

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|----------------------------------|-----------------------------|--|
| 32309(a) 32309(b) | (no source). 15:1950(e). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §210(e); added Oct. 6, 1992, Pub. L. 102-388, §355, 106 Stat. 1557. |

Subsection (a) is added to ensure that the definitions in 15:1950(f), restated in section 32304 of the revised title, apply to the source provision restated in this section.

In subsection (b), the words “Each failure to attach or maintain that label” are substituted for “Such failure” for clarity.

PUB. L. 103-429

This amends the catchline for 49:32309 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1042).

AMENDMENTS

1994—Pub. L. 103-429 substituted “Civil” for “Criminal” in section catchline.

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.

CHAPTER 325—BUMPER STANDARDS

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| 32508. | Civil actions by owners of passenger motor vehicles. |
| 32509. | Information and assistance from other departments, agencies, and instrumentalities. |
| [32510. | Repealed.] |
| 32511. | Relationship to other motor vehicle standards. |

AMENDMENTS

1998—Pub. L. 105-362, title XV, §1501(e)(2), Nov. 10, 1998, 112 Stat. 3295, struck out item 32510 “Annual report”.

§ 32501. Purpose

The purpose of this chapter is to reduce economic loss resulting from damage to passenger motor vehicles involved in motor vehicle accidents by providing for the maintenance and enforcement of bumper standards.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1042.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 32501 | 15:1911. | Oct. 20, 1972, Pub. L. 92-513, §101, 86 Stat. 948. |

The words “The Congress finds that it is necessary” are omitted as surplus. The word “maintenance” is substituted for “promulgation” for clarity.

§ 32502. Bumper standards

(a) GENERAL REQUIREMENTS AND NONAPPLICATION.—The Secretary of Transportation shall

prescribe by regulation bumper standards for passenger motor vehicles and may prescribe by regulation bumper standards for passenger motor vehicle equipment manufactured in, or imported into, the United States. A standard does not apply to a passenger motor vehicle or passenger motor vehicle equipment—

(1) intended only for export;

(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 vehi-

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

cle 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.)

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). | 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)(2) .. | 15:1901(6) (words after semicolon). | |
| 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