

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
33105	15:2024.	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §604; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2758.

In subsection (a)(1) and (2), the words “compliance costs” are substituted for “costs . . . to comply with such standard” to eliminate unnecessary words. In clause (2), the words “reasonable amount (but less than \$15)” are substituted for “reasonable lesser amount” for clarity.

In subsection (c)(2), the words “commencing on or after January 1, 1985” are omitted as obsolete.

§ 33106. Exemption for passenger motor vehicles equipped with anti-theft devices

(a) DEFINITIONS.—In this section—

(1) “anti-theft device” means a device to reduce or deter theft that—

(A) is in addition to the theft-deterrent devices required by motor vehicle safety standard numbered 114 in section 571.114 of title 49, Code of Federal Regulations;

(B) the manufacturer believes will be effective in reducing or deterring theft of motor vehicles; and

(C) does not use a signaling device reserved by State law for use on police, emergency, or official vehicles, or on schoolbuses.

(2) “standard equipment” means equipment already installed in a motor vehicle when it is delivered from the manufacturer and not an accessory or other item that the first purchaser customarily has the option to have installed.

(b) GRANTING EXEMPTIONS AND LIMITATIONS.—

(1) A manufacturer may petition the Secretary of Transportation for an exemption from a requirement of a standard prescribed under section 33102 or 33103 of this title for a line of passenger motor vehicles equipped as standard equipment with an anti-theft device that the Secretary decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the standard.

(2) The Secretary may grant an exemption—

(A) for model year 1987, for not more than 2 lines of a manufacturer;

(B) for each of the model years 1988–1996, for not more than 2 additional lines of a manufacturer;

(C) for each of the model years 1997–2000, for not more than one additional line of a manufacturer; and

(D) for each of the model years after model year 2000, for the number of lines that the Attorney General decides under section 33103(d)(3) of this title.

(3) An additional exemption granted under paragraph (2)(B) or (C) of this subsection does not affect an exemption previously granted.

(c) PETITIONING PROCEDURE.—A petition must be filed not later than 8 months before the start of production for the first model year covered by the petition. The petition must include—

(1) a detailed description of the device;

(2) the reasons for the manufacturer’s conclusion that the device will be effective in re-

ducing and deterring theft of motor vehicles; and

(3) additional information the Secretary reasonably may require to make the decision described in subsection (b)(1) of this section.

(d) DECISIONS AND APPROVALS.—The Secretary shall make a decision about a petition filed under this section not later than 120 days after the date the petition is filed. A decision approving a petition must be based on substantial evidence. The Secretary may approve a petition in whole or in part. If the Secretary does not make a decision within the 120-day period, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year.

(e) RESCISSIONS.—The Secretary may rescind an exemption if the Secretary decides that the anti-theft device has not been as effective in reducing and deterring motor vehicle theft as compliance with the standard. A rescission may be effective only—

(1) for a model year after the model year in which the rescission occurs; and

(2) at least 6 months after the manufacturer receives written notice of the rescission from the Secretary.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1082; Pub. L. 103-429, §6(45), Oct. 31, 1994, 108 Stat. 4383.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
33106(a)(1) ..	15:2025(e).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §605(a)(1), (3), (b)-(e); added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2759.
33106(a)(2) .. 33106(b)	15:2025(a)(3). 15:2025(a)(1), (2).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §605(a)(2); added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2759; Oct. 25, 1992, Pub. L. 102-519, §304, 106 Stat. 3396.
33106(c)	15:2025(b).	
33106(d)	15:2025(c).	
33106(e)	15:2025(d).	

In subsection (b)(1), the words “the application of any of” are omitted as surplus. The words “or lines” are omitted because of 1:1.

In subsection (b)(2)(A), the words “for model year 1987” are substituted for “For the initial model year to which such standard applies” for clarity. See 50 Fed. Reg. 43166 (1985). In clause (D), the words “that the Attorney General decides” are substituted for “for which the Secretary may grant such an exemption (if any) shall be determined” for clarity and because of the restatement.

In subsection (d), the words “for the line covered by the petition” are added for clarity.

Subsection (e) is substituted for 15:2025(d) for clarity and to eliminate unnecessary words.

