

for clarity and consistency in the revised chapter. In clause (ii), the words “has not otherwise established whether” are substituted for “to otherwise determine whether” for clarity.

In subsection (b)(2)(B), the words “When a carrier transfers a motor vehicle for which the carrier has not established whether the vehicle has been reported as stolen, the carrier shall provide written certification to the transferee that the carrier has not established whether the vehicle has been reported as stolen” are substituted for “except that such carrier shall provide a written certification of such lack of determination” for clarity and because of the restatement.

EFFECTIVE DATE

Pub. L. 103-272, §4(u), July 5, 1994, 108 Stat. 1372, provided that: “Not later than April 25, 1993, the Attorney General shall prescribe the regulations required under section 33110(c) of title 49, United States Code, as enacted by section 1 of this Act. Section 33110(b) of title 49 is effective not later than 3 months after those regulations are prescribed but not before the date on which the National Stolen Passenger Motor Vehicle Information System established under section 33109 of title 49 is operational.”

§ 33111. Verifications involving motor vehicle major parts

(a) GENERAL REQUIREMENTS.—A person engaged in the business of salvaging, dismantling, recycling, or repairing passenger motor vehicles may not knowingly sell in commerce or transfer or install a major part marked with an identification number without—

(1) first establishing, through a procedure the Attorney General by regulation prescribes in consultation with the Secretary of Transportation under section 33109 of this title, that the major part has not been reported as stolen; and

(2) providing the purchaser or transferee with a verification—

(A) identifying the vehicle identification number (or derivative of that number) of that major part; and

(B) verifying that the major part has not been reported as stolen.

(b) NONAPPLICATION.—(1) Subsection (a) of this section does not apply to a person that—

(A) is the manufacturer of the major part; (B) has purchased the major part directly from the manufacturer; or

(C) has received a verification from an insurance carrier under section 33110 of this title that the motor vehicle from which the major part is derived has not been reported as stolen, or that the carrier has not established whether that vehicle has been stolen.

(2) A person described under paragraph (1)(C) of this subsection that subsequently transfers or sells in commerce the motor vehicle or a major part of the vehicle shall provide the verification received from the carrier to the person to whom the vehicle or part is transferred or sold.

(c) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this section. The regulations shall include regulations prescribed in consultation with the Secretary that are necessary to ensure that a verification a person provides under subsection (a)(2) of this section is uniform, effective, and resistant to fraudulent use.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1086.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|-----------------------------------|---|
| 33111(a) | 15:2026b(a). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §608; added Oct. 25, 1992, Pub. L. 102-519, §306(c), 106 Stat. 3397. |
| 33111(b) | 15:2026b(c) (1st, 2d sentences). | |
| 33111(c) | 15:2026b(b), (c) (last sentence). | |

In subsection (a), before clause (1), the word “distribute” is omitted as being included in “sell”. In clause (1), the word “establishing” is substituted for “determining” for clarity and consistency in the revised title.

Subsection (b)(2) is substituted for 15:2026b(c) (2d sentence) for clarity.

EFFECTIVE DATE

Pub. L. 103-272, §4(v), July 5, 1994, 108 Stat. 1373, provided that: “Section 33111 of title 49, United States Code, as enacted by section 1 of this Act, is effective on the date on which the National Stolen Passenger Motor Vehicle Information System is established under section 33109 of title 49.”

[§ 33112. Repealed. Pub. L. 112-141, div. C, title I, § 31313(2), July 6, 2012, 126 Stat. 772]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1087, related to insurance reports and information.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 33113. Theft reports

(a) TRUCK, MULTIPURPOSE PASSENGER VEHICLE, AND MOTORCYCLE REPORT.—Not later than October 25, 1995, the Secretary of Transportation shall submit a report to Congress that includes—

(1) information on the number of trucks, multipurpose passenger vehicles, and motorcycles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by model, make, and line;

(2) information on the extent to which trucks, multipurpose passenger vehicles, and motorcycles stolen annually are dismantled to recover parts or are exported;

(3) a description of the market for the stolen parts;

(4) information on the premiums charged by insurers of comprehensive coverage of trucks, multipurpose passenger vehicles, or motorcycles, including any increase in the premiums charged because any of those motor vehicles is a likely candidate for theft;

(5) an assessment of whether the identification of parts of trucks, multipurpose passenger vehicles, and motorcycles is likely—

(A) to decrease the theft rate of those motor vehicles;

(B) to increase the recovery rate of those motor vehicles;

