

(9) other appropriate factors.

(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; Pub. L. 112–141, div. C, title I, §§31203(a), 31304(b), title II, §32301(c), July 6, 2012, 126 Stat. 758, 764, 788; Pub. L. 114–94, div. B, title XXIV, §24110(a), Dec. 4, 2015, 129 Stat. 1709.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114–94, §24110(a)(1), substituted “\$21,000” for “\$5,000” and “\$105,000,000” for “\$35,000,000”.

Subsec. (a)(3). Pub. L. 114–94, §24110(a)(2), substituted “\$21,000” for “\$5,000” and “\$105,000,000” for “\$35,000,000”.

2012—Subsec. (a)(1). Pub. L. 112–141, §32301(c), substituted “30141 through 30147, or 31137” for “or 30141 through 30147”.

Pub. L. 112–141, §31203(a)(1)(A), substituted “30123(a)” for “30123(d)” and “\$35,000,000” for “\$15,000,000”.

Subsec. (a)(3). Pub. L. 112–141, §31304(b)(1), substituted “Except as provided in paragraph (4), a person” for “A person”.

Pub. L. 112–141, §31203(a)(1)(B), substituted “\$35,000,000” for “\$15,000,000”.

Subsec. (a)(4). Pub. L. 112–141, §31304(b)(2), added par. (4).

Subsec. (c). Pub. L. 112–141, §31203(a)(2), amended subsec. (c) generally. Prior to amendment, text read as follows: “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.”

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 2015 AMENDMENT

Pub. L. 114–94, div. B, title XXIV, §24110(b), (c), Dec. 4, 2015, 129 Stat. 1709, provided that:

“(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section [amending this section] take effect on the date that the Secretary certifies to Congress that the National Highway Traffic Safety Administration has issued the final rule required by section 31203(b) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 758; 49 U.S.C. 30165 note) [Mar. 17, 2016].

“(c) PUBLICATION OF EFFECTIVE DATE.—The Secretary shall publish notice of the effective date under subsection (b) of this section in the Federal Register [81 F.R. 15413].”

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–141, div. C, title I, §31203(c), July 6, 2012, 126 Stat. 758, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is the earlier of the date on which final regulations are issued under subsection (b) [set out as a note below] or 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways].”

Amendment by sections 31304(b) and 32301(c) of 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.

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.

CIVIL PENALTY CRITERIA

Pub. L. 112–141, div. C, title I, §31203(b), July 6, 2012, 126 Stat. 758, provided that: “Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(c) of title 49, United States Code.”

§ 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, dealer, or rental company to decide whether the manufacturer, distributor, dealer, or rental company has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter;

(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 (including at United States ports of entry), 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;

(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security for inspections and sampling of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter.

(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, dealer, or rental company to make reports, to enable the Secretary to decide whether the manufacturer, distributor, dealer, or rental company has complied

or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a record-keeping requirement on a distributor¹ dealer, or rental company 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.—

(1) IN GENERAL.—A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website, a true or representative copy of each communication to the manufacturer's dealers, rental companies, or other 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.

(2) INDEX.—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, that—

(A) identifies the make, model, and model year of the affected vehicles;

(B) includes a concise summary of the subject matter of the communication; and

(C) shall be made available by the Secretary to the public on the Internet in a searchable format.

(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 department, agency, or instrumentality of the United States Government to provide records the Secretary considers necessary to carry out this chapter. The head of the department, agency, or instrumentality shall provide the record on request, may detail personnel on a reimbursable basis, and otherwise shall cooperate with the

¹ So in original. Probably should be followed by a comma.

Secretary. This subsection does not affect a law limiting the authority of a department, agency, or instrumentality to provide information to another department, agency, or instrumentality.

(j) COOPERATION OF SECRETARY.—The Secretary of Transportation may advise, assist, and cooperate with departments, agencies, and instrumentalities of the Government, States, and other public and private agencies in developing a method for inspecting and testing to determine compliance with a motor vehicle safety standard.

(k) PROVIDING INFORMATION.—The Secretary of Transportation shall provide the Attorney General and, when appropriate, the Secretary of the Treasury, information obtained that indicates a violation of this chapter or a regulation prescribed or order issued under this chapter.

(l) REPORTING OF DEFECTS IN MOTOR VEHICLES AND PRODUCTS IN FOREIGN COUNTRIES.—

(1) REPORTING OF DEFECTS, MANUFACTURER DETERMINATION.—Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

(2) REPORTING OF DEFECTS, FOREIGN GOVERNMENT DETERMINATION.—Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

(3) REPORTING REQUIREMENTS.—The Secretary shall prescribe the contents of the notification required by this subsection.

