(58), Oct. 11, 1996, 110 Stat. 3394, related to research, testing, development, and training.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30169(b)	15:1397 (note).	Oct. 31, 1988, Pub. L. 100-562, §2(e)(4), 102 Stat. 2825.

In subsection (a), before clause (1), the words “prepare and”, “comprehensive”, and “but not be restricted to” are omitted as unnecessary. In clause (1), the words “occurring in such year” are omitted as surplus. In clause (2), the words “in such year” are omitted as surplus. The words “under this chapter” are substituted for “Federal” for consistency in this chapter. In clause (3), the words “applicable Federal motor vehicle” are omitted as surplus. In clause (4), the word “all” is omitted as surplus. In clause (5), the words “including relevant policy recommendations” and “during such year” are omitted as surplus. In clause (6), the words “a statement of . . . including judicial decisions, settlements, or pending litigation during such year” are omitted as surplus. In clause (7), the word “motoring” is omitted as surplus. In clause (8), the words “The report required by subsection (a) of this section shall contain such” are omitted because of the restatement. The words “additional . . . as the Secretary deems” and “several” are omitted as surplus.

REFERENCES IN TEXT

Section 2(e)(1)(B) of the Imported Vehicle Safety Compliance Act of 1988, referred to in subsec. (b), is section 2(e)(1)(B) of Pub. L. 100-562, which was set out as a note under section 1397 of Title 15, Commerce and Trade, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 1st item on page 135 and the 2nd item on page 134 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b) of this section), see section 3003 of Pub. L. 104-66, set out as a note under section 1113 of Title 31, Money and Finance.

§ 30170. Criminal Penalties

(a) **CRIMINAL LIABILITY FOR FALSIFYING OR WITHHOLDING INFORMATION.**—

(1) **GENERAL RULE.**—A person who violates section 1001 of title 18 with respect to the reporting requirements of section 30166, with the specific intention of misleading the Secretary with respect to motor vehicle or motor vehicle equipment safety related defects that have caused death or serious bodily injury to an individual (as defined in section 1365(g)(3)¹ of title 18), shall be subject to criminal penalties of a fine under title 18, or imprisoned for not more than 15 years, or both.

(2) **SAFE HARBOR TO ENCOURAGE REPORTING AND FOR WHISTLE BLOWERS.**—

(A) **CORRECTION.**—A person described in paragraph (1) shall not be subject to criminal penalties under this subsection if: (1) at the time of the violation, such person does not know that the violation would result in an accident causing death or serious bodily injury; and (2) the person corrects any improper reports or failure to report within a reasonable time.

(B) **REASONABLE TIME AND SUFFICIENCY OF CORRECTION.**—The Secretary shall establish

¹ See References in Text note below.

by regulation what constitutes a reasonable time for the purposes of subparagraph (A) and what manner of correction is sufficient for purposes of subparagraph (A). The Secretary shall issue a final rule under this subparagraph within 90 days of the date of the enactment of this section.

(C) EFFECTIVE DATE.—Subsection (a) shall not take effect before the final rule under subparagraph (B) takes effect.

(b) COORDINATION WITH DEPARTMENT OF JUSTICE.—The Attorney General may bring an action, or initiate grand jury proceedings, for a violation of subsection (a) only at the request of the Secretary of Transportation.

(Added Pub. L. 106-414, §5(b)(1), Nov. 1, 2000, 114 Stat. 1803.)

REFERENCES IN TEXT

Section 1365(g)(3) of title 18, referred to in subsec. (a)(1), was redesignated section 1365(h)(3) of title 18 by Pub. L. 107-307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

The date of the enactment of this section, referred to in subsec. (a)(2)(B), is the date of enactment of Pub. L. 106-414, which was approved Nov. 1, 2000.

§ 30171. Protection of employees providing motor vehicle safety information

(a) DISCRIMINATION AGAINST EMPLOYEES OF MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIPS.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

(3) testified or is about to testify in such a proceeding;

(4) assisted or participated or is about to assist or participate in such a proceeding; or

(5) objected to, or refused to participate in, any activity that the employee reasonably believed to be in violation of any provision of chapter 301 of this title, or any order, rule, regulation, standard, or ban under such provision.

(b) COMPLAINT PROCEDURE.—

(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may file (or have any person file on his or her behalf), not later than 180 days after the date on which such violation occurs, a complaint with the Secretary

of Labor (hereinafter in this section referred to as the “Secretary”) alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION; PRELIMINARY ORDER.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary’s findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary’s findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(B) REQUIREMENTS.—

(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in

paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(3) FINAL ORDER.—

(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory damages to the complainant.

(C) ATTORNEYS' FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

(D) FRIVOLOUS COMPLAINTS.—If the Secretary determines that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury. The action shall be governed by the same legal

burdens of proof specified in paragraph (2)(B) for review by the Secretary.

(4) REVIEW.—

(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

(5) ENFORCEMENT OF ORDER BY SECRETARY.—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

(6) ENFORCEMENT OF ORDER BY PARTIES.—

(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) MANDAMUS.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a motor vehicle manufacturer, part supplier, or dealership who, acting without direction from such motor vehicle manufacturer, part supplier, or dealership (or such person's agent), deliberately causes a violation of any requirement relating to motor vehicle safety under this chapter.

