

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 The words “The designation may be changed in the same way as originally made” are substituted for “which designation may from time to time be changed by like writing, similarly filed” for clarity.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),¹ 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.

¹ 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). 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. 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

Pub. L. 105-178, title VII, §7106(b), June 9, 1998, 112 Stat. 467.

AMENDMENTS

2005—Subsec. (a)(2), (3). Pub. L. 109-59, which directed amendment of section 30165(a), without specifying the title to be amended, by adding par. (2) and redesignating former par. (2) as (3), was executed to this section, to reflect the probable intent of Congress.

2000—Subsec. (a). Pub. L. 106-414 amended heading and text generally. Prior to amendment, text read as follows: "A person that violates any of sections 30112, 30115, 30117-30122, 30123(d), 30125(c), 30127, 30141-30147, or 30166 of this title or a regulation prescribed under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000 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 \$800,000."

1994—Subsec. (a). Pub. L. 103-429 substituted "any of sections 30112" for "section 30112" and inserted "any of" before "those sections" in two places.

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.

§ 30166. Inspections, investigations, and records

(a) DEFINITION.—In this section, "motor vehicle accident" means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) AUTHORITY TO INSPECT AND INVESTIGATE.—(1) The Secretary of Transportation may conduct an inspection or investigation—

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) MATTERS THAT CAN BE INSPECTED AND IMPOUNDMENT.—In carrying out this chapter, an officer or employee designated by the Secretary of Transportation—

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, or dealer to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter; and

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may—

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce;

(B) enter and inspect with reasonable promptness premises at which a vehicle or

equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident.

(d) REASONABLE COMPENSATION.—When a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) RECORDS AND MAKING REPORTS.—The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable the Secretary to decide whether the manufacturer, distributor, or dealer has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor or dealer in addition to those imposed under subsection (f) of this section and section 30117(b) of this title or a regulation prescribed or order issued under subsection (f) or section 30117(b).

(f) PROVIDING COPIES OF COMMUNICATIONS ABOUT DEFECTS AND NONCOMPLIANCE.—A manufacturer shall give the Secretary of Transportation a true or representative copy of each communication to the manufacturer's dealers or to owners or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(g) ADMINISTRATIVE AUTHORITY ON REPORTS, ANSWERS, AND HEARINGS.—(1) In carrying out this chapter, the Secretary of Transportation may—

(A) require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath; and

(B) conduct hearings, administer oaths, take testimony, and require (by subpoena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(h) CIVIL ACTIONS TO ENFORCE AND VENUE.—A civil action to enforce a subpoena or order under subsection (g) of this section may be brought in the United States district court for any judicial district in which the proceeding is conducted. The court may punish a failure to obey an order of the court to comply with a subpoena or order as a contempt of court.

(i) GOVERNMENTAL COOPERATION.—The Secretary of Transportation may request a depart-