

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

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

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

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

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

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

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

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

REFERENCES IN TEXT

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

SUBCHAPTER II—STANDARDS AND COMPLIANCE

§ 30111. Standards

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

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

(1) consider relevant available motor vehicle safety information;

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

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

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

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

(d) EFFECTIVE DATES OF STANDARDS.—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this

chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

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

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

REFERENCES IN TEXT

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

PEDESTRIAN SAFETY ENHANCEMENT

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

“SECTION 1. SHORT TITLE.

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

“SEC. 2. DEFINITIONS.

“As used in this Act—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hy-

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

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

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

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

“(3) consider the overall community noise impact.

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

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

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

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

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

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

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

“SEC. 4. FUNDING.

“Notwithstanding any other provision of law, \$2,000,000 of any amounts made available to the Secretary of Transportation under under [sic] 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 stu-

dents to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of this paragraph.

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

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

(2) a person—

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

HISTORICAL AND REVISION NOTES—CONTINUED

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

§ 30113. General exemptions

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

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

(2) The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a

renewal of an exemption shall be filed at a time and in the way, and contain information, this section and the Secretary require.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

In subsection (b)(3)(B)(i), the words “to a manufacturer that” are substituted for “such manufacturer . . .

and that the manufacturer” to eliminate unnecessary words. The words “from which it requests to be exempted” are omitted as surplus.

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

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

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

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

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

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

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

AMENDMENTS

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

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

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

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

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

§ 30114. Special exemptions

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

investigations, demonstrations, training, competitive racing events, show, or display. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 947; Pub. L. 105-178, title VII, §7107(a), June 9, 1998, 112 Stat. 469.)

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 30114, 15:1397(j), Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §108(j); added Oct. 31, 1988, Pub. L. 100-562, §2(b), 102 Stat. 2824.

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

AMENDMENTS

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

TRANSITION RULE

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

§ 30115. Certification of compliance

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

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

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

If the intermediate or final stage manufacturer elects to assume responsibility for compliance with the standard covered by the documentation provided by an incomplete motor vehicle manufacturer, the intermediate or final stage manufacturer shall notify the incomplete motor vehicle manufacturer in writing within a reasonable

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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. Row 2: 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 non-compliance or defect to the date the motor vehicle complies with applicable motor vehicle safety standards prescribed under this chapter or the defect is corrected.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

In subsection (c), the words “the amount of reimbursement” are substituted for “such reasonable reimbursements” for clarity and because of the restatement. The words “by mutual agreement” are omitted

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

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

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

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

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

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

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

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

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

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

- (i) the extent to which distributors and dealers have complied with the procedures;
- (ii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires; and
- (iii) whether to prescribe for manufacturers, distributors, or dealers other requirements that the Secretary decides will increase significantly the percentage of first purchasers of tires about whom records are maintained.

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

- (i) the cost of the requirement to manufacturers and the burden of the requirement on distributors and dealers, compared to the increase in the percentage of first purchasers of tires about whom records would be maintained as a result of the requirement;
- (ii) the extent to which distributors and dealers have complied with the procedures in paragraph (2) of this subsection; and
- (iii) the extent to which distributors and dealers have encouraged first purchasers of tires to register the tires.

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

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

(c) ROLLOVER TESTS.—

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

- (A) develop a dynamic test on rollovers by motor vehicles for the purposes of a consumer information program; and
- (B) carry out a program of conducting such tests.

(2) TEST RESULTS.—As the Secretary develops a test under paragraph (1)(A), the Sec-

retary shall conduct a rulemaking to determine how best to disseminate test results to the public.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

15-PASSENGER VAN SAFETY

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

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

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

§ 30118. Notification of defects and noncompliance

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

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

AMENDMENTS

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

CONSTRUCTION OF 2000 AMENDMENT

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

§ 30119. Notification procedures

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

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

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

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

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

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

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

(7) other information the Secretary prescribes by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

In subsection (a), before clause (1), the words “a motor vehicle or item of replacement equipment” are

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

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

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

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

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

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

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

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

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

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

§ 30120. Remedies for defects and noncompliance

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

- (A) if a vehicle—
 - (i) by repairing the vehicle;
 - (ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or
 - (iii) by refunding the purchase price, less a reasonable allowance for depreciation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Secretary may prescribe regulations to carry out this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES—CONTINUED

