

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.

**§ 33109. National Stolen Passenger Motor Vehicle Information System**

(a) GENERAL REQUIREMENTS.—(1) Not later than July 25, 1993, the Attorney General shall establish, and thereafter maintain, a National Stolen Passenger Motor Vehicle Information System containing the vehicle identification numbers of stolen passenger motor vehicles and stolen passenger motor vehicle parts. The System shall be located in the National Crime Information Center and shall include at least the following information on each passenger motor vehicle reported to a law enforcement authority as stolen and not recovered:

- (A) the vehicle identification number.
- (B) the make and model year.
- (C) the date on which the vehicle was reported as stolen.
- (D) the location of the law enforcement authority that received the report of the theft of the vehicle.
- (E) the identification numbers of the vehicle parts (or derivatives of those numbers), at the time of the theft, if those numbers are different from the vehicle identification number of the vehicle.

(2) In establishing the System, the Attorney General shall consult with—

- (A) State and local law enforcement authorities; and
- (B) the National Crime Information Center Policy Advisory Board to ensure the security of the information in the System and that the System will not compromise the security of stolen passenger motor vehicle and passenger motor vehicle parts information in the System.

(3) If the Attorney General decides that the Center is not able to perform the functions of the System, the Attorney General shall make an agreement for the operation of the System separate from the Center.

(4) The Attorney General shall prescribe by regulation the effective date of the System.

(b) REQUESTS FOR INFORMATION.—(1) The Attorney General shall prescribe by regulation procedures under which an individual or entity intending to transfer a passenger motor vehicle or passenger motor vehicle part may obtain information on whether the vehicle or part is listed in the System as stolen.

(2) On request of an insurance carrier, a person lawfully selling or distributing passenger motor vehicle parts in interstate commerce, or an individual or enterprise engaged in the business of repairing passenger motor vehicles, the Attorney General (or the entity the Attorney General designates) immediately shall inform the insurance carrier, person, individual, or enterprise whether the System has a record of a vehicle or vehicle part with a particular vehicle identification number (or derivative of that number) being reported as stolen. The Attorney General may require appropriate verification to ensure that the request is legitimate and will not compromise the security of the System.

(c) ADVISORY COMMITTEE.—(1) Not later than December 24, 1992, the Attorney General shall establish in the Department of Justice an advisory committee. The Attorney General shall de-

velop the System with the advice and recommendations of the committee.

(2)(A) The committee is composed of the following 10 members:

- (i) the Attorney General.
- (ii) the Secretary of Transportation.
- (iii) one individual who is qualified to represent the interests of the law enforcement community at the State level.
- (iv) one individual who is qualified to represent the interests of the law enforcement community at the local level.
- (v) one individual who is qualified to represent the interests of the automotive recycling industry.
- (vi) one individual who is qualified to represent the interests of the automotive repair industry.
- (vii) one individual who is qualified to represent the interests of the automotive rebuilders industry.
- (viii) one individual who is qualified to represent the interests of the automotive parts suppliers industry.
- (ix) one individual who is qualified to represent the interests of the insurance industry.
- (x) one individual who is qualified to represent the interests of consumers.

(B) The Attorney General shall appoint the individuals described in subparagraph (A)(iii)–(x) of this paragraph and shall serve as chairman of the committee.

(3) The committee shall make recommendations on developing and carrying out—

- (A) the National Stolen Passenger Motor Vehicle Information System; and
- (B) the verification system under section 33110 of this title.

(4) Not later than April 25, 1993, the committee shall submit to the Attorney General, the Secretary, and Congress a report including the recommendations of the committee.

(d) IMMUNITY.—Any person performing any activity under this section or section 33110 or 33111 in good faith and with the reasonable belief that such activity was in accordance with such section shall be immune from any civil action respecting such activity which is seeking money damages or equitable relief in any court of the United States or a State.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1084; Pub. L. 104-152, §5, July 2, 1996, 110 Stat. 1385.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
33109(a) .....	15:2026c(a), (b) (last sentence), (c), (f).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §609; added Oct. 25, 1992, Pub. L. 102-519, §306(e), 106 Stat. 3398.
33109(b) .....	15:2026c(b) (1st sentence), (e).	
33109(c) .....	15:2026c(d).	

In the section, the words “National Stolen Passenger Motor Vehicle Information System” are substituted for “National Stolen Auto Part Information System” for consistency with the terminology used and with the source provisions restated in the revised chapter.

In subsection (a)(1), before clause (A), the words “establish, and thereafter maintain” are substituted for “maintain” for clarity. The words “shall be located” are added for clarity.