(m) EARLY WARNING REPORTING REQUIREMENTS.—

(1) RULEMAKING REQUIRED.—Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

(2) DEADLINE.—The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

(3) REPORTING ELEMENTS.—

(A) WARRANTY AND CLAIMS DATA.—As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the

identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns—

(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

(B) OTHER DATA.—As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

(C) REPORTING OF POSSIBLE DEFECTS.—The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

(4) HANDLING AND UTILIZATION OF REPORTING ELEMENTS.—

(A) SECRETARY'S SPECIFICATIONS.—In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)—

(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

(iii) the manner and form of reporting such information, including in electronic form.

(B) INFORMATION IN POSSESSION OF MANUFACTURER.—The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

(C) DISCLOSURE.—None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to section 30167(b) unless the Sec-

retary determines the disclosure of such information will assist in carrying out sections 30117(b) and 30118 through 30121.

(D) BURDENSOME REQUIREMENTS.—In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

(5) PERIODIC REVIEW.—As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.

(n) SALE OR LEASE OF DEFECTIVE OR NON-COMPLIANT TIRE.—

(1) IN GENERAL.—The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under section 30118(c) or as required by an order under section 30118(b) to report such sale or lease to the Secretary.

(2) DEFECT OR NONCOMPLIANCE REMEDIED OR ORDER NOT IN EFFECT.—Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire—

(A) the defect or noncompliance of the tire is remedied as required by section 30120; or

(B) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) applies.

(o) CORPORATE RESPONSIBILITY FOR REPORTS.—

(1) IN GENERAL.—The Secretary shall promulgate rules requiring a senior official responsible for safety in any company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that—

(A) the signing official has reviewed the submission; and

(B) based on the official's knowledge, the submission does not—

(i) contain any untrue statement of a material fact; or

(ii) omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

(2) NOTICE.—The certification requirements of this section shall be clearly stated on any request for information under paragraph (1).

(3) DEADLINE.—Not later than 1 year after the date of enactment of the Comprehensive

Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 969; Pub. L. 103–429, §6(24), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–88, title III, §308(j), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104–287, §6(f)(3), Oct. 11, 1996, 110 Stat. 3399; Pub. L. 106–414, §3(a)–(c), Nov. 1, 2000, 114 Stat. 1800–1802; Pub. L. 112–141, div. C, title I, §§31209, 31303(a), 31304(a), July 6, 2012, 126 Stat. 762, 764; Pub. L. 114–94, div. B, title XXIV, §§24109(e), 24112, Dec. 4, 2015, 129 Stat. 1707, 1709.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30166(a)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(B)). 15:1401(a)(3)(B).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(B) (related to §112(a)–(c)), (D) (related to §158(a)(1)), (E) (related to §112(a)–(c)), 80 Stat. 722; Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(A), (2), (3), 88 Stat. 1477, 1478. Sept. 9, 1966, Pub. L. 89–563, §112(a)–(c), 80 Stat. 725; re-stated Oct. 27, 1974, Pub. L. 93–492, §104(a), 88 Stat. 1478.
30166(b)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (1st, last sentences)).	
30166(c)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(2), (b) (1st sentence 61st–last words), (c)(2)).	
30166(d)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(3)(A)).	
30166(e)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(b) (1st sentence 1st–60th words, last sentence)).	
30166(f)	15:1401(b) (1st sentence 1st–60th words, last sentence). 15:1397(a)(1)(D) (related to 15:1418(a)(1)).	
30166(g)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(1), (3), (5)).	
30166(h)	15:1401(c)(1), (3), (5). 15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(4)).	
30166(i)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(c)(6)).	
30166(j)	15:1396 (related to inspecting and testing).	
30166(k)	15:1397(a)(1)(B), (E) (as 1397(a)(1)(B), (E) relates to 15:1401(a)(1) (2d sentence)).	
		Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §158(a)(1); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1475. Sept. 9, 1966, Pub. L. 89–563, §107 (related to inspecting and testing), 80 Stat. 721.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	15:1401(a)(1) (2d sentence).	

In this section, the words “regulation prescribed or order issued under this chapter” are substituted for “rules, regulations, or orders issued thereunder” and “regulations and orders promulgated thereunder” for consistency and because “rule” and “regulation” are synonymous. The text of 15:1397(a)(1)(B) and (E) (as 1397(a)(1)(B), (E) relates to 15:1401) is omitted as surplus.

In subsection (a), the words “As used” are omitted as surplus. The word “use” is omitted as being included in “operation”.

In subsection (b)(1)(A), the words “this chapter” are substituted for “this subchapter” because of the restatement.

In subsection (b)(1)(B), the words “the facts, circumstances, conditions, and causes of” are omitted as surplus. The words “designed to carry out” are substituted for “which is for the purposes of carrying out” to eliminate unnecessary words.

