

In subsection (c), the words “as he deems appropriate in order” and “or not” are omitted as surplus.

In subsection (d), the words “described in subsection (b) of this section”, “either”, and “requested in the petition” are omitted as surplus.

**§ 30163. Actions by the Attorney General**

(a) CIVIL ACTIONS TO ENFORCE.—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) PRIOR NOTICE.—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person’s views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) VENUE.—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(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)   |
|-----------------|----------------------------|--|
| 30163(a) .....  | 15:1399(a) (1st sentence). | Sept. 9, 1966, Pub. L. 89–563, §110(a), (c), 80 Stat. 723, 724; Oct. 27, 1974, Pub. L. 93–492, §§102(b)(2), 103(c), 88 Stat. 1477, 1478. |

HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code)                   | Source (Statutes at Large)  |
|-----------------|--------------------------------------|---|
|                 | 15:1424(b) (related to injunctions). | Sept. 9, 1966, Pub. L. 89–563, §204(b) (related to injunctions), 80 Stat. 729.    |
| 30163(b) .....  | 15:1399(a) (2d, last sentences).     |   |
| 30163(c) .....  | 15:1399(c).                          |   |
| 30163(d) .....  | 15:1399(b).                          | Sept. 9, 1966, Pub. L. 89–563, §110(b), (d) (related to §110), 80 Stat. 723, 724. |
| 30163(e) .....  | 15:1399(d) (related to 15:1399).     |   |

In subsection (a), before clause (1), the text of 15:1424(b) (related to injunctions) is omitted because of the restatement. The words “The Attorney General may bring a civil action” are substituted for “upon petition by . . . the Attorney General” for consistency. The words “the appropriate United States attorney or . . . on behalf of the United States” are omitted as surplus. The words “for cause shown and subject to the provisions of rule 65(a) and (b) of the Federal Rules of Civil Procedure” are omitted as surplus. In clause (1), the words “a regulation prescribed or order issued under this chapter” are substituted for “(or rules, regulations or orders thereunder)” for clarity and consistency and because “rule” and “regulation” are synonymous. In clause (2), before subclause (A), the words “that the vehicle or equipment” are added for clarity. The words “of such vehicle” and “purposes” are omitted as surplus. In subclause (B), the words “does not comply with” are substituted for “is determined . . . not to conform to” for clarity and consistency.

In subsections (b), (c), and (e), the word “civil” is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b), the words “comply with the applicable motor vehicle safety standard prescribed under this chapter” are substituted for “achieve compliance”, and the words “a court” are added, for clarity.

In subsection (c), the words “any act or transaction constituting the” are omitted as surplus. The word “resides” is substituted for “is an inhabitant” for consistency in the revised title. The words “the action” are substituted for “such cases” for consistency.

In subsection (d), the words “the defendant may demand a jury trial” are substituted for “trial shall be by the court, or, upon demand of the accused, by a jury” to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

**§ 30164. Service of process**

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent’s office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 968.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>   | <i>Source (Statutes at Large)</i>                     |
|------------------------|-----------------------------|---|
| 30164(a) .....         | 15:1399(e) (1st sentence).  | Sept. 9, 1966, Pub. L. 89-563, §110(e), 80 Stat. 724. |
| 30164(b) .....         | 15:1399(e) (last sentence). |   |

In subsection (a), the words “A manufacturer offering . . . shall” are substituted for “It shall be the duty of every manufacturer offering . . . to” to eliminate unnecessary words. The words “into the United States”, “all . . . orders, decisions and requirements”, and “for and on behalf of said manufacturer” are omitted as surplus. The words “The designation may be changed in the same way as originally made” are substituted for “which designation may from time to time be changed by like writing, similarly filed” for clarity.

In subsection (b), the words “An agent may be served” are substituted for “Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent” to eliminate unnecessary words. The words “Service on the agent is deemed to be service on the manufacturer” are substituted for “with like effects as if made personally upon said manufacturer”, and the words “If a manufacturer does not designate an agent” are substituted for “and in default of such designation of such agent”, for clarity. The words “of process, notice, order, requirement or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subchapter or any standards prescribed pursuant to this subchapter” and “order, requirement or decision” are omitted as surplus.

§ 30165. Civil penalty

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—A person that violates any of section 30112, 30115, 30117 through 30122, 30123(d),<sup>1</sup> 30125(c), 30127, or 30141 through 30147, or a regulation prescribed thereunder, is liable to the United States Government for a civil penalty of not more than \$5,000 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum penalty under this subsection for a related series of violations is \$15,000,000.

(2) SCHOOL BUSES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be \$10,000 in the case of—

- (i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or
- (ii) a violation of section 30112(a)(2) of this title.

(B) RELATED SERIES OF VIOLATIONS.—A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is \$15,000,000.

<sup>1</sup> See References in Text note below.

(3) SECTION 30166.—A person who violates section 30166 or a regulation prescribed under that section is liable to the United States Government for a civil penalty for failing or refusing to allow or perform an act required under that section or regulation. The maximum penalty under this paragraph is \$5,000 per violation per day. The maximum penalty under this paragraph for a related series of daily violations is \$15,000,000.

(b) COMPROMISE AND SETOFF.—(1) The Secretary of Transportation may compromise the amount of a civil penalty imposed under this section.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the person liable for the penalty.

(c) CONSIDERATIONS.—In determining the amount of a civil penalty or compromise, the appropriateness of the penalty or compromise to the size of the business of the person charged and the gravity of the violation shall be considered.

(d) SUBPENAS FOR WITNESSES.—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 103-429, §6(23), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 106-414, §5(a), Nov. 1, 2000, 114 Stat. 1803; Pub. L. 109-59, title X, §10309(c), Aug. 10, 2005, 119 Stat. 1942.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                                 | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
| 30165(a) .....         | 15:1398(a).<br><br>15:1424(b) (related to civil penalty). | Sept. 9, 1966, Pub. L. 89-563, §109(a), 80 Stat. 723; Oct. 27, 1974, Pub. L. 93-492, §103(b), 88 Stat. 1478.<br>Sept. 9, 1966, Pub. L. 89-563, §§109(b), 110(d) (related to §109), 204(b) (related to civil penalty), 80 Stat. 723, 724, 729. |
| 30165(b) .....         | 15:1398(b) (1st, last sentences).                         |   |
| 30165(c) .....         | 15:1398(b) (2d sentence).                                 |   |
| 30165(d) .....         | 15:1399(d) (related to 15:1398).                          |   |

In subsection (a), the text of 15:1424(b) (related to civil penalty) is omitted because of the restatement. The words “is liable to the United States Government for” are substituted for “shall be subject to” for consistency. The words “A separate violation occurs for” are substituted for “Such violation of a provision of section 1397 of this title, or regulations issued thereunder, shall constitute a separate violation with respect to” to eliminate unnecessary words.

In subsection (b)(2), the words “amount of a civil penalty imposed or compromised” are substituted for “amount of such penalty, when finally determined, or the amount agreed upon in compromise” to eliminate unnecessary words.

In subsection (d), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

PUB. L. 103-429

This amends 49:30141(c)(4)(A) and 30165(a) to correct erroneous cross-references.

REFERENCES IN TEXT

Section 30123(d) of this title, referred to in subsec. (a)(1), was redesignated section 30123(a) of this title by