

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than \$50,000 for each violation.

(d) CIVIL ACTIONS TO ENFORCE.—(1) The Attorney General may bring a civil action in a United States district court to enjoin a violation of subsection (a) of this section.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(e) VENUE AND SERVICE.—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpoena for a witness in the action may be served in any judicial district.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1041; Pub. L. 110–140, title I, §111(b), Dec. 19, 2007, 121 Stat. 1507.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 32308(a) through (d) with corresponding source information.

In subsection (a)(1), the words "data or" are omitted as surplus.

In subsection (b)(1), the words "Each failure to provide information or comply with a regulation" are substituted for "with respect to each failure or refusal to comply with a requirement thereunder" for clarity.

In subsection (c), the words "The Attorney General may bring a civil action" are substituted for "Upon petition by the Attorney General on behalf of the United States" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The words "for cause shown" are omitted as surplus. The words "and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure" are omitted as surplus because the rules apply in the absence of an exception from them.

Subsection (d) is substituted for 15:1947 (last sentence) and 1948(c) for clarity and consistency in this part by restating 15:1917(c)(3) and (4).

Editorial Notes

AMENDMENTS

2007—Subsecs. (c) to (e). Pub. L. 110–140 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 32309. Civil penalty for labeling violations

(a) DEFINITIONS.—The definitions in section 32304 of this title apply to this section.

(b) PENALTIES.—A manufacturer of a passenger motor vehicle distributed in commerce for sale in the United States that willfully fails to attach the label required under section 32304 of this title to a new passenger motor vehicle that the manufacturer manufactures or imports, or a dealer that fails to maintain that label as required under section 32304, is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. Each failure to attach or maintain that label for each vehicle is a separate violation.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1042; Pub. L. 103–429, §6(31), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES

PUB. L. 103–272

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 32309(a) and (b) with source information.

Subsection (a) is added to ensure that the definitions in 15:1950(f), restated in section 32304 of the revised title, apply to the source provision restated in this section.

In subsection (b), the words "Each failure to attach or maintain that label" are substituted for "Such failure" for clarity.

PUB. L. 103–429

This amends the catchline for 49:32309 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1042).

Editorial Notes

AMENDMENTS

1994—Pub. L. 103–429 substituted "Civil" for "Criminal" in section catchline.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 32310. New Car Assessment Program roadmap

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, and not less frequently than once every 4 years thereafter, the Secretary of Transportation (referred to in this section as the "Secretary") shall establish a roadmap for the implementation of the New Car Assessment Program of the National Highway Traffic Safety Administration.

(b) REQUIREMENTS.—A roadmap under subsection (a) shall—

- (1) cover a term of 10 years, consisting of—
 - (A) a mid-term component covering the initial 5 years of the term; and
 - (B) a long-term component covering the final 5 years of the term; and
- (2) be in accordance with—
 - (A) section 306 of title 5;
 - (B) section 1115 of title 31;
 - (C) section 24401 of the FAST Act (49 U.S.C. 105 note; Public Law 114-94); and
 - (D) any other relevant plans of the National Highway Traffic Safety Administration.

(c) CONTENTS.—A roadmap under subsection (a) shall include—

- (1) a plan for any changes to the New Car Assessment Program of the National Highway Traffic Safety Administration, including—
 - (A) descriptions of actions to be carried out to update the passenger motor vehicle information developed under section 32302(a), including the development of test procedures, test devices, test fixtures, and safety performance metrics, which shall, as applicable, incorporate—
 - (i) objective criteria for evaluating safety technologies; and
 - (ii) reasonable time periods for compliance with new or updated tests;
 - (B) key milestones, including the anticipated start of an action, completion of an action, and effective date of an update; and
 - (C) descriptions of the means by which an update will improve the passenger motor vehicle information developed under section 32302(a);
- (2) an identification and prioritization of safety opportunities and technologies—
 - (A) with respect to the mid-term component of the roadmap under subsection (b)(1)(A)—
 - (i) that are practicable; and
 - (ii) for which objective rating tests, evaluation criteria, and other consumer data exist for a market-based, consumer information approach; and
 - (B) with respect to the long-term component of the roadmap under subsection (b)(1)(B), exist or are in development;
- (3) an identification of—
 - (A) any safety opportunity or technology that—
 - (i) is identified through the activities carried out pursuant to subsection (d) or (e); and
 - (ii) is not included in the roadmap under paragraph (2);
 - (B) the reasons why such a safety opportunity or technology is not included in the roadmap; and
 - (C) any developments or information that would be necessary for the Secretary to consider including such a safety opportunity or technology in a future roadmap; and
- (4) consideration of the benefits of consistency with other rating systems used—

- (A) within the United States; and
- (B) internationally.

(d) CONSIDERATIONS.—Before finalizing a roadmap under this section, the Secretary shall—

- (1) make the roadmap available for public comment;
- (2) review any public comments received under paragraph (1); and
- (3) incorporate in the roadmap under this section those comments, as the Secretary determines to be appropriate.

(e) STAKEHOLDER ENGAGEMENT.—Not less frequently than annually, the Secretary shall engage stakeholders that represent a diversity of technical backgrounds and viewpoints—

- (1) to identify—
 - (A) safety opportunities or technologies in development that could be included in future roadmaps; and
 - (B) opportunities to benefit from collaboration or harmonization with third-party safety rating programs;
- (2) to assist with long-term planning;
- (3) to provide an interim update of the status and development of the following roadmap to be established under subsection (a); and
- (4) to collect feedback or other information that the Secretary determines to be relevant to enhancing the New Car Assessment Program of the National Highway Traffic Safety Administration.

(Added Pub. L. 117-58, div. B, title IV, §24213(c)(1), Nov. 15, 2021, 135 Stat. 827.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 117-58, which was approved Nov. 15, 2021.

CHAPTER 325—BUMPER STANDARDS

Sec.	
32501.	Purpose.
32502.	Bumper standards.
32503.	Judicial review of bumper standards.
32504.	Certificates of compliance.
32505.	Information and compliance requirements.
32506.	Prohibited acts.
32507.	Penalties and enforcement.
32508.	Civil actions by owners of passenger motor vehicles.
32509.	Information and assistance from other departments, agencies, and instrumentalities.
[32510.	Repealed.]
32511.	Relationship to other motor vehicle standards.

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-362, title XV, §1501(e)(2), Nov. 10, 1998, 112 Stat. 3295, struck out item 32510 “Annual report”.

§ 32501. Purpose

The purpose of this chapter is to reduce economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents by providing for the maintenance and enforcement of bumper standards.