

(C) other matters that justice requires.

(b) **CRIMINAL PENALTY.**—A person that knowingly and willfully violates this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 3 years, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of a corporation who knowingly and willfully authorizes, orders, or performs an act in violation of this chapter or a regulation prescribed or order issued under this chapter without regard to penalties imposed on the corporation.

(c) **CIVIL ACTIONS BY ATTORNEY GENERAL.**—The Attorney General may bring a civil action to enjoin a violation of this chapter or a regulation prescribed or order issued under this chapter. The action may be brought in the United States district court for 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.

(d) **CIVIL ACTIONS BY STATES.**—(1) When a person violates this chapter or a regulation prescribed or order issued under this chapter, the chief law enforcement officer of the State in which the violation occurs may bring a civil action—

(A) to enjoin the violation; or

(B) to recover amounts for which the person is liable under section 32710 of this title for each person on whose behalf the action is brought.

(2) An action under this subsection may be brought in an appropriate United States district court or in a State court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1054; Pub. L. 112–141, div. C, title I, §31206(1), July 6, 2012, 126 Stat. 761.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32709(a) .....	15:1988(b) (related to violating rules).  15:1990b.	Oct. 20, 1972, Pub. L. 92–513, §408(b) (related to violating rules), 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, §406, 90 Stat. 983. Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §§412, 413; added July 14, 1976, Pub. L. 94–364, §408(2), 90 Stat. 984; Oct. 28, 1986, Pub. L. 99–579, §3, 100 Stat. 3311.
32709(b) .....	15:1988(b) (related to violating rules). 15:1990c.	
32709(c) .....	15:1990.	Oct. 20, 1972, Pub. L. 92–513, §410, 86 Stat. 963; restated July 14, 1976, Pub. L. 94–364, §407, 90 Stat. 984.
32709(d) .....	15:1990a.	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §411; added July 14, 1976, Pub. L. 94–364, §408(2), 90 Stat. 984.

In subsection (a)(1), the words “that violates this chapter” are substituted for “who commits any act or causes to be done any act that violates any provision of this subchapter or omits to do any act or causes to be omitted any act that is required by any such provi-

sion” in 15:1990b(a) for consistency and 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 “regulations”. The words “A separate violation occurs for each motor vehicle or device involved in the violation” are substituted for “A violation of any such provision shall, for purposes of this section, constitute a separate violation with respect to each motor vehicle or device involved” in 15:1990b(a) to eliminate unnecessary words.

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.
32902. Average fuel economy standards.
32903. Credits for exceeding average fuel economy standards.
32904. Calculation of average fuel economy.
32905. Manufacturing incentives for alternative fuel automobiles.
32906. Maximum fuel economy increase for alternative fuel automobiles.
32907. Reports and tests of manufacturers.
32908. Fuel economy information.
32909. Judicial review of regulations.
32910. Administrative.
32911. Compliance.
32912. Civil penalties.
32913. Compromising and remitting civil penalties.
32914. Collecting civil penalties.
32915. Appealing civil penalties.
32916. Reports to Congress.
32917. Standards for executive agency automobiles.
32918. Retrofit devices.
32919. Preemption.

AMENDMENTS

1994—Pub. L. 103–429, §6(43)(C), Oct. 31, 1994, 108 Stat. 4383, added items 32918 and 32919 and struck out former item 32918 “Preemption”.

§ 32901. Definitions

- (a) GENERAL.—In this chapter—
(1) “alternative fuel” means—
(A) methanol;
(B) denatured ethanol;
(C) other alcohols;
(D) except as provided in subsection (b) of this section, a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;
(E) natural gas;
(F) liquefied petroleum gas;
(G) hydrogen;
(H) coal derived liquid fuels;
(I) fuels (except alcohol) derived from biological materials;
(J) electricity (including electricity from solar energy); and
(K) any other fuel the Secretary of Transportation prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.
(2) “alternative fueled automobile” means an automobile that is a—
(A) dedicated automobile; or
(B) dual fueled automobile.

- (3) except as provided in section 32908 of this title, “automobile” means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—
(A) a vehicle operated only on a rail line;
(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no in-