(C) to decrease the trafficking in stolen parts of those motor vehicles;

(D) to stem the export and import of those stolen motor vehicles or parts; or

- (E) to have benefits greater than the costs of the identification; and
- (6) recommendations on whether, and to what extent, the identification of trucks, multipurpose passenger vehicles, and motorcycles should be required by law.
- (b) MOTOR VEHICLE REPORT.—Not later than October 25, 1997, the Secretary shall submit a report to Congress that includes—
- (1) information on—
- (A) the methods and procedures used by public and private entities to collect, compile, and disseminate information on the theft and recovery of motor vehicles, including classes of motor vehicles; and
- (B) the reliability and timeliness of the information and how the information can be improved;
- (2) information on the number of motor vehicles distributed for sale in interstate commerce that are stolen and recovered annually, compiled by class, model, make, and line;
- (3) information on the extent to which motor vehicles stolen annually are dismantled to recover parts or are exported;
- (4) a description of the market for the stolen parts;
- (5) information on—
- (A) the costs to manufacturers and purchasers of passenger motor vehicles of compliance with the standards prescribed under this chapter;
- (B) the beneficial impacts of the standards and the monetary value of the impacts; and
- (C) the extent to which the monetary value is greater than the costs;
- (6) information on the experience of officials of the United States Government, States, and localities in—
- (A) making arrests and successfully prosecuting persons for violating a law set forth in title II or III of the Motor Vehicle Theft Law Enforcement Act of 1984;
- (B) preventing or reducing the number and rate of thefts of motor vehicles that are dismantled for parts subject to this chapter; and
- (C) preventing or reducing the availability of used parts that are stolen from motor vehicles subject to this chapter;
- (7) information on the premiums charged by insurers of comprehensive coverage of motor vehicles subject to this chapter, including any increase in the premiums charged because a motor vehicle is a likely candidate for theft, and the extent to which the insurers have reduced for the benefit of consumers the premiums, or foregone premium increases, because of this chapter;
- (8) information on the adequacy and effectiveness of laws of the United States and the States aimed at preventing the distribution and sale of used parts that have been removed from stolen motor vehicles and the adequacy of systems available to enforcement personnel for tracing parts to determine if they have been stolen from a motor vehicle;
- (9) an assessment of whether the identification of parts of other classes of motor vehicles is likely—
- (A) to decrease the theft rate of those vehicles;
- (B) to increase the recovery rate of those vehicles;
- (C) to decrease the trafficking in stolen parts of those vehicles;
- (D) to stem the export and import of those stolen vehicles, parts, or components; or
- (E) to have benefits greater than the costs of the identification; and
- (10) other relevant and reliable information available to the Secretary about the impact, including the beneficial impact, of the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984 on law enforcement, consumers, and manufacturers; and
- (11) recommendations (including, as appropriate, legislative and administrative recommendations) for—
- (A) continuing without change the standards prescribed under this chapter;
- (B) amending this chapter to cover more or fewer lines of passenger motor vehicles;
- (C) amending this chapter to cover other classes of motor vehicles; or
- (D) ending the standards for all future motor vehicles.
- (c) BASES OF REPORTS.—(1) The reports under subsections (a) and (b) of this section each shall be based on—
- (A) information reported under this chapter by insurers of motor vehicles and manufacturers of motor vehicles and major replacement parts;
- (B) information provided by the Federal Bureau of Investigation;
- (C) experience obtained in carrying out this chapter;
- (D) experience of the Government under the laws set forth in titles II and III of the Motor Vehicle Theft Law Enforcement Act of 1984; and
- (E) other relevant and reliable information available to the Secretary.
- (2) In preparing each report, the Secretary shall consult with the Attorney General and State and local law enforcement officials, as appropriate.
- (3) The report under subsection (b) of this section shall—
- (A) cover a period of at least 4 years after the standards required by this chapter are prescribed; and
- (B) reflect any information, as appropriate, from the report under subsection (a) of this section, updated from the date of the report.
- (4) At least 90 days before submitting each report to Congress, the Secretary shall publish a proposed report for public review and an opportunity of at least 45 days for written comment. The Secretary shall consider those comments in preparing the report to be submitted and include a summary of the comments with the submitted report.
- (Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1089.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 33113 | 15:2034. | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §617; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2765; Oct. 25, 1992, Pub. L. 102-519, §306(a), (e), 106 Stat. 3397, 3400. |

In this section, the word “information” is substituted for “data” for consistency in the revised title. The word “standards” is substituted for “standard” because there is more than one standard prescribed under this chapter.

