

## 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 purchase of the vehicle or equipment in good faith other than for resale (but this clause does not prohibit a standard from requiring that a vehicle or equipment be manufactured to comply with the standard over a specified period of operation or use); or

(2) a person—

(A) establishing that the person had no reason to know, by exercising reasonable care, that the vehicle or equipment does not comply with the standard; or

(B) holding, without knowing about a non-compliance and before that first purchase, a certificate issued under section 32504 of this title stating that the vehicle or equipment complies with the standard.

(c) IMPORTING NONCOMPLYING VEHICLES AND EQUIPMENT.—(1) The Secretaries of Transportation and the Treasury may prescribe joint regulations authorizing a passenger motor vehicle or passenger motor vehicle equipment not complying with a standard prescribed under section 32502 of this title to be imported into the United

States subject to conditions (including providing a bond) the Secretaries consider appropriate to ensure that the vehicle or equipment will—

(A) comply, after importation, with the standards prescribed under section 32502 of this title;

(B) be exported; or

(C) be abandoned to the United States Government.

(2) The Secretaries may prescribe joint regulations that allow a passenger motor vehicle or passenger motor vehicle equipment to be imported into the United States after the first purchase in good faith other than for resale.

(d) LIABILITY UNDER OTHER LAW.—Compliance with a standard under this chapter does not exempt a person from liability provided by law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1045; Pub. L. 105-277, div. A, §101(g) [title III, §351(b)(2)], Oct. 21, 1998, 112 Stat. 2681-439, 2681-476.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
32506(a) .....	15:1916(a).	Oct. 20, 1972, Pub. L. 92-513, §106, 86 Stat. 952.
32506(b) .....	15:1916(b)(1), (2).	
32506(c) .....	15:1916(b)(3), (4).	
32506(d) .....	15:1916(c).	

In subsection (a)(4), the words “required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards” are omitted as surplus.

In subsection (c)(1), before clause (A), the word “conditions” is substituted for “such terms and conditions” to eliminate unnecessary words. In clause (A), the words “comply, after importation” are substituted for “brought into conformity” for clarity and consistency.

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 inserted “and section 32502 of this title” after “Except as provided in this section” in introductory provisions.

**§ 32507. Penalties and enforcement**

(a) CIVIL PENALTY.—(1) A person that violates section 32506(a) of this title 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 passenger motor vehicle or item of passenger motor vehicle equipment involved in a violation of section 32506(a)(1) or (4) of this title—

(A) that does not comply with a standard prescribed under section 32502 of this title; or

(B) for which a certificate is not provided, or for which a false or misleading certificate is provided, under section 32504 of this title.

(2) The maximum civil penalty under this subsection for a related series of violations is \$800,000.

(3) The Secretary of Transportation imposes a civil penalty under this subsection. The Attorney General or the Secretary, with the concurrence of the Attorney General, shall bring a civil action in a United States district court to collect the penalty.

(b) CRIMINAL PENALTY.—A person knowingly and willfully violating section 32506(a)(1) of this title after receiving a notice of noncompliance

from the Secretary shall be fined under title 18, imprisoned for not more than one year, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of the corporation who, with knowledge of the Secretary's notice, knowingly and willfully authorizes, orders, or performs an act that is any part of the violation.

(c) CIVIL ACTIONS TO ENFORCE.—(1) The Secretary or the Attorney General may bring a civil action in a United States district court to enjoin a violation of this chapter or the sale, offer for sale, introduction or delivery for introduction in interstate commerce, or importation into the United States, of a passenger motor vehicle or passenger motor vehicle equipment that is found, before the first purchase in good faith other than for resale, not to comply with a standard prescribed under section 32502 of this title.

(2) When practicable, the Secretary shall—

(A) notify a person against whom an action under this subsection is planned;

(B) give the person an opportunity to present that person's views; and

(C) except for a knowing and willful violation, give the person a reasonable opportunity to comply.

(3) The failure of the Secretary to comply with paragraph (2) of this subsection does not prevent a court from granting appropriate relief.

(d) JURY TRIAL DEMAND.—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (c) of this section, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule 42(b) of the Federal Rules of Criminal Procedure (18 App. U.S.C.).

(e) VENUE.—A civil action under subsection (a) or (c) of this section may be brought in the judicial district in which the violation occurred or the defendant is found, resides, or does business. Process in the action may be served in any other judicial district in which the defendant resides or is found. A subpoena for a witness in the action may be served in any judicial district.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1046.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32507(a) .....	15:1917(a).	Oct. 20, 1972, Pub. L. 92-513, § 107, 86 Stat. 953.
32507(b) .....	15:1917(b).	
32507(c) .....	15:1917(c)(1).	
32507(d) .....	15:1917(c)(2).	
32507(e) .....	15:1917(c)(3), (4).	

In subsection (a)(3), the words "by any of the Secretary's attorneys designated by the Secretary for such purpose" are omitted as surplus.

In subsection (b), the words "fined under title 18" are substituted for "fined not more than \$50,000" for consistency with title 18. The words "If the person is a corporation, the penalties of this subsection also apply" are substituted for "If a corporation violates section 1916(a)(1) of this title after having received notice of noncompliance from the Secretary . . . shall be subject to penalties under this section in addition to the corporation", the word "act" is substituted for "acts or practices", and the words "any part of the violation"

are substituted for "in whole or in part such violation", to eliminate unnecessary words.

In subsection (c)(1), the words "may bring a civil action" are substituted for "Upon petition . . . on behalf of the United States . . . have jurisdiction" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. 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 word "enjoin" is substituted for "restrain" for consistency.

In subsection (d), the words "the defendant may demand a jury trial" are substituted for "trial shall be by the court, or, upon demand of the accused, by a jury" to eliminate unnecessary words and for consistency in the revised title.

In subsection (e), the words "any act or transaction constituting" are omitted as surplus. The word "resides" is substituted for "is an inhabitant" for consistency and to eliminate unnecessary words.

§ 32508. Civil actions by owners of passenger motor vehicles

When an owner of a passenger motor vehicle sustains damages as a result of a motor vehicle accident because the vehicle did not comply with a standard prescribed under section 32502 of this title, the owner may bring a civil action against the manufacturer to recover the damages. The action may be brought in the United States District Court for the District of Columbia or in the United States district court for the judicial district in which the owner resides. The action must be brought not later than 3 years after the date of the accident. The court shall award costs and a reasonable attorney's fee to the owner when a judgment is entered for the owner.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1047.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32508 .....	15:1918.	Oct. 20, 1972, Pub. L. 92-513, § 108, 86 Stat. 955.

The words "applicable Federal" are omitted as surplus. The words "when a judgment is entered for the owner" are substituted for "in the case of any such successful action to recover that amount" to eliminate unnecessary words.

§ 32509. Information and assistance from other departments, agencies, and instrumentalities

(a) GENERAL AUTHORITY.—The Secretary of Transportation may request information necessary to carry out this chapter from a department, agency, or instrumentality of the United States Government. The head of the department, agency, or instrumentality shall provide the information.

(b) DETAILING PERSONNEL.—The head of a department, agency, or instrumentality may detail, on a reimbursable basis, personnel to assist the Secretary in carrying out this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1047.)