

§ 6302. Prohibited acts**(a) In general**

It shall be unlawful—

(1) for any manufacturer or private labeler to distribute in commerce any new covered product to which a rule under section 6294 of this title applies, unless such covered product is labeled in accordance with such rule;

(2) for any manufacturer, distributor, retailer, or private labeler to remove from any new covered product or render illegible any label required to be provided with such product under a rule under section 6294 of this title;

(3) for any manufacturer to fail to permit access to, or copying of, records required to be supplied under this part, or fail to make reports or provide other information required to be supplied under this part;

(4) for any person to fail to comply with an applicable requirement of section 6296(a), (b)(2), (b)(3), or (b)(5) of this title;

(5) for any manufacturer or private labeler to distribute in commerce any new covered product which is not in conformity with an applicable energy conservation standard established in or prescribed under this part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or

(6)¹ for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.

(6)¹ for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(b) “New covered product” defined

For purposes of this section, the term “new covered product” means a covered product the title of which has not passed to a purchaser who buys such product for purposes other than (1) reselling such product, or (2) leasing such product for a period in excess of one year.

(Pub. L. 94-163, title III, §332, Dec. 22, 1975, 89 Stat. 928; Pub. L. 100-12, §11(a)(3), (b)(5), Mar. 17, 1987, 101 Stat. 125; Pub. L. 110-140, title III, §§306(b), 321(e), Dec. 19, 2007, 121 Stat. 1559, 1586.)

AMENDMENTS

2007—Subsec. (a)(4). Pub. L. 110-140, §321(e)(1), which directed the striking out of “or” after semicolon at end, could not be executed after amendment by Pub. L. 110-140, §306(b)(1). See below.

Pub. L. 110-140, §306(b)(1), struck out “or” after semicolon at end.

Subsec. (a)(5). Pub. L. 110-140, §321(e)(2), which directed substitution of “; or” for period at end, could not be executed after amendment by Pub. L. 110-140, §306(b)(2). See below.

Pub. L. 110-140, §306(b)(2), substituted “part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or” for “part.”

Subsec. (a)(6). Pub. L. 110-140, §321(e)(3), added par. (6) relating to prohibition of distribution in commerce of certain adapters.

Pub. L. 110-140, §306(b)(3), added par. (6) relating to sale of a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates a regional standard.

1987—Subsec. (a). Pub. L. 100-12, §11(b)(5)(A), inserted heading.

Subsec. (a)(5). Pub. L. 100-12, §11(a)(3), substituted “energy conservation standard established in or prescribed under” for “energy efficiency standard prescribed under”.

Subsec. (b). Pub. L. 100-12, §11(b)(5)(B), inserted heading.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 6303. Enforcement**(a) In general**

Except as provided in subsection (c) of this section, any person who knowingly violates any provision of section 6302 of this title shall be subject to a civil penalty of not more than \$100 for each violation. Such penalties shall be assessed by the Commission, except that penalties for violations of section 6302(a)(3) of this title which relate to requirements prescribed by the Secretary, violations of section 6302(a)(4) of this title which relate to requests of the Secretary under section 6296(b)(2) of this title, or violations of section 6302(a)(5) of this title shall be assessed by the Secretary. Civil penalties assessed under this part may be compromised by the agency or officer authorized to assess the penalty, taking into account the nature and degree of the violation and the impact of the penalty upon a particular respondent. Each violation of paragraph (1), (2), or (5) of section 6302(a) of this title shall constitute a separate violation with respect to each covered product, and each day of violation of section 6302(a)(3) or (4) of this title shall constitute a separate violation.

(b) “Knowingly” defined

As used in subsection (a) of this section, the term “knowingly” means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

(c) Special rule

It shall be an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 45(a)(1) of title 15) for any person to violate section 6293(c) of this title, except to the extent that such violation is prohibited under the provisions of section 6302(a)(1) of this title, in which case such provisions shall apply.

(d) Procedure for assessing penalty

(1) Before issuing an order assessing a civil penalty against any person under this section, the Secretary shall provide to such person no-

¹ So in original. Two pars. (6) have been enacted.