In subsection (a), before clause (1), the words “October 25, 1995” are substituted for “3 years after October 25, 1992” (the date of enactment of the Anti-Car Theft Act of 1992) for clarity and to eliminate unnecessary words. In clause (1), the words “distributed for sale in interstate commerce that are” are substituted for “for all such motor vehicles distributed for sale in interstate commerce” for clarity. In clause (5)(A), the word “decrease” is substituted for “have . . . a beneficial impact in decreasing” for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the words “October 25, 1997” are substituted for “5 years after October 25, 1992” (the date of enactment of the Anti-Car Theft Act of 1992) for clarity and to eliminate unnecessary words. In clause (1)(B), the word “accuracy” is omitted as redundant. In clause (2), the words “distributed for sale in interstate commerce that are” are substituted for “for all such motor vehicles distributed for sale in interstate commerce” for clarity. In clause (9)(A), the word “decrease” is substituted for “have . . . a beneficial impact in decreasing” for consistency and to eliminate unnecessary words.

In subsection (c)(1)(C), the words “carrying out” are substituted for “the implementation, administration, and enforcement” for consistency and to eliminate unnecessary words.

REFERENCES IN TEXT

The Motor Vehicle Theft Law Enforcement Act of 1984, referred to in subssecs. (b)(6)(A), (10) and (c)(1)(D), is Pub. L. 98-547, Oct. 25, 1984, 98 Stat. 2754. Titles II and III of that act enacted sections 511, 512, 553, and 2320 [now 2321] of Title 18, Crimes and Criminal Procedure, and section 1627 of Title 19, Customs Duties, and amended sections 1961, 2311, and 2313 of Title 18. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 1901 of Title 15, Commerce and Trade, and Tables.

§ 33114. Prohibited acts

(a) GENERAL.—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 motor vehicle or major replacement part subject to a standard prescribed under section 33102 or 33103 of this title, unless it conforms to the standard;

(2) fail to comply with a regulation prescribed by the Secretary of Transportation or Attorney General under this chapter;

(3) fail to keep specified 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;

(4) fail to provide the certification required by section 33108(c) of this title, or provide a certification that the person knows, or in the exercise of reasonable care has reason to

know, is false or misleading in a material respect; or

(5) knowingly—

(A) own, operate, maintain, or control a chop shop;

(B) conduct operations in a chop shop; or

(C) transport a passenger motor vehicle or passenger motor vehicle part to or from a chop shop.

(b) NONAPPLICATION.—Subsection (a)(1) of this section does not apply to a person establishing that in the exercise of reasonable care the person did not have reason to know that the motor vehicle or major replacement part was not in conformity with the standard.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1091.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 33114 | 15:2027(a), (b). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §610(a), (b); added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2761; Oct. 25, 1992, Pub. L. 102-519, §§305(a), 306(a), 106 Stat. 3396, 3397. |
| | 15:2027(c)(1). | Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §610(c)(1); added Oct. 25, 1992, Pub. L. 102-519, §§305(b), 306(a), 106 Stat. 3396, 3397. |

In subsection (a)(1), the words “which is manufactured on or after the date the standard under section 2022 of this title takes effect under this subchapter for such vehicle or major replacement part” are omitted as obsolete because the standard applies to passenger motor vehicles and major replacement parts starting with the 1987 model year. See 50 Fed. Reg. 43166 (1985).

In subsection (a)(5)(A), the words “of any kind” are omitted as unnecessary because of the definition of “chop shop” in section 33101 of the revised title.

§ 33115. Civil penalties and enforcement

(a) GENERAL PENALTY AND CIVIL ACTIONS TO COLLECT.—(1) A person that violates section 33114(a)(1)–(4) of this title is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation. The failure of more than one part of a single motor vehicle to conform to an applicable standard under section 33102 or 33103 of this title is only a single violation. The maximum penalty under this subsection for a related series of violations is \$250,000.

(2) The Secretary of Transportation imposes a civil penalty under this subsection. The Secretary may compromise the amount of a penalty.

(3) In determining the amount of a civil penalty or compromise under this subsection, the Secretary shall consider the size of the person’s business and the gravity of the violation.

(4) The Attorney General shall bring a civil action in a United States district court to collect a civil penalty imposed under this subsection.

(5) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(b) CHOP SHOP PENALTY AND ENFORCEMENT.—(1) A person that violates section 33114(a)(5) of this title is liable to the Government for a civil