

standards prescribed under this chapter for which the inspection was made; and  
 (B) release of the vehicle by the Secretary.

(2) The Secretary of Transportation shall inspect periodically a representative number of motor vehicles for which certifications have been filed under subsection (a)(1) of this section. In carrying out a motor vehicle testing program under this chapter, the Secretary shall include a representative number of motor vehicles for which certifications have been filed under subsection (a)(1).

(d) CHALLENGING THE CERTIFICATION.—A motor vehicle or bond may not be released under subsection (a) of this section if the Secretary of Transportation, not later than 30 days after receiving a certification under subsection (a)(1) of this section, gives written notice that the Secretary believes or has reason to believe that the certification is false or contains a misrepresentation.<sup>1</sup> The vehicle and bond may be released only after the Secretary is satisfied with the certification and any modification of the certification.

(e) BOND RELEASE.—A release of a bond required under section 30141(d) of this title is deemed an acceptance of a certification or completion of an inspection under this section but is not a decision by the Secretary of Transportation under section 30118(a) or (b) of this title of compliance with applicable motor vehicle safety standards prescribed under this chapter.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30146(a) .....	15:1397(c)(3)(E)(i) (1st, 3d, last sentences), (vii).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(c)(3)(E); added Oct. 31, 1988, Pub. L. 100–562, §2(b), 102 Stat. 2820.
30146(b) .....	15:1397(c)(3)(E)(ii).	
30146(c) .....	15:1397(c)(3)(E)(i) (2d sentence), (iii), (iv).	
30146(d) .....	15:1397(c)(3)(E)(vi).	
30146(e) .....	15:1397(c)(3)(E)(v).	

In subsection (a)(1), the words “Except as provided in subsections (c) and (d) of this section” are added because of the restatement.

In subsection (a)(2)(B), the words “showing compliance with the standards” are substituted for “showing no such failure to comply” for clarity.

**§ 30147. Responsibility for defects and non-compliance**

(a) DEEMING DEFECT OR NONCOMPLIANCE TO CERTAIN VEHICLES AND IMPORTER AS MANUFACTURER.—(1) In carrying out sections 30117(b), 30118–30121, and 30166(f) of this title—

(A) for a defect or noncompliance with an applicable motor vehicle safety standard prescribed under this chapter for a motor vehicle originally manufactured for import into the United States, an imported motor vehicle having a valid certification under section 30146(a)(1) of this title and decided to be substantially similar to that motor vehicle shall be deemed as having the same defect or as not complying with the same standard unless the

manufacturer or importer registered under section 30141(c) of this title demonstrates otherwise to the Secretary of Transportation; and

(B) the registered importer shall be deemed to be the manufacturer of any motor vehicle that the importer imports or brings into compliance with the standards for an individual under section 30142 of this title.

(2) The Secretary shall publish in the Federal Register notice of any defect or noncompliance under paragraph (1)(A) of this subsection.

(b) FINANCIAL RESPONSIBILITY REQUIREMENT.—The Secretary shall require by regulation each registered importer (including any successor in interest) to provide and maintain evidence, satisfactory to the Secretary, of sufficient financial responsibility to meet its obligations under sections 30117(b), 30118–30121, and 30166(f) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30147(a) .....	15:1397(d)(1).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §108(d); added Oct. 31, 1988, Pub. L. 100–562, §2(b), 102 Stat. 2821.
30147(b) .....	15:1397(d)(2).	

In this section, the words “(relating to discovery, notification, and remedy of motor vehicle defects)” are omitted as surplus.

In subsection (a)(1)(A), the words “for a motor vehicle” are substituted for “in, or regarding, any motor vehicle” to eliminate unnecessary words.

In subsection (a)(1)(B), the word “compliance” is substituted for “conformity” for consistency in this chapter.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

**§ 30161. Judicial review of standards**

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

<sup>1</sup> So in original. Probably should be “misrepresentation.”