

**§ 32911. Compliance**

(a) GENERAL.—A person commits a violation if the person fails to comply with this chapter and regulations and standards prescribed and orders issued under this chapter (except sections 32902, 32903, 32908(b), 32917(b), and 32918 and regulations and standards prescribed and orders issued under those sections). The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a person has committed a violation. Any interested person may participate in a proceeding under this subsection.

(b) AUTOMOBILE MANUFACTURERS.—A manufacturer of automobiles commits a violation if the manufacturer fails to comply with an applicable average fuel economy standard under section 32902 of this title. Compliance is determined after considering credits available to the manufacturer under section 32903 of this title. If average fuel economy calculations under section 32904(c) of this title indicate that a manufacturer has violated this subsection, the Secretary shall conduct a proceeding, with an opportunity for a hearing on the record, to decide whether a violation has been committed. The Secretary may not conduct the proceeding if further measurements of fuel economy, further calculations of average fuel economy, or other information indicates a violation has not been committed. The results of the measurements and calculations and the information shall be published in the Federal Register. Any interested person may participate in a proceeding under this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1071; Pub. L. 103–429, §6(40), Oct. 31, 1994, 108 Stat. 4382.)

Historical and Revision Notes  
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32911(a) .....	15:2007(a)(3).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§507(a), 508(a); added Dec. 22, 1975, Pub. L. 94–163, §301, 89 Stat. 911; Oct. 10, 1980, Pub. L. 96–425, §6(a)(1), (c)(1), (2), 94 Stat. 1826, 1827.
32911(b) .....	15:2008(a)(2). 15:2007(a)(1), (2). 15:2007(b).  15:2008(a).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §507(b); added Oct. 10, 1980, Pub. L. 96–425, §6(a)(2), 94 Stat. 1826.

In this section, the words “commits a violation if the . . . fails” are substituted for “the following conduct is unlawful . . . the failure of any person” for clarity and consistency in the revised title.

In subsection (a), the reference to 15:2011 is omitted because that provision is not restated in this chapter. The words “The Secretary of Transportation shall conduct a proceeding, with an opportunity for a hearing on the record, to decide” are substituted for “If, on the record after opportunity for agency hearing, the Secretary determines” in 15:2008 for clarity. The words “the Secretary shall assess the penalties provided for under subsection (b) of this section” are omitted as surplus.

In subsection (b), the words “Compliance is determined after considering credits available to the manufacturer under section 32903 of this title” are sub-

stituted for 15:2007(b) to eliminate unnecessary words. The words “the Secretary shall conduct a proceeding, with an opportunity for a hearing on the record, to decide” are substituted for “the Secretary shall commence a proceeding under paragraph (2) of this subsection” in 15:2008(a)(1) and “If, on the record after opportunity for agency hearing, the Secretary determines” in 15:2008(a)(2) for clarity. The words “may not conduct” are substituted for “(unless” in 15:2008(a)(1) for clarity.

PUB. L. 103–429

This makes a conforming amendment necessary because of the restatement of 15:2011 as 49:32918 by section 6(43)(A) of the bill.

**Editorial Notes**

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–429 substituted “, 32917(b), and 32918” for “, and 32917(b)”.

**§ 32912. Civil penalties**

(a) GENERAL PENALTY.—A person that violates section 32911(a) of this title is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each day the violation continues.

(b) PENALTY FOR MANUFACTURER VIOLATIONS OF FUEL ECONOMY STANDARDS.—Except as provided in subsection (c) of this section, a manufacturer that violates a standard prescribed for a model year under section 32902 of this title is liable to the Government for a civil penalty of \$5 multiplied by each .1 of a mile a gallon by which the applicable average fuel economy standard under that section exceeds the average fuel economy—

(1) calculated under section 32904(a)(1)(A) or (B) of this title for automobiles to which the standard applies manufactured by the manufacturer during the model year;

(2) multiplied by the number of those automobiles; and

(3) reduced by the credits available to the manufacturer under section 32903 of this title for the model year.

(c) HIGHER PENALTY AMOUNTS.—(1)(A) The Secretary of Transportation shall prescribe by regulation a higher amount for each .1 of a mile a gallon to be used in calculating a civil penalty under subsection (b) of this section, if the Secretary decides that the increase in the penalty—

(i) will result in, or substantially further, substantial energy conservation for automobiles in model years in which the increased penalty may be imposed; and

(ii) will not have a substantial deleterious impact on the economy of the United States, a State, or a region of a State.

(B) The amount prescribed under subparagraph (A) of this paragraph may not be more than \$10 for each .1 of a mile a gallon.

(C) The Secretary may make a decision under subparagraph (A)(ii) of this paragraph only when the Secretary decides that it is likely that the increase in the penalty will not—

(i) cause a significant increase in unemployment in a State or a region of a State;

(ii) adversely affect competition; or