PUB. L. 103-429

This amends 49:33106(b)(3) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1082).

Editorial Notes

AMENDMENTS

1994—Subsec. (b)(3). Pub. L. 103-429 substituted “paragraph (2)(B) or (C) of this subsection” for “subparagraph (2)(B) or (C) of this paragraph”.

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.

§ 33107. Voluntary vehicle identification standards

(a) ELECTION TO INSCRIBE OR AFFIX IDENTIFYING MARKS.—The Secretary of Transportation by regulation may prescribe a vehicle theft prevention standard under which a person may elect to inscribe or affix an identifying number or symbol on major parts of a motor vehicle manufactured or owned by the person for purposes of section 511 of title 18 and related provisions. The standard may include provisions for registration of the identification with the Secretary or a person designated by the Secretary.

(b) STANDARD REQUIREMENTS.—The standard under this section shall be practicable and provide relevant objective criteria.

(c) VOLUNTARY COMPLIANCE.—Compliance with the standard under this section is voluntary. Failure to comply does not subject a person to a penalty or enforcement under this chapter.

(d) COMPLIANCE WITH OTHER STANDARDS.—Compliance with the standard under this section does not relieve a manufacturer from a requirement of a standard prescribed under section 33102 or 33103 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 33107, 15:2033, Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §616; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2765; Oct. 25, 1992, Pub. L. 102-519, §306(a), 106 Stat. 3397.

§ 33108. Monitoring compliance of manufacturers

(a) RECORDS, REPORTS, INFORMATION, AND INSPECTION.—To enable the Secretary of Transportation to decide whether a manufacturer of motor vehicles containing a part subject to a standard prescribed under section 33102 or 33103 of this title, or a manufacturer of major replacement parts subject to the standard, is complying with this chapter and the standard, the Secretary may require the manufacturer to—

- (1) keep records;
(2) make reports;
(3) provide items and information; and
(4) allow an officer or employee designated by the Secretary to inspect the vehicles and parts and relevant records of the manufacturer.

(b) ENTRY AND INSPECTION.—To enforce this chapter, an officer or employee designated by

the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which motor vehicles containing major parts subject to the standard, or major replacement parts subject to the standard, are manufactured, held for introduction into interstate commerce, or held for sale after introduction into interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(c) CERTIFICATION OF COMPLIANCE.—(1) A manufacturer of a motor vehicle subject to the standard, and a manufacturer of a major replacement part subject to the standard, shall provide at the time of delivery of the vehicle or part a certification that the vehicle or part conforms to the applicable motor vehicle theft prevention standard. The certification shall accompany the vehicle or part until its delivery to the first purchaser. The Secretary by regulation may prescribe the type and form of the certification.

(2) This subsection does not apply to a motor vehicle or major replacement part that is—

- (A) intended only for export;
(B) labeled only for export on the vehicle or replacement part and the outside of any container until exported; and
(C) exported.

(d) NOTIFICATION OF ERROR.—A manufacturer shall notify the Secretary if the manufacturer discovers that—

- (1) there is an error in the identification (required by the standard) applied to a major part installed by the manufacturer in a motor vehicle during its assembly, or to a major replacement part manufactured by the manufacturer; and
(2) the motor vehicle or major replacement part has entered interstate commerce.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 33108(a), 15:2026(a), Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §606; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2760. Row 2: 33108(b), 15:2026(b). Row 3: 33108(c), 15:2026(c). Row 4: 33108(d), 15:2026(d).

In subsection (a), before clause (1), the words “is complying” are substituted for “has acted or is acting in compliance” and “determining whether such manufacturer has acted or is acting in compliance” to eliminate unnecessary words. The word “reasonably” is omitted as surplus. In clause (1), the word “keep” is substituted for “establish and maintain” for consistency in the revised title and to eliminate unnecessary words. In clause (4), the words “upon request”, “duly”, and “such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe” are omitted as surplus.

In subsection (b), the words “duly” and “enter and” are omitted as surplus.

In subsection (c)(2)(B), the words “or tagged” and “if any” are omitted as surplus.

Subsection (d) is substituted for 15:2026(d) for clarity.