In subsection (b)(2), the words “making”, “appropriate”, and “consistent with the purposes of this subsection” are omitted as surplus.

In subsection (c), before clause (1), the words “In carrying out this chapter” are substituted for “For purposes of carrying out paragraph (1)” in 15:1401(a)(2) and “In order to carry out the provisions of this subchapter” in 15:1401(c)(2) for clarity and consistency in this chapter. The words “an officer or employee designated by the Secretary of Transportation” are substituted for “officers or employees duly designated by the Secretary” in 15:1401(a)(2), “an officer or employee duly designated by the Secretary” in 15:1401(b), and “his duly authorized agent” in 15:1401(c)(2) for consistency. In clause (1), the words “may inspect and copy” are substituted for “shall . . . have access to, and for the purposes of examination the right to copy” in 15:1401(c)(2) to eliminate unnecessary words. The words “of any person having materials or information . . . any function of the Secretary under” are omitted as surplus. In clause (2), the word “may” is substituted for “permit such officer or employee to” in 15:1401(b) because of the restatement. The words “appropriate” and “relevant” are omitted as surplus. In clause (3)(A)–(C), the words “inspect with reasonable promptness” are substituted for 15:1401(a)(2) (last sentence) to eliminate unnecessary words and for consistency. In clause (3)(A), the word “premises” is substituted for “factory, warehouse, or establishment” for consistency. In clause (3)(D), the words “not more than” are substituted for “a period not to exceed” for consistency.

In subsection (d), the words “for the purpose of inspection” and “the authority of” are omitted as surplus. The words “is inspected or temporarily impounded under subsection (c)(3) of this section” are substituted for “Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection” for clarity and to correct the cross-reference in the source provision. The words “to its owner” are omitted as surplus.

In subsection (e), the words “establish and” are omitted as surplus. The words “This subsection does not impose” are substituted for “Nothing in this subsection shall be construed as imposing” for consistency and to eliminate unnecessary words.

In subsection (f), the words “notices, bulletins, and other” are omitted as surplus. The words “with a motor vehicle safety standard prescribed under this chapter” are added for clarity. The text of 15:1397(a)(1)(D) (related to 15:1418(a)(1)) is omitted as surplus.

In subsection (g)(1), before clause (A), the words “or on the authorization of the Secretary, any officer or

employee of the Department of Transportation” are omitted as surplus because of 49:322(b). In clause (A), the words “in writing”, “in such form as the Secretary may prescribe”, “relating to any function of the Secretary under this subchapter”, and “shall be filed with the Secretary within such reasonable period as the Secretary may prescribe” are omitted as surplus. In clause (B), the words “sit and act at such times and places” are omitted as being included in “conduct hearings”. The word “records” is substituted for “such books, papers, correspondence, memorandums, contracts, agreements, or other records” for consistency in the revised title and with other titles of the United States Code.

In subsection (h), the words “A civil action to enforce a subpoena or order . . . may be brought in the United States district court for the judicial district in which the proceeding is conducted” are substituted for “any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena or order of the Secretary or such officer or employee . . . issue an order requiring compliance therewith” for clarity and to eliminate unnecessary words. The words “an order of the court to comply with a subpoena or order” are substituted for “such order of the court” for clarity.

In subsection (i), the words “United States” are substituted for “Federal” for consistency. The words “to provide” are substituted for “from” because of the restatement. The words “his functions under” are omitted as surplus. The words “head of the” are added for consistency. The words “to the Department of Transportation . . . made by the Secretary” are omitted as surplus. The words “detail personnel on a reimbursable basis” are substituted for 15:1401(c)(6)(B) to eliminate unnecessary words and because of the restatement. The word “otherwise” is added for clarity. The words “be deemed to” and “provision of” are omitted as surplus.

In subsection (j), the words “departments, agencies, and instrumentalities of the Government, States, and other public and private agencies” are substituted for “other Federal departments and agencies, and State and other interested public and private agencies” for consistency.

In subsection (k), the words “for appropriate action” are omitted as surplus.

PUB. L. 103-429

This amends 49:30166(h) to clarify the restatement of 15:1401(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 970).

REFERENCES IN TEXT

The date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, referred to in subsecs. (m)(1) and (n)(1), is the date of enactment of Pub. L. 106-414, which was approved Nov. 1, 2000.

The date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, referred to in subsec. (o)(3), probably means the date of enactment of div. B of Pub. L. 114-94, which was approved Dec. 4, 2015. That Act name is the heading for div. B of Pub. L. 114-94, but no such Short Title was enacted.

AMENDMENTS

2015—Subsec. (c)(2). Pub. L. 114-94, §24109(e)(1), substituted “dealer, or rental company” for “or dealer” in two places.

