

“(2) agree to notify, at the time of registration, each owner or lessee of a motor vehicle presented for registration in the State of any open recall on that vehicle;

“(3) provide the open motor vehicle recall information at no cost to each owner or lessee of a motor vehicle presented for registration in the State; and

“(4) provide such other information as the Secretary may require.

“(d) AWARDS.—In selecting an applicant for an award under this section, the Secretary shall consider the State’s methodology for determining open recalls on a motor vehicle, for informing consumers of the open recalls, and for determining performance.

“(e) PERFORMANCE PERIOD.—Each grant awarded under this section shall require a 2-year performance period.

“(f) REPORT.—Not later than 90 days after the completion of the performance period under subsection (e), a grantee shall provide to the Secretary a report of performance containing such information as the Secretary considers necessary to evaluate the extent to which open recalls have been remedied.

“(g) EVALUATION.—Not later than 180 days after the completion of the pilot program, the Secretary shall evaluate the extent to which open recalls identified have been remedied.

“(h) DEFINITIONS.—In this section:

“(1) CONSUMER.—The term ‘consumer’ includes owner and lessee.

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term under section 30102(a) of title 49, United States Code.

“(3) OPEN RECALL.—The term ‘open recall’ means a recall for which a notification by a manufacturer has been provided under section 30119 of title 49, United States Code, and that has not been remedied under section 30120 of that title.

“(4) REGISTRATION.—The term ‘registration’ means the process for registering motor vehicles in the State.

“(5) STATE.—The term ‘State’ has the meaning given the term under section 101(a) of title 23, United States Code.”

TIRE RECALL DATABASE

Pub. L. 114-94, div. B, title XXIV, §24335, Dec. 4, 2015, 129 Stat. 1716, provided that:

“(a) IN GENERAL.—The Secretary shall establish a publicly available and searchable electronic database of tire recall information that is reported to the Administrator of the National Highway Traffic Safety Administration.

“(b) TIRE IDENTIFICATION NUMBER.—The database established under subsection (a) shall be searchable by Tire Identification Number (TIN) and any other criteria that assists consumers in determining whether a tire is subject to a recall.”

§ 30120. Remedies for defects and noncompliance

(a) WAYS TO REMEDY.—(1) Subject to subsections (f) and (g) of this section, when notification of a defect or noncompliance is required under section 30118(b) or (c) of this title, the manufacturer of the defective or noncomplying motor vehicle or replacement equipment shall remedy the defect or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the manufacturer shall remedy the defect or noncompliance in any of the following ways the manufacturer chooses:

(A) if a vehicle—

(i) by repairing the vehicle;

(ii) by replacing the vehicle with an identical or reasonably equivalent vehicle; or

(iii) by refunding the purchase price, less a reasonable allowance for depreciation.

(B) if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.

(2) The Secretary of Transportation may prescribe regulations to allow the manufacturer to impose conditions on the replacement of a motor vehicle or refund of its price.

(b) TIRE REMEDIES.—(1) A manufacturer of a tire, including an original equipment tire, shall remedy a defective or noncomplying tire if the owner or purchaser presents the tire for remedy not later than 180 days after the later of—

(A) the day the owner or purchaser receives notification under section 30119 of this title; or

(B) if the manufacturer decides to replace the tire, the day the owner or purchaser receives notification that a replacement is available.

(2) If the manufacturer decides to replace the tire and the replacement is not available during the 180-day period, the owner or purchaser must present the tire for remedy during a subsequent 180-day period that begins only after the owner or purchaser receives notification that a replacement will be available during the subsequent period. If tires are available during the subsequent period, only a tire presented for remedy during that period must be remedied.

(c) ADEQUACY OF REPAIRS.—(1) If a manufacturer decides to repair a defective or noncomplying motor vehicle or replacement equipment and the repair is not done adequately within a reasonable time, the manufacturer shall—

(A) replace the vehicle or equipment without charge with an identical or reasonably equivalent vehicle or equipment; or

(B) for a vehicle, refund the purchase price, less a reasonable allowance for depreciation.