(Added Pub. L. 112-141, div. C, title I, §31307(a), July 6, 2012, 126 Stat. 765.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination

Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30172. Whistleblower incentives and protections

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term “covered action” means any administrative or judicial action, including any related administrative or judicial action, brought by the Secretary or the Attorney General under this chapter that in the aggregate results in monetary sanctions exceeding \$1,000,000.

(2) MONETARY SANCTIONS.—The term “monetary sanctions” means monies, including penalties and interest, ordered or agreed to be paid.

(3) ORIGINAL INFORMATION.—The term “original information” means information that—

(A) is derived from the independent knowledge or analysis of an individual;

(B) is not known to the Secretary from any other source, unless the individual is the original source of the information; and

(C) is not exclusively derived from an allegation made in a judicial or an administrative action, in a governmental report, a hearing, an audit, or an investigation, or from the news media, unless the individual is a source of the information.

(4) PART SUPPLIER.—The term “part supplier” means a manufacturer of motor vehicle equipment.

(5) SUCCESSFUL RESOLUTION.—The term “successful resolution”, with respect to a covered action, includes any settlement or adjudication of the covered action.

(6) WHISTLEBLOWER.—The term “whistleblower” means any employee or contractor of a motor vehicle manufacturer, part supplier, or dealership who voluntarily provides to the Secretary original information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter, which is likely to cause unreasonable risk of death or serious physical injury.

(b) AWARDS.—

(1) IN GENERAL.—If the original information that a whistleblower provided to the Secretary leads to the successful resolution of a covered action, the Secretary, subject to subsection (c), may pay an award or awards to one or more whistleblowers in an aggregate amount of—

(A) not less than 10 percent, in total, of collected monetary sanctions; and

(B) not more than 30 percent, in total, of collected monetary sanctions.

(2) PAYMENT OF AWARDS.—Any amount payable under paragraph (1) shall be paid from the monetary sanctions collected, and any monetary sanctions so collected shall be available for such payment.

(c) DETERMINATION OF AWARDS; DENIAL OF AWARDS.—

(1) DETERMINATION OF AWARDS.—

(A) DISCRETION.—The determination of whether, to whom, or in what amount to make an award shall be in the discretion of

the Secretary subject to the provisions in subsection (b)(1).

(B) CRITERIA.—In determining an award made under subsection (b), the Secretary shall take into consideration—

(i) if appropriate, whether a whistleblower reported or attempted to report the information internally to an applicable motor vehicle manufacturer, part supplier, or dealership;

(ii) the significance of the original information provided by the whistleblower to the successful resolution of the covered action;

(iii) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the covered action; and

(iv) such additional factors as the Secretary considers relevant.

(2) DENIAL OF AWARDS.—No award under subsection (b) shall be made—

(A) to any whistleblower who is convicted of a criminal violation related to the covered action for which the whistleblower otherwise could receive an award under this section;

(B) to any whistleblower who, acting without direction from an applicable motor vehicle manufacturer, part supplier, or dealership, or agent thereof, deliberately causes or substantially contributes to the alleged violation of a requirement of this chapter;

(C) to any whistleblower who submits information to the Secretary that is based on the facts underlying the covered action submitted previously by another whistleblower;

(D) to any whistleblower who fails to provide the original information to the Secretary in such form as the Secretary may require by regulation; or

(E) if the applicable motor vehicle manufacturer, parts supplier, or dealership has an internal reporting mechanism in place to protect employees from retaliation, to any whistleblower who fails to report or attempt to report the information internally through such mechanism, unless—

(i) the whistleblower reasonably believed that such an internal report would have resulted in retaliation, notwithstanding section 30171(a);

(ii) the whistleblower reasonably believed that the information—

(I) was already internally reported;

(II) was already subject to or part of an internal inquiry or investigation; or

(III) was otherwise already known to the motor vehicle manufacturer, part supplier, or dealership; or

(iii) the Secretary has good cause to waive this requirement.

(d) REPRESENTATION.—A whistleblower may be represented by counsel.

(e) NO CONTRACT NECESSARY.—No contract with the Secretary is necessary for any whistleblower to receive an award under subsection (b).

(f) PROTECTION OF WHISTLEBLOWERS; CONFIDENTIALITY.—

(1) IN GENERAL.—Notwithstanding section 30167, and except as provided in paragraphs (4)

and (5) of this subsection, the Secretary, and any officer or employee of the Department of Transportation, shall not disclose any information, including information provided by a whistleblower to the Secretary, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, unless—

(A) required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Secretary or any entity described in paragraph (5);

(B) the whistleblower provides prior written consent for the information to be disclosed; or

(C) the Secretary, or other officer or employee of the Department of Transportation, receives the information through another source, such as during an inspection or investigation under section 30166, and has authority under other law to release the information.

(2) REDACTION.—The Secretary, and any officer or employee of the Department of Transportation, shall take reasonable measures to not reveal the identity of the whistleblower when disclosing any information under paragraph (1).

