

(c) Section 403(a)(5) of such Act is amended to read as follows: "(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(d) Sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a), of such Act are amended, in the matter preceding paragraph (1) of each such section, by striking out "shall pay" and inserting in lieu thereof "shall (subject to section 1130) pay".

81 Stat. 893.
42 USC 603.

(e) The amendments made by this section (other than by subsection (b)) shall be effective July 1, 1972, and the amendments made by subsection (b) shall be effective January 1, 1973.

42 USC 303,
1203, 1353, 1383.

Ante, p. 945.
Effective dates.

Approved October 20, 1972.

Public Law 92-513

AN ACT

October 20, 1972
[S. 976]

To promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

Motor Vehicle
Information and
Cost Savings Act.

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except (A) a motorcycle or (B) a truck not designed primarily to carry its operator or passengers.

(2) The term "multipurpose passenger vehicle" means a passenger motor vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means (A) any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle, or (B) a towing device.

(4) The term "towing device" means any device manufactured or sold for use in towing a passenger motor vehicle.

(5) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(6) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from (i) a low-speed collision (including but not limited to a low-speed collision

with a fixed barrier) or (ii) from the towing of such vehicle, or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged (i) in such a collision or (ii) as a result of being towed; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle when so damaged.

(7) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(8) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(9) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(10) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(11) The term "Secretary" means the Secretary of Transportation.

(12) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(13) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a motor vehicle accident.

(14) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a motor vehicle accident.

(15) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(16) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(17) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(18) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) Subject to subsections (b) through (e) of this section, the Secretary by rule—

(1) shall promulgate bumper standards applicable to all passenger motor vehicles manufactured in or imported into the United States, and

(2) may promulgate bumper standards applicable to any item of passenger motor vehicle equipment so manufactured or imported,

except that such a rule shall not apply to any vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

(b) (1) Any standard under subsection (a) shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(A) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(B) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(C) savings in terms of consumer time and inconvenience; and

(D) considerations of health and safety, including emission standards.

(2) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) (1) In promulgating any bumper standard under this title the Secretary may for good cause shown—

(A) exempt partially or completely any multipurpose passenger motor vehicle; or

(B) exempt partially or completely any make, model, or class of passenger motor vehicle manufactured for a special use, if such standard would unreasonably interfere with the special use of such vehicle.

(2) To the maximum extent practicable, a bumper standard promulgated by the Secretary shall not preclude the attachment of detachable hitches.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

80 Stat. 718;
82 Stat. 72.
Exemptions.

Effective date.

Rulemaking.

80 Stat. 383.

Hearing.72 Stat. 941;
80 Stat. 1323.80 Stat. 392.
5 USC 701.

62 Stat. 928.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e) (1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a) (1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold

such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpnea or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) 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 subpnea or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

Confidential information, disclosure.

62 Stat. 791.

(c) (1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

Personnel detail.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

Test vehicles,
availability, cost
limitation.

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information (including the supplying of vehicles or equipment for testing) as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe. Vehicles and equipment for testing shall be made available under this subsection at a negotiated price that does not exceed the manufacturer's cost.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c) (1) Every manufacturer or distributor of a passenger motor vehicle subject to a Federal bumper standard under this title, or an item of passenger motor vehicle equipment subject to such a standard, shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to applicable Federal bumper standards. The Secretary is authorized to issue rules prescribing the manner and form of such certification.

(2) Paragraph (1) of this subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

Exports, non-
applicability.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to comply with any rule prescribed by the Secretary under this title;

(3) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(4) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

Exemptions.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

Nonconforming imports, treatment.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed \$1,000 for each violation. Such penalty shall be assessed by the Secretary and collected in a civil action

Civil penalties.

brought by the Attorney General or by the Secretary (with the concurrence of the Attorney General) by any of the Secretary's attorneys designated by the Secretary for such purpose. With respect to violations of paragraph (1) or (4) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed \$800,000 for any related series of violations.

(b) (1) Any person who knowingly and willfully violates section 106(a)(1) after having received notice of noncompliance from the Secretary shall be fined not more than \$50,000 or be imprisoned not more than one year, or both.

(2) If a corporation violates section 106(a)(1) after having received notice of noncompliance from the Secretary, any individual director, officer, or agent of such corporation who knowingly and willfully authorized, ordered, or performed any of the acts or practices constituting in whole or in part such violation and who had knowledge of such notice from the Secretary shall be subject to penalties under this section in addition to the corporation.

(c) (1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

U.S. district
courts, jurisdiction.

28 USC app.

Notice, hearing
opportunity.

Criminal
contempt pro-
ceedings.

18 USC app.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because such vehicle did not comply with any applicable Federal bumper standard under this title may bring a civil action against the manufacturer of that vehicle in the United States District Court for the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of those damages, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date of the motor vehicle accident.

Statute of limitation.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, neither this Act nor the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.) shall affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment, which is not in conflict with any Federal standard promulgated under title 1 of the National Traffic and Motor Vehicle Safety Act of 1966, and which was in effect or had been promulgated on the date of enactment of this Act.

(2) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

80 Stat. 718.
15 USC 1381
note.

Government-
owned vehicles,
standards.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title \$5,000,000 for fiscal year ending June 30, 1973; \$9,000,000 for the fiscal year ending June 30, 1974; and \$10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administra-

tion of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

- (1) The damage susceptibility of such vehicles.
- (2) The degree of crashworthiness of such vehicles.
- (3) The characteristics of such vehicles with respect to the ease of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

Dissemination.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

Insurance premium rate comparisons.

(e) The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealer which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed \$100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services,

80 Stat. 378.
5 USC 101 et seq.

5 USC 5101,
5331.

80 Stat. 416.

such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding \$100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

80 Stat. 499;
83 Stat. 190.

76 Stat. 1119;
78 Stat. 203;
80 Stat. 249.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

18 USC 201.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

Personnel
detail.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Confidential
information, dis-
closure.

62 Stat. 791.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse (1) to furnish the Secretary with the data or information requested by him under this title, or (2) to comply with rules prescribed by the Secretary under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

28 USC app.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed \$1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed \$400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title \$3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

Grants to States.

- (1) make grants in accordance with subsection (c) and furnish technical assistance to States; and
- (2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

Limitation.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

Safety and emission inspections.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established, and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration project (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder

inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed, in any such project and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

Limitation.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title \$15,000,000 for the fiscal year ending June 30, 1973; \$25,000,000 for the fiscal year ending June 30, 1974; and \$35,000,000 for the fiscal year ending June 30, 1975. Not more than 20 percent of the amount appropriated under this section for any fiscal year may be granted for projects in any one State.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while

in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

True mileage
driven.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OR REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. (a) Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe rules requiring any transferor to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

Such rules shall prescribe the manner in which information shall be disclosed under this section and in which such information shall be retained.

(b) It shall be a violation of this section for any transferor to violate any rules under this section or to knowingly give a false statement to a transferee in making any disclosure required by such rules.

False statement.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or \$1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this section, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

Statute of limitation.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107(b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

28 USC app.
Notice, hearing opportunity.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title (other than section 408(a)) shall take effect ninety calendar days following the date of enactment of this Act. Section 408(a) shall take effect on the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Approved October 20, 1972.