(2) Failure to repair a motor vehicle or replacement equipment adequately not later than 60 days after its presentation is prima facie evidence of failure to repair within a reasonable time. However, the Secretary may extend, by order, the 60-day period if good cause for an extension is shown and the reason is published in the Federal Register before the period ends. Presentation of a vehicle or equipment for repair before the date specified by a manufacturer in a notice under section 30119(a)(5) or 30121(c)(2) of this title is not a presentation under this subsection.

(3) If the Secretary determines that a manufacturer’s remedy program is not likely to be capable of completion within a reasonable time, the Secretary may require the manufacturer to accelerate the remedy program if the Secretary finds—

(A) that there is a risk of serious injury or death if the remedy program is not accelerated; and

(B) that acceleration of the remedy program can be reasonably achieved by expanding the sources of replacement parts, expanding the number of authorized repair facilities, or both.

The Secretary may prescribe regulations to carry out this paragraph.

(d) FILING MANUFACTURER’S REMEDY PROGRAM.—A manufacturer shall file with the Sec-

retary a copy of the manufacturer's program under this section for remedying a defect or noncompliance. The Secretary shall make the program available to the public and publish a notice of availability in the Federal Register. A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan. In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.

(e) **HEARINGS ABOUT MEETING REMEDY REQUIREMENTS.**—On the motion of the Secretary or on application by any interested person, the Secretary may conduct a hearing to decide whether the manufacturer has reasonably met the remedy requirements under this section. Any interested person may make written and oral presentations of information, views, and arguments on whether the manufacturer has reasonably met the remedy requirements. If the Secretary decides a manufacturer has not reasonably met the remedy requirements, the Secretary shall order the manufacturer to take specified action to meet those requirements and may take any other action authorized under this chapter.

(f) **FAIR REIMBURSEMENT TO DEALERS.**—

(1) **IN GENERAL.**—A manufacturer¹ shall pay fair reimbursement to a dealer providing a remedy without charge under this section if—

(A) at the time of providing service for each of the manufacturer's motor vehicles it services, the dealer notifies the owner or the individual requesting the service of any open recall; and

(B) the notification requirement under subparagraph (A) is specified in a franchise, operating, or other agreement between the dealer and the manufacturer.

(2) **DEFINITION OF OPEN RECALL.**—In this subsection, the term "open recall" means a recall for which a notification by a manufacturer has been provided under section 30119 and that has not been remedied under this section.

(g) **NONAPPLICATION.**—(1) The requirement that a remedy be provided without charge does not apply if the motor vehicle or replacement equipment was bought by the first purchaser more

than 15 calendar years, or the tire, including an original equipment tire, was bought by the first purchaser more than 5 calendar years, before notice is given under section 30118(c) of this title or an order is issued under section 30118(b) of this title, whichever is earlier.

(2) This section does not apply during any period in which enforcement of an order under section 30118(b) of this title is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

(h) **EXEMPTIONS.**—On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the Federal Register and an opportunity for any interested person to present information, views, and arguments.

(i) **LIMITATION ON SALE OR LEASE OF NEW VEHICLES OR EQUIPMENT, OR RENTAL.**—

(1) **IN GENERAL.**—If notification is required by an order under section 30118(b) of this title or is required under section 30118(c) of this title and the manufacturer has provided to a dealer (including retailers of motor vehicle equipment) notification about a new motor vehicle or new item of replacement equipment in the dealer's possession at the time of notification or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company's possession at the time of notification that contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter, the dealer or rental company may sell, lease, or rent the motor vehicle or item of replacement equipment only if—

(A) the defect or noncompliance is remedied as required by this section before delivery under the sale, lease, or rental agreement; or

(B) when the notification is required by an order under section 30118(b) of this title, enforcement of the order is restrained or the order is set aside in a civil action to which section 30121(d) of this title applies.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to prohibit a dealer or rental company from offering the vehicle or equipment for sale, lease, or rent.

(3) **SPECIFIC RULES FOR RENTAL COMPANIES.**—

(A) **IN GENERAL.**—Except as otherwise provided under this paragraph, a rental company shall comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 24 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(B) **SPECIAL RULE FOR LARGE VEHICLE FLEETS.**—Notwithstanding subparagraph (A), if a rental company receives a notice to owner covering more than 5,000 motor vehicles in its fleet, the rental company shall

¹ See 2015 Amendment note below.

comply with the limitations on sale, lease, or rental set forth in subparagraph (C) and paragraph (1) as soon as practicable, but not later than 48 hours after the earliest receipt of the notice to owner under subsection (b) or (c) of section 30118 (including the vehicle identification number for the covered vehicle) by the rental company, whether by electronic means or first class mail.

