

HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-------------------|--------------------|--|
| | 15:1397(b)(3). | Sept. 9, 1966, Pub. L. 89-563, §108(b)(3), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93-492, §103(a)(1)(B), 88 Stat. 1478; Oct. 31, 1988, Pub. L. 100-562, §2(a), 102 Stat. 2818. |
| 30112(b) (4)-(8). | (no source). | |
| 30112(b)(9) .. | 15:1397(i). | |

In subsection (a), the words “Except as provided in this section . . . and subchapter III of this chapter” are substituted for 15:1397(c)(1) to eliminate unnecessary words and because of the restatement. The reference to section 30113 is added for clarity.

In subsection (b), before clause (1), the text of 15:1397(a)(2)(D) is omitted as obsolete because under section 30124 of the revised title a standard prescribed under this chapter may not allow compliance by use of a safety belt interlock or a continuous buzzer. In clause (2)(A), the words “despite exercising reasonable care” are substituted for “in the exercise of due care” for clarity and consistency in the revised title. The words “motor vehicle safety standards prescribed under this chapter” are substituted for “Federal motor vehicle safety standards” for clarity and consistency in this chapter. In clause (2)(B), the words “without knowing about the noncompliance” are substituted for “unless such person knows that such vehicle or equipment does not so conform” to eliminate unnecessary words and for consistency in the revised title. Clauses (4)-(8) are added to provide cross-references to sections restating exceptions to the general rule restated in subsection (a) of this section.

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, which directed amendment of section 30112(a), without specifying the title to be amended, by designating existing provisions as par. (1) and adding par. (2), was executed to this section, to reflect the probable intent of Congress.

§ 30113. General exemptions

(a) DEFINITION.—In this section, “low-emission motor vehicle” means a motor vehicle meeting the standards for new motor vehicles applicable to the vehicle under section 202 of the Clean Air Act (42 U.S.C. 7521) when the vehicle is manufactured and emitting an air pollutant in an amount significantly below one of those standards.

(b) AUTHORITY TO EXEMPT AND PROCEDURES.—

(1) The Secretary of Transportation may exempt, on a temporary basis, motor vehicles from a motor vehicle safety standard prescribed under this chapter or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title, on terms the Secretary considers appropriate. An exemption may be renewed. A renewal may be granted only on re-application and must conform to the requirements of this subsection.

(2) The Secretary may begin a proceeding under this subsection when a manufacturer applies for an exemption or a renewal of an exemption. The Secretary shall publish notice of the application and provide an opportunity to comment. An application for an exemption or for a

renewal of an exemption shall be filed at a time and in the way, and contain information, this section and the Secretary require.

(3) The Secretary may act under this subsection on finding that—

(A) an exemption is consistent with the public interest and this chapter or chapter 325 of this title (as applicable); and

(B)(i) compliance with the standard would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith;

(ii) the exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard;

(iii) the exemption would make the development or field evaluation of a low-emission motor vehicle easier and would not unreasonably lower the safety level of that vehicle; or

(iv) compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(c) CONTENTS OF APPLICATIONS.—A manufacturer applying for an exemption under subsection (b) of this section shall include the following information in the application:

(1) if the application is made under subsection (b)(3)(B)(i) of this section, a complete financial statement describing the economic hardship and a complete description of the manufacturer’s good faith effort to comply with each motor vehicle safety standard prescribed under this chapter, or a bumper standard prescribed under chapter 325 of this title, from which the manufacturer is requesting an exemption.

(2) if the application is made under subsection (b)(3)(B)(ii) of this section, a record of the research, development, and testing establishing the innovative nature of the safety feature and a detailed analysis establishing that the safety level of the feature at least equals the safety level of the standard.

(3) if the application is made under subsection (b)(3)(B)(iii) of this section, a record of the research, development, and testing establishing that the motor vehicle is a low-emission motor vehicle and that the safety level of the vehicle is not lowered unreasonably by exemption from the standard.

(4) if the application is made under subsection (b)(3)(B)(iv) of this section, a detailed analysis showing how the vehicle provides an overall safety level at least equal to the overall safety level of nonexempt vehicles.

(d) ELIGIBILITY.—A manufacturer is eligible for an exemption under subsection (b)(3)(B)(i) of this section (including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1)) only if the Secretary determines that the manufacturer’s total motor vehicle production in the most recent year of production is not more than 10,000. A manufacturer is eligible for an exemption under subsection (b)(3)(B)(ii), (iii), or (iv) of this section only if the Secretary determines the ex-

emption is for not more than 2,500 vehicles to be sold in the United States in any 12-month period.

(e) **MAXIMUM PERIOD.**—An exemption or renewal under subsection (b)(3)(B)(i) of this section may be granted for not more than 3 years. An exemption or renewal under subsection (b)(3)(B)(ii), (iii), or (iv) of this section may be granted for not more than 2 years.

(f) **DISCLOSURE.**—The Secretary may make public, by the 10th day after an application is filed, information contained in the application or relevant to the application unless the information concerns or is related to a trade secret or other confidential information not relevant to the application.

(g) **NOTICE OF DECISION.**—The Secretary shall publish in the Federal Register a notice of each decision granting an exemption under this section and the reasons for granting it.

