

In this section, the text of 15:1397(a)(1)(D) (related to 15:1411, 1412, 1413(c) (1st sentence cl. (6)), and 1417) is omitted as surplus.

In subsection (a), the words “making an initial decision” are substituted for “determines” to distinguish the decision from the decision made under subsection (b) of this section. The words “of such determination”, “to the manufacturer”, and “of the Secretary” are omitted as surplus. The words “under this subsection” are added for clarity.

In subsection (b)(1), the words “may make a final decision” are substituted for “determines”, and the words “prescribed under this chapter” are added, for clarity and consistency in this chapter.

In subsection (b)(2), before clause (A), the words “If the Secretary decides under paragraph (1) of this subsection that the vehicle or equipment contains a defect or does not comply” are added for clarity and because of the restatement. The words “after such presentations by the manufacturer and interested persons” are omitted as surplus. In clause (A), the words “of the defect or noncompliance” are added for clarity.

In subsection (c), before clause (1), the words “A manufacturer of a motor vehicle or replacement equipment” are substituted for “manufactured by him” in 15:1411 for clarity. The words “shall notify” are substituted for “he shall furnish notification to” to eliminate unnecessary words. The words “to the Secretary, if section 1411 of this title applies” in 15:1413(c) (1st sentence cl. (6)) are omitted because of the restatement. The words “of the vehicle or equipment” are added for clarity. The words “and he shall remedy the defect or failure to comply in accordance with section 1414 of this title” in 15:1411 are omitted as unnecessary because of the source provisions restated in section 30120 of the revised title.

In subsection (d), the words “any requirement under”, “to give notice with respect to”, and “as it relates” are omitted as surplus. The words “The Secretary may take action under this subsection only” are added because of the restatement.

In subsection (e), the words “(including a manufacturer)” are omitted as surplus. The word “information” is substituted for “data” for consistency in the revised title.

AMENDMENTS

2000—Pub. L. 106-346, §101(a) [title III, §364], which directed amendment of this section in subsecs. (a), (b)(1), and (c), by inserting “, original equipment,” before “or replacement equipment” wherever appearing, and in subsec. (c), by redesignating pars. (1) and (2) as subpars. (A) and (B), respectively, and realigning margins, by substituting “(1) IN GENERAL.—A manufacturer” for “A manufacturer”, and by adding a new par (2) relating to duty of manufacturers, was repealed by Pub. L. 106-414, §2. See Construction of 2000 Amendment note below.

CONSTRUCTION OF 2000 AMENDMENT

Pub. L. 106-414, §2, Nov. 1, 2000, 114 Stat. 1800, provided that: “The amendments made to section 30118 of title 49, United States Code, by section 364 of the Department of Transportation and Related Agencies Appropriations Act, 2001 [Pub. L. 106-346, §101(a) [title III, §364], Oct. 23, 2000, 114 Stat. 1356, 1356A-37] are repealed and such section shall be effective as if such amending section had not been enacted.”

§ 30119. Notification procedures

(a) CONTENTS OF NOTIFICATION.—Notification by a manufacturer required under section 30118 of this title of a defect or noncompliance shall contain—

(1) a clear description of the defect or noncompliance;

(2) an evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(3) the measures to be taken to obtain a remedy of the defect or noncompliance;

(4) a statement that the manufacturer giving notice will remedy the defect or noncompliance without charge under section 30120 of this title;

(5) the earliest date on which the defect or noncompliance will be remedied without charge, and for tires, the period during which the defect or noncompliance will be remedied without charge under section 30120 of this title;

(6) the procedure the recipient of a notice is to follow to inform the Secretary of Transportation when a manufacturer, distributor, or dealer does not remedy the defect or noncompliance without charge under section 30120 of this title; and

(7) other information the Secretary prescribes by regulation.

(b) EARLIEST REMEDY DATE.—The date specified by a manufacturer in a notification under subsection (a)(5) of this section or section 30121(c)(2) of this title is the earliest date that parts and facilities reasonably can be expected to be available to remedy the defect or noncompliance. The Secretary may disapprove the date.

(c) TIME FOR NOTIFICATION.—Notification required under section 30118 of this title shall be given within a reasonable time—

(1) prescribed by the Secretary, after the manufacturer receives notice of a final decision under section 30118(b) of this title; or

(2) after the manufacturer first decides that a safety-related defect or noncompliance exists under section 30118(c) of this title.

(d) MEANS OF PROVIDING NOTIFICATION.—(1) Notification required under section 30118 of this title about a motor vehicle shall be sent by first class mail—

(A) to each person registered under State law as the owner and whose name and address are reasonably ascertainable by the manufacturer through State records or other available sources; or

(B) if a registered owner is not notified under clause (A) of this paragraph, to the most recent purchaser known to the manufacturer.

(2) Notification required under section 30118 of this title about replacement equipment (except a tire) shall be sent by first class mail to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer.

(3) Notification required under section 30118 of this title about a tire shall be sent by first class mail (or, if the manufacturer prefers, by certified mail) to the most recent purchaser known to the manufacturer. In addition, if the Secretary decides that public notice is required for motor vehicle safety, public notice shall be given in the way required by the Secretary after consulting with the manufacturer. In deciding whether public notice is required, the Secretary shall consider—

(A) the magnitude of the risk to motor vehicle safety caused by the defect or noncompliance; and

(B) the cost of public notice compared to the additional number of owners the notice may reach.