(C) SPECIAL RULE FOR WHEN REMEDIES NOT IMMEDIATELY AVAILABLE.—If a notification required under subsection (b) or (c) of section 30118 indicates that the remedy for the defect or noncompliance is not immediately available and specifies actions to temporarily alter the vehicle that eliminate the safety risk posed by the defect or noncompliance, the rental company, after causing the specified actions to be performed, may rent (but may not sell or lease) the motor vehicle. Once the remedy for the rental vehicle becomes available to the rental company, the rental company may not rent the vehicle until the vehicle has been remedied, as provided in subsection (a).

(D) INAPPLICABILITY TO JUNK AUTOMOBILES.—Notwithstanding paragraph (1), this subsection does not prohibit a rental company from selling a covered rental vehicle if such vehicle—

(i) meets the definition of a junk automobile under section 201 of the Anti-Car Theft Act of 1992 (49 U.S.C. 30501);

(ii) is retitled as a junk automobile pursuant to applicable State law; and

(iii) is reported to the National Motor Vehicle Information System, if required under section 204 of such Act (49 U.S.C. 30504).

(j) PROHIBITION ON SALES OF REPLACEMENT EQUIPMENT.—No person may sell or lease any motor vehicle equipment (including a tire), for installation on a motor vehicle, that is the subject of a decision under section 30118(b) or a notice required under section 30118(c) in a condition that it may be reasonably used for its original purpose unless—

(1) the defect or noncompliance is remedied as required by this section before delivery under the sale or lease; or

(2) notification of the defect or noncompliance is required under section 30118(b) but enforcement of the order is set aside in a civil action to which section 30121(d) applies.

(k) RECALL COMPLETION RATES.—

(1) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall publish an annual list of recall completion rates for each recall campaign for which 8 quarterly reports have been submitted under subsection (f) of section 30118 as of the date of publication of the list.

(2) REQUIREMENTS.—The annual list under paragraph (1) shall include—

(A) for each applicable campaign—

(i) the total number of vehicles subject to recall; and

(ii) the percentage of vehicles that have been remedied; and

(B) for each manufacturer submitting an applicable quarterly report under section 30118(f)—

(i) the total number of recalls issued by the manufacturer during the year covered by the list;

(ii) the estimated number of vehicles of the manufacturer subject to recall during the year covered by the list; and

(iii) the percentage of vehicles that have been remedied.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 952; Pub. L. 105–178, title VII, §7106(a), June 9, 1998, 112 Stat. 467; Pub. L. 106–414, §§4, 6–8, Nov. 1, 2000, 114 Stat. 1803–1805; Pub. L. 112–141, div. C, title I, §31311, July 6, 2012, 126 Stat. 771; Pub. L. 114–94, div. B, title XXIV, §§24107, 24108, 24109(c), 24402, Dec. 4, 2015, 129 Stat. 1705, 1706, 1720; Pub. L. 117–58, div. B, title IV, §24202(b), Nov. 15, 2021, 135 Stat. 819.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30120(a)	15:1397(a)(1)(D) (related to 15:1414(a)(1) (1st sentence), (2)).	Sept. 9, 1966, Pub. L. 89–563, §108(a)(1)(D) (related to §§154(a), (b)(1), (2) (1st sentence), (c), 156, 157), 80 Stat. 722; restated Oct. 27, 1974, Pub. L. 93–492, §103(a)(1)(A), (3), 88 Stat. 1477, 1478.
	15:1414(a)(1) (1st sentence), (2).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §§154(a), (b)(1), (2) (1st sentence), (c), 156 (related to remedy), 157 (related to remedy); added Oct. 27, 1974, Pub. L. 93–492, §102(a), 88 Stat. 1472, 1474, 1475.
30120(b)	15:1397(a)(1)(D) (related to 15:1414(a)(5)).	
30120(c)	15:1414(a)(5). 15:1397(a)(1)(D) (related to 15:1414(b)(1), (2) (1st sentence)).	
30120(d)	15:1414(b)(1), (2) (1st sentence). 15:1397(a)(1)(D) (related to 15:1414(c)).	
30120(e)	15:1414(c). 15:1397(a)(1)(D) (related to 15:1416). 15:1416 (related to remedy).	
30120(f)	15:1397(a)(1)(D) (related to 15:1414(a)(3)).	
30120(g)(1) ..	15:1414(a)(3). 15:1397(a)(1)(D) (related to 15:1414(a)(4)).	
30120(g)(2) ..	15:1414(a)(4). 15:1397(a)(1)(D) (related to 15:1414(a)(1) (last sentence)).	
30120(h)	15:1414(a)(1) (last sentence). 15:1397(a)(1)(D) (related to 15:1417). 15:1417 (related to remedy).	
30120(i)	15:1414(d).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §154(d); added Dec. 18, 1991, Pub. L. 102–240, §2504(b), 105 Stat. 2083.