(3) SECTION 552(B)(3)(B).—For purposes of section 552 of title 5, paragraph (1) of this subsection shall be considered a statute described in subsection (b)(3)(B) of that section.

(4) EFFECT.—Nothing in this subsection is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

(5) AVAILABILITY TO GOVERNMENT AGENCIES.—

(A) IN GENERAL.—Without the loss of its status as confidential in the hands of the Secretary, all information referred to in paragraph (1) may, in the discretion of the Secretary, when determined by the Secretary to be necessary or appropriate to accomplish the purposes of this chapter and in accordance with subparagraph (B), be made available to the following:

(i) The Department of Justice.

(ii) An appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction.

(B) MAINTENANCE OF INFORMATION.—Each entity described in subparagraph (A) shall maintain information described in that subparagraph as confidential, in accordance with the requirements in paragraph (1).

(g) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and intentionally makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18.

(h) APPEALS.—

(1) IN GENERAL.—Any determination made under this section, including whether, to

whom, or in what amount to make an award, shall be in the discretion of the Secretary.

(2) APPEALS.—Any determination made by the Secretary under this section may be appealed by a whistleblower to the appropriate court of appeals of the United States not later than 30 days after the determination is issued by the Secretary.

(3) REVIEW.—The court shall review the determination made by the Secretary in accordance with section 706 of title 5.

(i) REGULATION.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations on the requirements of this section, consistent with this section.

(Added Pub. L. 114-94, div. B, title XXIV, § 24352(a), Dec. 4, 2015, 129 Stat. 1716.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (i), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

RULE OF CONSTRUCTION

Pub. L. 114-94, div. B, title XXIV, § 24352(b), Dec. 4, 2015, 129 Stat. 1720, provided that:

“(1) ORIGINAL INFORMATION.—Information submitted to the Secretary of Transportation by a whistleblower in accordance with the requirements of section 30172 of title 49, United States Code, shall not lose its status as original information solely because the whistleblower submitted the information prior to the effective date of the regulations issued under subsection (i) of that section if that information was submitted after the date of enactment of this Act [Dec. 4, 2015].

“(2) AWARDS.—A whistleblower may receive an award under section 30172 of title 49, United States Code, regardless of whether the violation underlying the covered action occurred prior to the date of enactment of this Act, and may receive an award prior to the Secretary of Transportation promulgating the regulations under subsection (i) of that section.”

SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

§ 30181. Policy

The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter.

(Added Pub. L. 112-141, div. C, title I, § 31204(a), July 6, 2012, 126 Stat. 759.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30182. Powers and duties

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) conduct motor vehicle safety research, development, and testing programs and activities, including activities related to new and emerging technologies that impact or may impact motor vehicle safety;

(2) collect and analyze all types of motor vehicle and highway safety data and related information to determine the relationship be-

tween motor vehicle or motor vehicle equipment performance characteristics and—

(A) accidents involving motor vehicles; and

(B) deaths or personal injuries resulting from those accidents.

(b) ACTIVITIES.—In carrying out a program under this section, the Secretary of Transportation may—

(1) promote, support, and advance the education and training of motor vehicle safety staff of the National Highway Traffic Safety Administration in motor vehicle safety research programs and activities, including using program funds for planning, implementing, conducting, and presenting results of program activities, and for related expenses;

(2) obtain experimental and other motor vehicles and motor vehicle equipment for research or testing;

(3)(A) use any test motor vehicles and motor vehicle equipment suitable for continued use, as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;

(4) award grants to States and local governments, interstate authorities, and nonprofit institutions;

(5) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and research organizations; and

(6) in coordination with Department¹ of State, enter into cooperative agreements and collaborative research and development agreements with foreign governments.

(c) USE OF PUBLIC AGENCIES.—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

(d) FACILITIES.—The Secretary may plan, design, and construct 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 \$1,500,000 for planning, design, or construction may be made only if 60 days prior notice of the planning, design, or construction is provided to the Committees on Science, Space, and Technology and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. The notice shall include—

(1) a brief description of the facility being planned, designed, or constructed;

(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.

(e) INCREASING COSTS OF APPROVED FACILITIES.—The estimated maximum cost of a facility noticed under subsection (d) may be increased by an amount equal to the percentage increase in construction costs from the date the notice 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 notice. The Secretary shall decide what increase in construction costs has occurred.

(f) 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. The owner of a background patent may not be deprived of a right under the patent.

(Added Pub. L. 112–141, div. C, title I, §31204(a), July 6, 2012, 126 Stat. 759; amended Pub. L. 114–94, div. B, title XXIV, §24202(a), Dec. 4, 2015, 129 Stat. 1711.)

AMENDMENTS

2015—Subsec. (b)(6). Pub. L. 114–94 added par. (6).

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 30183. Prohibition on certain disclosures

Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or section 403 of title 23, may be made available to the public only in a manner that does not identify individuals.

(Added Pub. L. 112–141, div. C, title I, §31204(a), July 6, 2012, 126 Stat. 760.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

CHAPTER 303—NATIONAL DRIVER REGISTER

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30301.	Definitions.
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30306.	National Driver Register Advisory Committee.

¹ So in original. Probably should be preceded by “the”.