

In subsection (a)(2), the words “on behalf of the United States” are omitted as surplus. The words “Before compromising the amount of a penalty, the Secretary shall give” are substituted for “after affording” for clarity. The words “to present views and evidence in support thereof” and “alleged” are omitted as surplus.

In subsection (b), the words “that knowingly and willfully violates this chapter” are substituted for “knowingly and willfully commits any act or causes to be done any act that violates any provision of this subchapter or knowingly and willfully omits to do any act or causes to be omitted any act that is required by such provision” to eliminate unnecessary words. The words “or a regulation prescribed or order issued under this chapter” are substituted for “No transferor shall violate any rule prescribed under this section” in 15:1988 for consistency in the revised title and because “rule” is synonymous with “regulation”. The words “fined under title 18” are substituted for “fined not more than \$50,000” for consistency with title 18. The words “an act in violation of” are substituted for “any of the acts or practices constituting in whole or in part a violation of” to eliminate unnecessary words.

In subsections (c) and (d), the word “enjoin” is substituted for “restrain” for consistency.

In subsection (c), the words “The United States district courts shall have jurisdiction” are omitted because of 28:1331. 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 because the rules apply in the absence of an exemption from them. The words “the violation occurred” are substituted for “wherein any act, omission, or transaction constituting the violation occurred”, and the word “resides” is substituted for “is an inhabitant”, to eliminate unnecessary words. The words “may be served in” are substituted for “may run into” for clarity.

In subsection (d)(1), before clause (A), the words “this chapter or a regulation prescribed or order issued under this chapter” are substituted for “requirement imposed under this subchapter” for consistency. The words “civil action” are substituted for “any action” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d)(2), the words “without regard to the amount in controversy” are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words “United States district court” are substituted for “district court of the United States” for consistency with the definition in section 32101 of the revised title and with other provisions of the chapter.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112-141 substituted “\$10,000” for “\$2,000” and “\$1,000,000” for “\$100,000”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 32710. Civil actions by private persons

(a) VIOLATION AND AMOUNT OF DAMAGES.—A person that violates this chapter or a regulation prescribed or order issued under this chapter, with intent to defraud, is liable for 3 times the actual damages or \$10,000, whichever is greater.

(b) CIVIL ACTIONS.—A person may bring a civil action to enforce a claim under this section in an appropriate United States district court or in another court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues. The court shall award

costs and a reasonable attorney’s fee to the person when a judgment is entered for that person. (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1055; Pub. L. 112-141, div. C, title I, §31206(2), July 6, 2012, 126 Stat. 761.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 32710(a) and 32710(b).

In subsection (a), the words “this chapter or a regulation prescribed or order issued under this chapter” are substituted for “requirement imposed under this subchapter” for consistency.

In subsection (b), the words “A person may bring a civil action to enforce a claim” are substituted for “An action to enforce any liability created . . . may be brought” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word “appropriate” is added for clarity. The words “without regard to the amount in controversy” are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words “after the claim accrues” are substituted for “from the date on which the liability arises” to eliminate unnecessary words. The words “The court shall award . . . to the person when a judgment is entered for that person” are substituted for “in the case of any successful action to enforce the foregoing liability . . . as determined by the court” for clarity.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112-141 substituted “\$10,000” for “\$1,500”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 32711. Relationship to State law

Except to the extent that State law is inconsistent with this chapter, this chapter does not—

- (1) affect a State law on disconnecting, altering, or tampering with an odometer with intent to defraud; or
(2) exempt a person from complying with that law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1056.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 32711.

In this section, before clause (1), the words “and then only to the extent of the inconsistency” are omitted as surplus. In clause (1), the word “affect” is substituted for “annul, alter, or affect” to eliminate unnecessary words. In clause (2), the words “subject to the provisions of this subchapter” are omitted as surplus.

CHAPTER 329—AUTOMOBILE FUEL ECONOMY

Sec. 32901. Definitions.