(4) A dealer to whom a motor vehicle or replacement equipment was delivered shall be notified by certified mail or quicker means if available.

(e) SECOND NOTIFICATION.—If the Secretary decides that a notification sent by a manufacturer under this section has not resulted in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer to send a 2d notification in the way the Secretary prescribes by regulation.

(f) NOTIFICATION BY LESSOR TO LESSEE.—(1) In this subsection, “leased motor vehicle” means a motor vehicle that is leased to a person for at least 4 months by a lessor that has leased at least 5 motor vehicles in the 12 months before the date of the notification.

(2) A lessor that receives a notification required by section 30118 of this title about a leased motor vehicle shall provide a copy of the notification to the lessee in the way the Secretary prescribes by regulation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 951.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30119(a)	15:1397(a)(1)(D) (related to 15:1413(a)).	Sept. 9, 1966, Pub. L. 89-563, §108(a)(1)(D) (related to §§153(a)-(c) (1st sentence cls. (1)-(5), last sentence), 154(b)(2) (2d, last sentences)), 80 Stat. 722; re-stated Oct. 27, 1974, Pub. L. 93-492, §103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1413(a).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §§153(a), (b), 154(b)(2) (2d, last sentences); added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1471, 1473.
30119(b)	15:1397(a)(1)(D) (related to 15:1414(b)(2) (2d, last sentences)).	
	15:1414(b)(2) (2d, last sentences).	
30119(c)	15:1397(a)(1)(D) (related to 15:1413(b)).	
30119(d)	15:1397(a)(1)(D) (related to 15:1413(c) (1st sentence cls. (1)-(5), last sentence)).	
	15:1413(c) (1st sentence cls. (1)-(5), last sentence).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §153(c) (1st sentence cls. (1)-(5), last sentence); added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1471, 1472; Oct. 15, 1982, Pub. L. 97-331, §4(b), 96 Stat. 1620.
30119(e)	15:1413(d).	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §153(d), (e); added Dec. 18, 1991, Pub. L. 102-240, §2504(a), 105 Stat. 2083.
30119(f)	15:1413(e).	

In this section, the text of 15:1397(a)(1)(D) (related to 15:1413(a)-(c) (1st sentence cls. (1)-(5), last sentence), 1414(b)(2) (2d, last sentences), and 1416) is omitted as surplus.

In subsection (a), before clause (1), the words “a motor vehicle or item of replacement equipment” are

omitted as surplus. The words “by a manufacturer” are added for clarity. In clause (3), the words “a statement of” are omitted as surplus. In clause (4), the word “remedy” is substituted for “cause . . . to be remedied” to eliminate unnecessary words. In clause (5), the words “(specified in accordance with the second and third sentences of section 1414(b)(2) of this title)” are omitted as surplus. In clause (6), the words “a description of” are omitted as surplus. The words “under section 30120 of this title” are added for consistency with the source provisions restated in this subsection. In clause (7), the words “in addition to such . . . as” are omitted as surplus.

In subsection (b), the words “in a notification under subsection (a)(5) of this section or section 30121(c) of this title” are substituted for “In either case” because of the restatement. The words “may disapprove” are substituted for “shall be subject to disapproval by” to eliminate unnecessary words.

In subsection (c)(1), the words “Secretary’s” and “that there is a defect or failure to comply” are omitted as surplus. The word “final” is added for clarity.

In subsection (c)(2), the words “decides that a safety-related defect or noncompliance exists” are substituted for “makes a determination with respect to a defect or failure to comply” for clarity.

In subsection (d), the text of 15:1413(c) (1st sentence words before cl. (1)) is incorporated into each paragraph as appropriate.

In subsection (d)(1)(A), the words “who is” and “of such vehicle” are omitted as surplus.

In subsection (d)(1)(B), the words “if a registered owner is not notified” are substituted for “unless the registered owner (if any) of such vehicle was notified” for clarity. The words “most recent purchaser” are substituted for “first purchaser (or if a more recent purchaser is” for clarity and to eliminate unnecessary words. The words “of each such vehicle containing such defect or failure to comply” are omitted as surplus.

In subsection (d)(3), the words “(or, if the manufacturer prefers, by certified mail)” are substituted for 15:1413(c) (last sentence) to eliminate unnecessary words.

In subsection (d)(4), the words “or dealers” are omitted because of 1:1. The words “of such manufacturer” are omitted as surplus.

In subsection (e), the word “replacement” is added for clarity and consistency with the source provisions being restated in subsection (d) of this section.

§ 30120. Remedies for defects and noncompliance

(a) WAYS TO REMEDY.—(1) Subject to subsections (f) and (g) of this section, when notification of a defect or noncompliance is required under section 30118(b) or (c) of this title, the manufacturer of the defective or noncomplying motor vehicle or replacement equipment shall remedy the defect or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the manufacturer shall remedy the defect or noncompliance in any of the following ways the manufacturer chooses:

- (A) if a vehicle—
 - (i) by repairing the vehicle;
 - (ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or
 - (iii) by refunding the purchase price, less a reasonable allowance for depreciation.

(B) if replacement equipment, by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment.

(2) The Secretary of Transportation may prescribe regulations to allow the manufacturer to