In this section, the text of 15:1397(a)(1)(D) (related to 15:1414(a), (b)(1), (2) (1st sentence), and (c), and 1416) is omitted as surplus.

In subsection (a)(1), before clause (A), the words “Subject to subsections (f) and (g) of this section” are added for clarity. The words “with an applicable Federal motor vehicle safety standard . . . which relates to motor vehicle safety” and “pursuant to such notifica-

tion” are omitted as surplus. The words “shall remedy” are substituted for “shall cause such defect or failure to comply in such motor vehicle or such item of replacement equipment to be remedied” to eliminate unnecessary words. The words “the defect or noncompliance” are added for clarity. In clauses (A) and (B), the words “without charge” are omitted as unnecessary because of the words “without charge” in this subsection before this clause (A). In clause (A), the words “presented for remedy pursuant to such notification” and “of such motor vehicle in full” are omitted as surplus.

Subsection (a)(2) is substituted for 15:1414(a)(2)(A) (last sentence) for clarity.

In subsection (b)(1), before clause (A), the words “shall remedy a defective or noncomplying tire if” are substituted for “shall not be obligated to remedy such tire if such tire is not” to eliminate unnecessary words and for consistency. The words “pursuant to notification” are omitted as surplus. In clause (B), the words “decides to replace the tire” are substituted for “elects replacement” for clarity.

Subsection (b)(2) is substituted for 15:1414(a)(5)(B) to eliminate unnecessary words.

In subsection (c)(1), the words before clause (A) are substituted for “Whenever a manufacturer has elected under subsection (a) of this section to cause the repair of a defect in a motor vehicle or item of replacement equipment or of a failure of such vehicle or item of replacement equipment to comply with a motor vehicle safety standard, and he has failed to cause such defect or failure to comply to be adequately repaired within a reasonable time, then (A) he shall” to eliminate unnecessary words. In clause (A), the word “replace” is substituted for “cause . . . to be replaced” for consistency. In clause (B), the word “refund” is substituted for “shall cause . . . to be refunded” for consistency. The words “in full” and “and if the manufacturer so elects)” are omitted as surplus.

In subsection (c)(2), the word “presentation” is substituted for “tender” for clarity. The words “for repair” are omitted as surplus. The last sentence is substituted for 15:1414(b)(2) (1st sentence) because of the restatement.

In subsection (e), the words “(including a manufacturer)” are omitted as surplus. The word “information” is substituted for “data” for consistency in the revised title.

In subsection (f), the word “fair” is substituted for “fair and equitable” to eliminate unnecessary words. The words “for such remedy” are omitted as surplus. The words “providing a” are substituted for “who effects” for consistency.

In subsection (g)(2), the words “In the case of notification required by an order” are omitted as unnecessary. The word “civil” is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (h), the words “any requirement under”, “or to remedy”, and “as it relates” are omitted as surplus. The words “The Secretary may take action under this subsection only” are added because of the restatement.

Editorial Notes

REFERENCES IN TEXT

Sections 201 and 204 of the Anti-Car Theft Act of 1992, referred to in subsec. (i)(3)(D)(i), (iii), are sections 201 and 204 of Pub. L. 102-519, from which sections 30501 and 30504 of this title, respectively, are derived.

