

(2) labeled for export on the vehicle or equipment and the outside of any container of the vehicle or equipment; and
 (3) exported.

(b) LIMITATIONS.—A standard under this section—

(1) may not conflict with a motor vehicle safety standard prescribed under chapter 301 of this title;

(2) may not specify a dollar amount for the cost of repairing damage to a passenger motor vehicle; and

(3) to the greatest practicable extent, may not preclude the attachment of a detachable hitch.

(c) EXEMPTIONS.—For good cause, the Secretary may exempt from all or any part of a standard—

(1) a multipurpose passenger vehicle;

(2) a make, model, or class of a passenger motor vehicle manufactured for a special use, if the standard would interfere unreasonably with the special use of the vehicle; or

(3) a passenger motor vehicle for which an application for an exemption under section 30013(b)¹ of this title has been filed in accordance with the requirements of that section.

(d) COST REDUCTION AND CONSIDERATIONS.—When prescribing a standard under this section, the Secretary shall design the standard to obtain the maximum feasible reduction of costs to the public, considering—

(1) the costs and benefits of carrying out the standard;

(2) the effect of the standard on insurance costs and legal fees and costs;

(3) savings in consumer time and inconvenience; and

(4) health and safety, including emission standards.

(e) PROCEDURES.—Section 553 of title 5 applies to a standard prescribed under this section. However, the Secretary shall give an interested person an opportunity to make oral and written presentations of information, views, and arguments. A transcript of each oral presentation shall be kept. Under conditions prescribed by the Secretary, the Secretary may conduct a hearing to resolve an issue of fact material to a standard.

(f) EFFECTIVE DATE.—The Secretary shall prescribe an effective date for a standard under this section. That date may not be earlier than the date the standard is prescribed nor later than 18 months after the date the standard is prescribed. However, the Secretary may prescribe a later date when the Secretary submits to Congress and publishes the reasons for the later date. A standard only applies to a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the effective date.

(g) RESEARCH.—The Secretary shall conduct research necessary to carry out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1042; Pub. L. 105-277, div. A, §101(g) [title III, §351(b)(1)], Oct. 21, 1998, 112 Stat. 2681-439, 2681-476.)

¹ So in original. Probably should be section “30113(b)”.

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-------------------------------------|---|
| 32502(a) | 15:1912(a). | Oct. 20, 1972, Pub. L. 92-513, §§102, 104(d), 86 Stat. 949. |
| 32502(b)(1) .. | 15:1912(b)(2). | |
| 32502(b)(2) .. | 15:1901(6) (words after semicolon). | Oct. 20, 1972, Pub. L. 92-513, §2(6) (words after semicolon), 86 Stat. 948; Dec. 22, 1975, Pub. L. 94-163, §301, 89 Stat. 901; Oct. 10, 1980, Pub. L. 96-425, §8(a)(2), 94 Stat. 1828; Oct. 25, 1984, Pub. L. 98-547, §101(b), 98 Stat. 2767. |
| 32502(b)(3) .. | 15:1912(c)(2). | |
| 32502(c) | 15:1912(c)(1). | |
| 32502(d) | 15:1912(b)(1). | |
| 32502(e) | 15:1912(e). | |
| 32502(f) | 15:1912(d). | |
| 32502(g) | 15:1914(d). | |

In subsection (a), before clause (1), the words “Subject to subsections (b) through (e) of this section” are omitted as surplus. The words “shall prescribe by regulation” are substituted for “by rule . . . shall promulgate” for clarity. The words “may prescribe by regulation” are substituted for “by rule . . . may promulgate” for consistency.

In subsection (c), before clause (1), the words “In promulgating any bumper standard under this subchapter” are omitted as surplus. The words “from any part of a standard” are substituted for “partially or completely” for clarity and consistency.

In subsection (d), before clause (1), the words “to the public” are substituted for “to the public and to the consumer” because they are inclusive. In clause (2), the word “prospective” is omitted as surplus.

In subsection (e), the words “Section 553 of title 5 applies to a standard prescribed under this section” are substituted for “All rules establishing, amending, or revoking a bumper standard under this subchapter shall be issued pursuant to section 553 of title 5”, the words “opportunity to make oral and written presentations of information, views, and arguments” are substituted for “opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions”, the words “Under conditions prescribed by the Secretary” are substituted for “in accordance with such conditions or limitations as he may make applicable thereto”, and the words “material to a standard” are substituted for “material to the establishing, amending, or revoking of a bumper standard”, to eliminate unnecessary words.

