

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

penalty of not more than \$100,000 a day for each violation.

(2) As appropriate and in consultation with the Attorney General, the Secretary shall—

(A) bring a civil action for a temporary or permanent injunction to restrain a person violating section 33114(a)(5) of this section;

(B) impose and recover the penalty described in paragraph (1) of this subsection; or

(C) take both the actions described in clauses (A) and (B) of this paragraph.

(c) CIVIL ACTIONS TO ENFORCE.—(1) 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 containing a major part, or of a major replacement part, that is subject to the standard and is determined before the sale of the vehicle or part to a first purchaser not to conform to the standard.

(2)(A) When practicable, the Secretary—

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

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

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

(B) The failure of the Secretary to comply with subparagraph (A) of this paragraph 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 resides, is found, or transacts 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. 1091.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
33115(a) .....	15:2028(a).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §611; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2762; Oct. 25, 1992, Pub. L. 102-519, §306(a), 106 Stat. 3397.
33115(b) .....	15:2027(c)(2).	Oct. 20, 1972, Pub. L. 92-513, §86 Stat. 947, §610(c)(2); added Oct. 25, 1992, Pub. L. 102-519, §§305(b), 306(a), 106 Stat. 3396, 3397.
33115(c)(1) ..	15:2028(b)(1) (1st sentence).	
33115(c)(2) ..	15:2028(b)(1) (2d, last sentences).	
33115(d) .....	15:2028(b)(2).	
33115(e) .....	15:2028(b)(3), (4).	

In subsection (a)(1), the words “section 33114(a)(1)-(4)” are used to correct an erroneous cross-reference in section 611(a)(1) of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, 86 Stat. 947) to section 607 of that Act. Sections 607 and 611 were redesignated by section 306(a) of the Anti Car Theft Act of 1992 (Public Law 102-519, 106 Stat. 3397). The words “is liable to the United States Government for a civil penalty” are substituted for “may be assessed a civil penalty” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2), the word “imposes” is substituted for “assessed” for consistency.

In subsection (a)(3), the words “the appropriateness of such penalty to” are omitted as surplus.

In subsection (a)(5), the words “United States district court” are added for clarity and consistency in the revised title.

In subsection (c)(1), the words “The Attorney General may bring a civil action” are substituted for “Upon petition by the Attorney General” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “on behalf of the United States” are omitted as surplus. The words “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 exception from them. The word “enjoin” is substituted for “restrain” for consistency in the revised title.

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.

§ 33116. Confidentiality of information

(a) GENERAL.—Information obtained by the Secretary of Transportation under this chapter related to a confidential matter referred to in section 1905 of title 18 may be disclosed only—

(1) to another officer or employee of the United States Government for use in carrying out this chapter; or

(2) in a proceeding under this chapter (except a proceeding under section 33104(a)(3)).

(b) 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. 1093.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
33116 .....	15:2029.	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §612; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102-519, §306(a), 106 Stat. 3397.

In subsection (a), before clause (1), the words “reported to, or otherwise” and “or the Secretary's representative” are omitted as surplus. The words “related to a confidential matter referred to” are substituted for “contains or relates to a trade secret or other matter referred to” to eliminate unnecessary words and for consistency in the revised title. The words “or in section 552(b)(4) of title 5” are omitted as surplus because the language in 18:1905 is broader than the language in 5:552(b)(4) and for consistency with similar provisions in other chapters in this part. The words “shall be considered confidential for the purpose of the applicable section of this subchapter” are omitted as surplus. In