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

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

In subsection (a)(1), before clause (A), the words “Subject to subsections (f) and (g) of this section” are added for clarity. The words “with an applicable Federal motor vehicle safety standard . . . which relates to motor vehicle safety” and “pursuant to such notification” are omitted as surplus. The words “shall remedy” are substituted for “shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied” to eliminate unnecessary words. The words “the defect or noncompliance” are added for clarity. In clauses (A) and (B), the words “without charge” are omitted as unnecessary because of the words “without charge” in this subsection before this clause (A). In clause (A), the words “presented for remedy pursuant to such notification” and “of such motor vehicle in full” are omitted as surplus. Subsection (a)(2) is substituted for 15:1414(a)(2)(A) (last sentence) for clarity.

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

AMENDMENTS

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

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

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

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

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

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

§ 30121. Provisional notification and civil actions to enforce

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30121(a)	15:1397(a)(1)(D) (related to 15:1415(b)). 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)).	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 “considerers” is substituted for “which in the judgment of . . . are” to eliminate unnecessary words. In clause (E), the word “remedy” is substituted for “cause . . . to be remedied” to eliminate unnecessary words. The words “civil action” are substituted for “court proceeding” for consistency.

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

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

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

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

as surplus. The words “that court shall issue the consolidation order” are substituted for “by order of such other court” for clarity.

§ 30122. Making safety devices and elements inoperative

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

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

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

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

(2) to define “make inoperative”.

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

§ 30123. Tires

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30123(a)	15:1421 (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §§201–203, 204(c), 205, 80 Stat. 728, 729.
30123(b)	15:1421 (2d sentence).	
30123(c)	15:1421 (last sentence).	
30123(d)	15:1424(a).	Sept. 9, 1966, Pub. L. 89–563, §204(a), 80 Stat. 729; re-stated 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.

IMPROVED TIRE INFORMATION

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

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

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

TIRE PRESSURE WARNING

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

§ 30124. Buzzers indicating nonuse of safety belts

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

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 30125. Schoolbuses and schoolbus equipment

(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

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

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

§ 30126. Used motor vehicles

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 30127. Automatic occupant crash protection and seat belt use

(a) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section on terms the Secretary considers appropriate. An exemption may be renewed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

In subsection (b)(1), before clause (A), the words “Notwithstanding any other provision of law or rule” and “(to the extent such Act is not in conflict with the provisions of this section)” are omitted as unnecessary because of the restatement. The words “The amendment shall require” are substituted for “The amendment promulgated under subsection (a) shall establish the following schedule” for clarity. The words “manu-

factured on or after the dates specified in the applicable schedule established by subsection (b)”, “The amendment shall take effect”, and “Subject to the provisions of subsection (c)” are omitted as unnecessary because of the restatement. The words “for both of the front outboard seating positions for each” are substituted for “for the front outboard designated seating positions of each” for clarity. In clause (B), the word “new” is omitted as unnecessary because of the restatement. The word “only” is substituted for “exclusively” for consistency in the revised title.

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

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

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

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

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

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

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

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

REFERENCES IN TEXT

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

AMENDMENTS

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

IMPROVING THE SAFETY OF CHILD RESTRAINTS

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

“SECTION 1. SHORT TITLE.

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

“SEC. 2. FINDINGS.

“Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b) IMPLEMENTATION SCHEDULE.—The requirement prescribed under subsection (a)(1) shall be implemented

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

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

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

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

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

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

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

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

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

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

“SEC. 7. DEFINITIONS.

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

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

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

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

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

“(B) are Hybrid III anthropomorphic test devices;

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

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

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

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

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

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

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

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

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

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

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

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

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

compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress.

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

IMPROVING AIR BAG SAFETY

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

“(a) RULEMAKING TO IMPROVE AIR BAGS.—

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

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

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

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

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

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

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

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

§ 30128. Vehicle rollover prevention and crash mitigation

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

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

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

(c) OCCUPANT EJECTION PREVENTION.—

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

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

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

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

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

(2) establish a new deadline.

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

REFERENCES IN TEXT

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

CODIFICATION

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

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

§ 30141. Importing motor vehicles capable of complying with standards

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

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

(A) the vehicle is—

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

(ii) certified under section 30115 of this title;

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

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

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

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

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

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

(B) making the decisions under this subchapter.

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

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