(h) **PERMANENT LABEL REQUIREMENT.**—The Secretary shall require a permanent label to be fixed to a motor vehicle granted an exemption under this section. The label shall either name or describe each motor vehicle safety standard prescribed under this chapter or bumper standard prescribed under chapter 325 of this title from which the vehicle is exempt. The Secretary may require that written notice of an exemption be delivered by appropriate means to the dealer and the first purchaser of the vehicle other than for resale.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 945; Pub. L. 105–277, div. A, §101(g) [title III, §351(a)], Oct. 21, 1998, 112 Stat. 2681–439, 2681–475.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|---|
| 30113(a) | 15:1410(g). | Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §123; added Apr. 10, 1968, Pub. L. 90–283, 82 Stat. 72; restated Oct. 25, 1972, Pub. L. 92–548, §3, 86 Stat. 1159. |
| 30113(b) | 15:1410(a) (1st sentence), (c)(1) (23d–last words), (2) (23d–last words). | |
| 30113(c) | 15:1410(e). | |
| 30113(d) | 15:1410(d). | |
| 30113(e) | 15:1410(c)(1) (1st–22d words), (2) (1st–22d words). | |
| 30113(f) | 15:1410(f). | |
| 30113(g) | 15:1410(a) (last sentence). | |
| 30113(h) | 15:1410(b). | |

In subsection (a), the words “the term” and “type of” are omitted as surplus. The words “when the vehicle is manufactured” are substituted for “at the time of manufacture” for consistency.

In subsection (b)(1), the words “Except as provided in subsection (d) of this section” are omitted as surplus. The words “to such extent” are omitted as being included in “on terms the Secretary considers appropriate”.

In subsection (b)(2), the words “The Secretary may begin a proceeding under this subsection . . . for an exemption or a renewal of an exemption” are added because of the restatement. The words “of the application” are added for clarity. The words “An application for an exemption or for a renewal of an exemption shall be filed” are added because of the restatement.

In subsection (b)(3)(A), the words “such temporary” and “the objectives of” are omitted as surplus.

In subsection (b)(3)(B)(i), the words “to a manufacturer that” are substituted for “such manufacturer . . .

and that the manufacturer” to eliminate unnecessary words. The words “from which it requests to be exempted” are omitted as surplus.

In subsection (b)(3)(B)(ii), the words “from which an exemption is sought” are omitted as surplus.

In subsection (b)(3)(B)(iii), the words “lower the safety level” are substituted for “degrade the safety” for clarity.

In subsection (b)(3)(B)(iv), the word “requiring” is omitted as surplus.

In subsection (c), before clause (1), the words “the following information” are added for clarity. In clause (1), the word “describing” is substituted for “the basis of showing” to eliminate unnecessary words. The words “each motor vehicle safety standard prescribed under this chapter from which the manufacturer is requesting an exemption” are substituted for “the standards” for clarity. In clauses (2) and (3), the words “a record” are substituted for “documentation” for consistency in the revised title. In clause (2), the words “establishing that the safety level of the feature at least equals the safety level of the standard” are substituted for “establishing that the level of safety of the new safety feature is equivalent to or exceeds the level of safety established in the standard from which the exemption is sought” because of the restatement. In clause (3), the word “level” is added, and the words “lowered . . . by exemption from the standard” are substituted for “degraded”, for consistency in this section. In clause (4), the words “at least equal to” are substituted for “equivalent to or exceeding” for consistency.

In subsection (f), the text of 15:1410(f) (1st sentence) is omitted as executed. The words “under this section all” and “other information” are omitted as surplus. The words “to the application” are substituted for “thereto” for clarity. The words “business” and “for exemption” are omitted as surplus.

In subsection (g), the words “The Secretary” are added for clarity. The word “temporary” is omitted as surplus. The words “under this section” are added for clarity.

In subsection (h), the words “a . . . label to be fixed to a motor vehicle granted an exemption under this section” are substituted for “labeling of each exempted motor vehicle . . . and be affixed to such exempted vehicles” for clarity. The words “of such exempted motor vehicle in such manner as he deems” are omitted as surplus. The words “motor vehicle safety standard prescribed under this chapter” are substituted for “the standards” for clarity and consistency in this chapter.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105–277, §101(g) [title III, §351(a)(1)(A)], inserted “or passenger motor vehicles from a bumper standard prescribed under chapter 325 of this title,” after “a motor vehicle safety standard prescribed under this chapter”.

Subsec. (b)(3)(A). Pub. L. 105–277, §101(g) [title III, §351(a)(1)(B)], inserted “or chapter 325 of this title (as applicable)” after “this chapter”.

Subsec. (c)(1). Pub. L. 105–277, §101(g) [title III, §351(a)(2)], inserted “, or a bumper standard prescribed under chapter 325 of this title,” after “motor vehicle safety standard prescribed under this chapter”.

Subsec. (d). Pub. L. 105–277, §101(g) [title III, §351(a)(3)], inserted “(including an exemption under subsection (b)(3)(B)(i) relating to a bumper standard referred to in subsection (b)(1))” after “subsection (b)(3)(B)(i) of this section”.

Subsec. (h). Pub. L. 105–277, §101(g) [title III, §351(a)(4)], inserted “or bumper standard prescribed under chapter 325 of this title” after “each motor vehicle safety standard prescribed under this chapter”.

§ 30114. Special exemptions

The Secretary of Transportation may exempt a motor vehicle or item of motor vehicle equipment from section 30112(a) of this title on terms the Secretary decides are necessary for research,