

(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.

(c) CONFIDENTIALITY OF INFORMATION.—(1) Information obtained by the Secretary under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(A) to another officer or employee of the United States Government for use in carrying out this chapter; or

(B) in a proceeding under this chapter.

(2) This subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(3) Subject to paragraph (1) of this subsection, the Secretary, on request, shall make available to the public at cost information the Secretary submits or receives in carrying out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1044; Pub. L. 103-429, §6(32), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32505(a)(1) ..	15:1915(a).	Oct. 20, 1972, Pub. L. 92-513, §§104(a), (b), 105(a), (b), 109, 86 Stat. 950, 951, 952, 955.
32505(a)(2) ..	15:1915(b).	
32505(b)(1) ..	15:1914(a)(1)-(3).	
32505(b)(2) ..	15:1914(a)(5).	
32505(b)(3) ..	15:1914(a)(4).	
32505(c)(1), (2).	15:1914(b).	
32505(c)(3) ..	15:1919.	

In subsection (a)(1), before clause (A), the words “To enable the Secretary of Transportation to decide whether . . . is complying” are substituted for “to enable him to determine whether such manufacturer has acted or is acting in compliance” and “determining whether such manufacturer has acted or is acting in compliance” to eliminate unnecessary words. The word “reasonably” is omitted as surplus. In clause (A), the word “keep” is substituted for “establish and maintain” for consistency in the revised title and to eliminate unnecessary words. In clause (C), the text of 15:1915(a) (2d sentence) is omitted as surplus because of 49:322(a). In clause (D), the words “upon request” and “duly” are omitted as surplus.

In subsection (a)(2), the word “enter” is omitted as being as included in “inspect”. The word “facility” is substituted for “factory, warehouse, or establishment” to eliminate unnecessary words. The words “shall be commenced and completed” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “In carrying out this chapter” are substituted for “For the purpose of carrying out the provisions of this subchapter”, “In order to carry out the provisions of this subchapter”, “relevant to any function of the Secretary under this subchapter”, and “relating to any function of the Secretary under this subchapter” for consistency. In clause (A), the words “inspect and copy” are substituted for “have access to, and for the purposes of examination the right to copy” to eliminate unnecessary words. The word “records” is substituted for “documentary evidence” for consistency. In clause (B), the word “order” is substituted for “require, by general or special orders” to eliminate unnecessary words. The words “in such form as the Secretary may prescribe” and “shall be filed with the Secretary within such reasonable period as the Secretary may prescribe” are omitted as surplus because of 49:322(a). In clause (C), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”.

In subsection (b)(3), the words “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 the judicial district in which the proceeding by the Secretary was conducted” are substituted for 15:1914(a)(4) (words before semicolon) for consistency in the revised title and to eliminate unnecessary words.

In subsection (c)(1), before clause (A), the words “reported to or otherwise” are omitted as surplus. The words “or his representative” are omitted for consistency with subsection (b) of this section. The words “related to a confidential matter referred to” are substituted for “contains or relates to a trade secret or other matter referred to” to eliminate unnecessary words. The words “shall be considered confidential for the purpose of that section” are omitted as surplus. In clause (A), the words “of the United States Government” are added for clarity. In clause (B) the words “when relevant” are omitted as surplus.

In subsection (c)(2), the words “a committee of Congress authorized to have the information” are substituted for “the duly authorized committees of the Congress” for clarity.

In subsection (c)(3), the words “copies of any communications, documents, reports, or other” are omitted as surplus.

PUB. L. 103-429

This amends 49:32505(b)(3) to clarify the restatement of 15:1914(a)(4) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1044).

AMENDMENTS

1994—Subsec. (b)(3). Pub. L. 103-429 substituted “any judicial district in which the proceeding by the Secretary is conducted” for “the judicial district in which the proceeding by the Secretary was conducted”.

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.

§ 32506. Prohibited acts

(a) GENERAL.—Except as provided in this section and section 32502 of this title, a person may not—

(1) manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, a passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date an applicable standard under section 32502 of this title takes effect, unless it conforms to the standard;

(2) fail to comply with an applicable regulation prescribed by the Secretary of Transportation under this chapter;

(3) fail to keep records, refuse access to or copying of records, fail to make reports or provide items or information, or fail or refuse to allow entry or inspection, as required by this chapter or a regulation prescribed under this chapter; or

(4) fail to provide the certificate required by section 32504 of this title, or provide a certificate that the person knows, or in the exercise of reasonable care has reason to know, is false or misleading in a material respect.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to—

(1) the sale, offer for sale, or introduction or delivery for introduction in interstate commerce of a passenger motor vehicle or passenger motor vehicle equipment after the first