In subsection (f), the words “However, the Secretary may prescribe a later date when the Secretary submits” are substituted for “unless the Secretary presents” for clarity. The word “reasons” is substituted for “a detailed explanation of the reasons” to eliminate unnecessary words.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-277, §101(g) [title III, §351(b)(1)(A)], substituted “all or any part of a standard” for “any part of a standard” in introductory provisions.

Subsec. (c)(3). Pub. L. 105-277, §101(g) [title III, §351(b)(1)(B)–(D)], added par. (3).

§ 32503. Judicial review of bumper standards

(a) FILING AND VENUE.—A person that may be adversely affected by a standard prescribed under section 32502 of this title may apply for review of the standard by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or 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 standard is prescribed.

(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 standard 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 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 a standard, and the additional evidence with the court.

(d) SUPREME COURT REVIEW AND ADDITIONAL REMEDIES.—A judgment of a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28. A remedy under this section is in addition to any other remedies provided by law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1043.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------------------|--|
| 32503(a) | 15:1913(a) (1st sentence), (c). | Oct. 20, 1972, Pub. L. 92-513, §103, 86 Stat. 950. |
| 32503(b) | 15:1913(a) (2d, last sentences). | |
| 32503(c) | 15:1913(b). | |
| 32503(d) | 15:1913(d), (e). | |

In subsection (a), the words “may apply for” are added for clarity. The text of 15:1913(c) is omitted because 5.ch. 7 applies unless otherwise stated.

In subsection (b), the words “or his delegate” and “thereupon” are omitted as surplus. The words “in which the standard was prescribed” are substituted for “on which the Secretary based his rule, as provided in section 2112 of title 28” to eliminate unnecessary words.

In subsection (c)(1), the words “On request of the petitioner” are substituted for “If the petitioner applies to the court for leave to adduce” to eliminate unnecessary words. The words “the Secretary to receive” are substituted for “to be taken before the Secretary, and to be adduced in a hearing” for clarity. The words “in such manner and upon such terms and conditions as the court may deem proper” are omitted as surplus.

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

In subsection (d), the words “affirming or setting aside, in whole or in part, any such rule of the Secretary” are omitted as surplus. The words “may be reviewed only” are substituted for “shall be final, subject to review” for clarity. The words “and not in lieu of” are omitted as surplus.

§ 32504. Certificates of compliance

Under regulations prescribed by the Secretary of Transportation, a manufacturer or distributor of a passenger motor vehicle or passenger motor vehicle equipment subject to a standard prescribed under section 32502 of this title shall give the distributor or dealer at the time of delivery a certificate that the vehicle or equipment complies with the standard.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1044.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 32504 | 15:1915(c). | Oct. 20, 1972, Pub. L. 92-513, §105(c), 86 Stat. 952. |

The words “Under regulations prescribed by the Secretary of Transportation” are substituted for 15:1915(c)(1) (last sentence) to eliminate unnecessary words. The text of 15:1915(c)(2) is omitted as surplus because this section only applies to a vehicle or equipment subject to a standard prescribed under section 32502 of the revised title, and a standard prescribed under that section does not apply to a vehicle or equipment intended only for export, labeled for export, and exported.

§ 32505. Information and compliance requirements

(a) GENERAL AUTHORITY.—(1) To enable the Secretary of Transportation to decide whether a manufacturer of passenger motor vehicles or passenger motor vehicle equipment is complying with this chapter and standards prescribed under this chapter, the Secretary may require the manufacturer to—

- (A) keep records;
- (B) make reports;
- (C) provide items and information, including vehicles and equipment for testing at a negotiated price not more than the manufacturer’s cost; and

(D) allow an officer or employee designated by the Secretary to inspect vehicles and relevant records of the manufacturer.

(2) To enforce this chapter, an officer or employee designated by the Secretary, on presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may inspect a facility in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, held for introduction in interstate commerce, or held for sale after introduction in interstate commerce. An inspection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness.

(b) POWERS OF SECRETARY AND CIVIL ACTIONS TO ENFORCE.—(1) In carrying out this chapter, the Secretary may—

- (A) inspect and copy records of any person at reasonable times;
- (B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) 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.

(3) A civil action to enforce a subpoena or order of the Secretary under this subsection may be brought in the United States district court for any judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena or order of the Secretary as a contempt of court.