Subsec. (e). Pub. L. 114-94, §24109(e)(2), substituted “dealer, or rental company” for “or dealer” wherever appearing.

Subsec. (f)(1). Pub. L. 114-94, §24109(e)(3), substituted “, rental companies, or other owners” for “or to owners”.

Subsec. (o)(1). Pub. L. 114-94, §24112(1), substituted “shall promulgate” for “may promulgate” in introductory provisions.

Subsec. (o)(3). Pub. L. 114-94, §24112(2), added par. (3). 2012—Subsec. (c)(3)(A). Pub. L. 112-141, §31209(2)(A), inserted “(including at United States ports of entry)” after “held for introduction in interstate commerce”.

Subsec. (c)(4). Pub. L. 112-141, §31209(1), (2)(B), (3), added par. (4).

Subsec. (f). Pub. L. 112-141, §31303(a), designated existing provisions as par. (1), inserted heading, substituted “A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website,” for “A manufacturer shall give the Secretary of Transportation”, and added par. (2).

Subsec. (o). Pub. L. 112-141, §31304(a), added subsec. (o).

2000—Subsecs. (l) to (n). Pub. L. 106-414 added subsecs. (l) to (n).

1996—Subsec. (d). Pub. L. 104-287 made technical amendment to directory language of Pub. L. 104-88, §308(j). See 1995 Amendment note below.

1995—Subsec. (d). Pub. L. 104-88, §308(j), as amended by Pub. L. 104-287, substituted “subchapter I of chapter 135” for “subchapter II of chapter 105”.

1994—Subsec. (h). Pub. L. 103-429 substituted “any judicial district” for “the judicial district”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 24109(e) of Pub. L. 114-94 effective on the date that is 180 days after Dec. 4, 2015, see section 24109(k) of Pub. L. 114-94, set out as a note under section 30102 of this title.

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-287, §6(f)(3), Oct. 11, 1996, 110 Stat. 3399, provided that the amendment made by that section is effective Dec. 29, 1995.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

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.

PUBLIC AVAILABILITY OF RECALL INFORMATION

Pub. L. 112-141, div. C, title I, §31301, July 6, 2012, 126 Stat. 763, as amended by Pub. L. 114-94, div. B, title XXIV, §24103(c), Dec. 4, 2015, 129 Stat. 1702, provided that:

“(a) VEHICLE RECALL INFORMATION.—Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall require that motor vehicle safety recall information—

“(1) be available to the public on the Internet;

“(2) be searchable by vehicle make and model and vehicle identification number;

“(3) be in a format that preserves consumer privacy; and

“(4) includes [sic] information about each recall that has not been completed for each vehicle.

“(b) RULEMAKING.—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in subsection (a), with respect to that manufacturer’s motor vehicles, on a publicly accessible Internet website. Any rules promulgated under this subsection—

“(1) shall limit the information that must be made available under this section to include only those recalls issued not more than 15 years prior to the date of enactment of this Act;

“(2) may require information under paragraph (1) to be provided to a dealer or an owner of a vehicle at no charge; and

“(3) shall permit a manufacturer a reasonable period of time after receiving information from a dealer with respect to a vehicle to update the information about the vehicle on the publicly accessible Internet website.

“(c) PROMOTION OF PUBLIC AWARENESS.—The Secretary shall improve public awareness of safety recall information made publicly available by periodically updating the method of conveying that information to consumers, dealers, and manufacturers, such as through public service announcements.”

§ 30167. Disclosure of information by the Secretary of Transportation

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

(1) to other officers and employees carrying out this chapter.

(2) when relevant to a proceeding under this chapter.

(3) to the public if the confidentiality of the information is preserved.

(4) to the public when the Secretary of Transportation decides that disclosure is necessary to carry out section 30101 of this title.

(b) DEFECT AND NONCOMPLIANCE INFORMATION.—Subject to subsection (a) of this section, the Secretary shall disclose information obtained under this chapter related to a defect or noncompliance that the Secretary decides will assist in carrying out sections 30117(b) and 30118-30121 of this title or that is required to be disclosed under section 30118(a) of this title. A requirement to disclose information under this subsection is in addition to the requirements of section 552 of title 5.

(c) INFORMATION ABOUT MANUFACTURER’S INCREASED COSTS.—A manufacturer opposing an action of the Secretary under this chapter because of increased cost shall submit to the Secretary information about the increased cost, including the manufacturer’s cost and the cost to retail purchasers, that allows the public and the Secretary to evaluate the manufacturer’s statement. The Secretary shall evaluate the information promptly and, subject to subsection (a) of this section, shall make the information and evaluation available to the public. The Secretary shall publish a notice in the Federal Register that the information is available.

(d) WITHHOLDING INFORMATION FROM CONGRESS.—This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 970.)