

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in par. (15), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

CODIFICATION

October 24, 1992, referred to in par. (18)(B), was in the original “the date of the enactment of this Act” and “such date”, which were translated as meaning the date of enactment of Pub. L. 102-486, which enacted par. (18), to reflect the probable intent of Congress.

AMENDMENTS

1992—Par. (1). Pub. L. 102-486, § 1501(c)(1)(A), substituted “fuel” for “gasoline”.

Par. (2). Pub. L. 102-486, § 1501(c)(1)(B), substituted “Standard Specification for Automotive Spark-Ignition Engine Fuel” for “Standard Specifications for Automotive Gasoline” and “D4814 for ‘D 439’”.

Par. (4). Pub. L. 102-486, § 1501(c)(1)(C), substituted “automotive fuel” for first reference to “gasoline” and “fuel” for second reference to “gasoline”.

Par. (5). Pub. L. 102-486, § 1501(c)(1)(D), added par. (5) and struck out former par. (5) which read as follows: “The term ‘refiner’ means any person engaged in—

“(A) the refining of crude oil to produce automotive gasoline; or

“(B) the importation of automotive gasoline.”

Par. (6). Pub. L. 102-486, § 1501(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “The term ‘automotive gasoline’ means gasoline of a type distributed for use as a fuel in any motor vehicle.”

Par. (11). Pub. L. 102-486, § 1501(c)(1)(E), substituted “automotive fuel” for “octane” before “requirement” and before “rating”, and “fuel” for “gasoline” before “for use” and before “which such”.

Par. (16). Pub. L. 102-486, § 1501(c)(1)(F), substituted “automotive fuel” for “gasoline” in two places.

Pars. (17), (18). Pub. L. 102-486, § 1501(b), added pars. (17) and (18).

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-486, title XV, § 1501(d)(1), Oct. 24, 1992, 106 Stat. 2997, provided that: “The amendments made by this section [amending this section and sections 2822 and 2823 of this title] shall become effective at the end of the one-year period beginning on the date of the enactment of this Act [Oct. 24, 1992].”

REGULATIONS

Pub. L. 102-486, title XV, § 1501(d)(2), Oct. 24, 1992, 106 Stat. 2997, provided that: “The Federal Trade Commission shall, within 270 days after the date of the enactment of this Act [Oct. 24, 1992], prescribe rules for the purpose of implementing the amendments made in this section [amending this section and sections 2822 and 2823 of this title].”

§ 2822. Automotive fuel rating testing and disclosure requirements

(a) Determination and certification of automotive fuel rating by refiner distributing automotive fuel

Each refiner who distributes automotive fuel in commerce shall—

(1) determine the automotive fuel rating of any such fuel; and

(2) if such refiner distributes such fuel to any person other than the ultimate purchaser, certify, consistent with the determination made under paragraph (1), the automotive fuel rating of such fuel.

(b) Certification of automotive fuel rating by distributor receiving and distributing automotive fuel with certified automotive fuel rating; use of automotive fuel rating for certification by distributor

Each distributor who receives automotive fuel, the automotive fuel rating of which is certified to him under this section, and distributes such fuel in commerce to another person other than the ultimate purchaser shall certify to such other person the automotive fuel rating of such fuel consistent with—

(1) the automotive fuel rating of such fuel certified to such distributor; or

(2) if such distributor elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the automotive fuel rating of such fuel determined by such distributor.

(c) Display of automotive fuel rating by automotive fuel retailer; use of automotive fuel rating for display

Each automotive fuel retailer shall display in a clear and conspicuous manner, at the point of sale to ultimate purchasers of automotive fuel, the automotive fuel rating of such automotive fuel, which automotive fuel rating shall be consistent with—

(1) the automotive fuel rating of such automotive fuel certified to such retailer under subsection (a)(2) or (b);

(2) if such automotive fuel retailer elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the automotive fuel rating of such automotive fuel determined by such retailer for such automotive fuel; or

(3) if such automotive fuel retailer is a refiner, the automotive fuel rating of such automotive fuel determined under subsection (a)(1).

(d) Display or representation of automotive fuel requirements for new motor vehicles by manufacturer of such vehicles; promulgation of rules by Federal Trade Commission

The Federal Trade Commission shall, by rule, prescribe requirements, applicable to any manufacturer of new motor vehicles, with respect to the display on each such motor vehicle (or representation in connection with the sale of each such motor vehicle) of the automotive fuel requirement of such motor vehicle.

(e) Representation of antiknock characteristics of automotive fuel by person distributing automotive fuel; use of automotive fuel rating in representation

No person who distributes automotive fuel in commerce may make any representation respecting the antiknock characteristics of such fuel unless such representation fairly discloses the automotive fuel rating of such fuel consistent with such fuel’s automotive fuel rating as certified to or determined by such person under the foregoing provisions of this section.

