

In subsection (a)(1)(B), the word “compliance” is substituted for “conformity” for consistency in this chapter.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

§ 30161. Judicial review of standards

(a) FILING AND VENUE.—A person adversely affected by an order prescribing a motor vehicle safety standard under this chapter may apply for review of the order by filing a petition for review in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 59 days after the order is issued.

(b) NOTIFYING SECRETARY.—The clerk of the court shall send immediately a copy of the petition to the Secretary of Transportation. The Secretary shall file with the court a record of the proceeding in which the order was prescribed.

(c) ADDITIONAL PROCEEDINGS.—(1) On request of the petitioner, the court may order the Secretary to receive additional evidence and evidence in rebuttal if the court is satisfied that the additional evidence is material and there were reasonable grounds for not presenting the evidence in the proceeding before the Secretary.

(2) The Secretary may modify findings of fact or make new findings because of the additional evidence presented. The Secretary shall file a modified or new finding, a recommendation to modify or set aside the order, and the additional evidence with the court.

(d) CERTIFIED COPIES OF RECORDS OF PROCEEDINGS.—The Secretary shall give any interested person a certified copy of the transcript of the record in a proceeding under this section on request and payment of costs. A certified copy of the record of the proceeding is admissible in a proceeding arising out of a matter under this chapter, regardless of whether the proceeding under this section has begun or becomes final.

(e) FINALITY OF JUDGMENT AND SUPREME COURT REVIEW.—A judgment of a court under this section is final and may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 966.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30161(a)	15:1394(a)(1) (1st sentence), (3).	Sept. 9, 1966, Pub. L. 89–563, §105(a)(1)–(5), (b), 80 Stat. 720, 721.
30161(b)	15:1394(a)(1) (2d, last sentences).	
30161(c)	15:1394(a)(2).	
30161(d)	15:1394(b).	
30161(e)	15:1394(a)(4), (5).	

In subsection (a), the words “In a case of actual controversy as to the validity of” and “who will be . . . when it is effective” are omitted as surplus. The words “an order prescribing a motor vehicle safety standard under this chapter” are substituted for “any order under section 1392 of this title” for consistency. The words “apply for review” are added for clarity. The words “The petition must be filed” are substituted for “at any time” for clarity. The text of 15:1394(a)(3) is omitted as surplus because 5:ch. 7 applies unless otherwise stated.

In subsection (b), the words “or other officer designated by him for that purpose” are omitted as surplus because of 49:322(b). The words “in which the order was prescribed” are substituted for “on which the Secretary based his order” for consistency. The words “as provided in section 2112 of title 28” are omitted as surplus.

In subsection (c)(1), the words “in such manner and upon such terms and conditions as to the court may seem proper” are omitted as surplus. The words “is satisfied” are substituted for “shows to the satisfaction of” to eliminate unnecessary words. The words “and to be adduced upon the hearing” are omitted as unnecessary.

In subsection (c)(2), the words “with the court” are substituted for “the return of” for clarity.

In subsection (d), the words “thereof” and “criminal, exclusion of imports, or other” are omitted as surplus. The words “under this section” are substituted for “with respect to the order” for clarity. The word “previously” is omitted as surplus.

In subsection (e), the words “under this section is final and may be reviewed only” are substituted for “affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review” to eliminate unnecessary words. The text of 15:1394(a)(5) is omitted because of rule 43 of the Federal Rules of Appellate Procedure (28 App. U.S.C.).

§ 30162. Petitions by interested persons for standards and enforcement

(a) FILING.—Any interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding—

(1) to prescribe a motor vehicle safety standard under this chapter; or

(2) to decide whether to issue an order under section 30118(b) of this title.

(b) STATEMENT OF FACTS.—The petition must state facts that the person claims establish that a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) PROCEEDINGS.—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant the petition.

(d) ACTIONS OF SECRETARY.—The Secretary shall grant or deny a petition not later than 120 days after the petition is filed. If a petition is granted, the Secretary shall begin the proceeding promptly. If a petition is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30162(a)	15:1410a(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §124(a)–(d); added Oct. 27, 1974, Pub. L. 93–492, §106, 88 Stat. 1481.
30162(b)	15:1410a(b).	
30162(c)	15:1410a(c).	
30162(d)	15:1410a(d).	

Subsection (a)(1) is substituted for “the issuance of an order pursuant to section 1392 of this title” for clarity and because of the restatement.

In subsection (b), the words “a motor vehicle safety standard” are added because of the restatement. The words “referred to in subsection (a) of this section” are added for clarity. The words “of the substance” are omitted as surplus.