(f) Additional statutory considerations respecting certification, display, or representation of automotive fuel rating of automotive fuel

For purposes of this section, the automotive fuel rating of any automotive fuel shall be con-

sidered to be certified, displayed, or represented by any person consistent with the rating certified to, or determined by, such person—

(1) in the case of automotive fuel which consists of a blend of two or more quantities of automotive fuel of differing automotive fuel ratings, only if the rating certified, displayed, or represented by such person is the average of the automotive fuel ratings of such quantities, weighted by volume; or

(2) in the case of fuel which does not consist of such a blend, only if the automotive fuel rating such person certifies, displays, or represents is the same as the automotive fuel rating of such fuel certified to, or determined by, such person.

(g) Nonapplicability of statutory requirements

The foregoing provisions of this section shall not apply—

(1) to any representation (by display at the point of sale or by other means) of any characteristics of any automotive fuel other than its automotive fuel rating; or

(2) to the identification of automotive fuel at the point of sale (or elsewhere) by the trademark, trade name, or other identifying symbol or mark used in connection with the sale of such fuel.

(h) Display or representation of automotive fuel requirement of motor vehicle not to create express or implied warranty under State or Federal law respecting knocking characteristics of automotive fuel

Any display or representation, with respect to the automotive fuel requirement of any motor vehicle, required to be made under any rule prescribed under subsection (d) shall not create an express or implied warranty under State or Federal law that any automotive fuel the automotive fuel rating of which equals or exceeds such automotive fuel requirement—

(1) may be used as a fuel in all motor vehicles of the same class as that motor vehicle without knocking; or

(2) may be used as a fuel in such motor vehicle under all operating conditions without knocking.

(Pub. L. 95-297, title II, §202, June 19, 1978, 92 Stat. 334; Pub. L. 102-486, title XV, §1501(c)(2), Oct. 24, 1992, 106 Stat. 2997.)

AMENDMENTS

1992—Pub. L. 102-486 amended section as follows: substituted “Automotive fuel rating” for “Octane” in section catchline; substituted “automotive fuel rating” and “automotive fuel ratings” for “octane rating” and “octane ratings”, respectively, wherever appearing; in subsecs. (a) and (b), substituted “fuel” for “gasoline” wherever appearing; in subsec. (c), substituted “automotive fuel” for “gasoline” wherever appearing except that “fuel” substituted for second reference to “gasoline”; in subsec. (d), substituted “automotive fuel” for “octane”; in subsec. (e), substituted “fuel” for “gasoline” wherever appearing and substituted “fuel’s” for “gasoline’s”; in subsecs. (f), (g), and (h), substituted “fuel” for “gasoline” wherever appearing; and in subsec. (h), substituted “automotive fuel requirement” for “octane requirement” wherever appearing.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-486 effective at end of one-year period beginning Oct. 24, 1992, see section 1501(d)(1)

of Pub. L. 102-486, set out as a note under section 2821 of this title.

EFFECTIVE DATE

Pub. L. 95-297, title II, §205, June 19, 1978, 92 Stat. 337, provided that:

“(a) Sections 202(a)(1) [subsec. (a)(1) of this section] and 203(b) [section 2823(b) of this title] shall take effect on the first day of the first calendar month beginning more than 6 months after the date of the enactment of this Act [June 19, 1978].

“(b) Subsections (a)(2), (b), (c), and (e) of section 202 [subsecs. (a)(2), (b), (c), and (e) of this section] shall take effect on the first day of the first calendar month beginning more than 9 months after such date of enactment [June 19, 1978].

“(c) Rules under section 202(d) [subsec. (d) of this section] may not take effect earlier than the beginning of the first motor vehicle model year which begins more than 9 months after such date of enactment [June 19, 1978].”

STUDIES

Section 1503 of Pub. L. 102-486 directed Administrator of Environmental Protection Agency to carry out a study to determine whether the anti-knock characteristics of nonliquid fuels usable as a fuel for motor vehicles could be determined and further directed Federal Trade Commission to carry out a study to determine the need for a uniform national label on devices used to dispense automotive fuel to consumers that would consolidate all information required by Federal law to be posted on such devices, with reports of the results of the studies to be submitted to Congress within one year of Oct. 24, 1992, together with recommendations and a description of the administrative and legislative actions needed to implement the recommendations.

§ 2823. Administration and enforcement provisions

(a) Procedural, investigative, and enforcement powers of Federal Trade Commission

The Federal Trade Commission shall have procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements of this subchapter and rules prescribed pursuant to the requirements of this subchapter, to further define terms used in this subchapter, and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act [15 U.S.C. 41 et seq.] were part of this subchapter.

(b) Testing, certification, and notice requirements of Environmental Protection Agency; interagency enforcement agreements between Federal Trade Commission and Environmental Protection Agency and other Federal agencies

(1) The Environmental Protection Agency—

(A) may conduct field testing of the automotive fuel rating of automotive fuel, comparing the tested automotive fuel rating of fuel at retail outlets with the automotive fuel rating posted at those outlets;

(B) shall certify the results of such tests and comparisons to the Federal Trade Commission; and

(C) shall notify the Federal Trade Commission of any failure to post the automotive fuel rating.

(2) The Federal Trade Commission may enter into interagency agreements with the Environ-