AMENDMENTS

2021—Subsec. (k). Pub. L. 117-58 added subsec. (k).

2015—Subsec. (b)(1). Pub. L. 114-94, §24108(1), substituted “180 days” for “60 days” in introductory provisions.

Subsec. (b)(2). Pub. L. 114-94, §24108(2), substituted “180-day” for “60-day” in two places.

Subsec. (f). Pub. L. 114-94, §24107(1), which directed amendment of subsec. (f) by inserting “(1) IN GENERAL.

A manufacturer”, without specifying the location of such insertion, and indenting appropriately, was executed by striking “A manufacturer” and inserting “(1) IN GENERAL.—A manufacturer” after the subsec. heading, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 114-94, §24107(2), substituted “section if—” for “section.” and added subpars. (A) and (B).

Subsec. (f)(2). Pub. L. 114-94, §24107(3), added par. (2).

Subsec. (g)(1). Pub. L. 114-94, §24402, substituted “15 calendar years” for “10 calendar years”.

Subsec. (i). Pub. L. 114-94, §24109(c)(1), inserted “, or Rental” after “Equipment” in heading.

Subsec. (i)(1). Pub. L. 114-94, §24109(c)(2)(D), which directed substitution of “the dealer or rental company may sell, lease, or rent” for “the dealer may sell or lease,” was executed by making the substitution for “the dealer may sell or lease” to reflect the probable intent of Congress.

Pub. L. 114-94, §24109(c)(2)(A)–(C), inserted heading, inserted “or the manufacturer has provided to a rental company notification about a covered rental vehicle in the company’s possession at the time of notification” after “time of notification” in introductory provisions, and realigned margins of subpars. (A) and (B).

Subsec. (i)(1)(A). Pub. L. 114-94, §24109(c)(2)(E), substituted “sale, lease, or rental agreement” for “sale or lease”.

Subsec. (i)(2). Pub. L. 114-94, §24109(c)(3), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “This subsection does not prohibit a dealer from offering for sale or lease the vehicle or equipment.”

Subsec. (i)(3). Pub. L. 114-94, §24109(c)(4), added par. (3).

2012—Subsec. (a)(1)(B). Pub. L. 112-141, §31311(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “if replacement equipment, by repairing the equipment or replacing the equipment with identical or reasonably equivalent equipment.”

Subsec. (i). Pub. L. 112-141, §31311(2), inserted “of New Vehicles or Equipment” after “Lease” in heading.

Subsec. (j). Pub. L. 112-141, §31311(3), which directed substitution of “REPLACEMENT” for “REPLACED” in heading, was executed by substituting “REPLACEMENT” for “REPLACED”, to reflect the probable intent of Congress.

2000—Subsec. (c)(3). Pub. L. 106-414, §6(a), added par. (3).

Subsec. (d). Pub. L. 106-414, §7, inserted at end “In the case of a remedy program involving the replacement of tires, the manufacturer shall include a plan addressing how to prevent, to the extent reasonably within the control of the manufacturer, replaced tires from being resold for installation on a motor vehicle, and how to limit, to the extent reasonably within the control of the manufacturer, the disposal of replaced tires in landfills, particularly through shredding, crumbling, recycling, recovery, and other alternative beneficial non-vehicular uses. The manufacturer shall include information about the implementation of such plan with each quarterly report to the Secretary regarding the progress of any notification or remedy campaigns.”

Pub. L. 106-414, §6(b), inserted at end “A manufacturer’s remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer’s notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.”

Subsec. (g)(1). Pub. L. 106-414, §4, substituted “10 calendar years” for “8 calendar years” and “5 calendar years” for “3 calendar years”.

Subsec. (j). Pub. L. 106-414, §8, added subsec. (j).

1998—Subsec. (i)(1). Pub. L. 105-178 inserted “(including retailers of motor vehicle equipment)” after “provided to a dealer” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 24109(c) of Pub. L. 114-94 effective on the date that is 180 days after Dec. 4, 2015, see section 24109(k) of Pub. L. 114-94, set out as a note under section 30102 of this title.

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.

§ 30120A. Recall obligations and bankruptcy of a manufacturer

A manufacturer's filing of a petition in bankruptcy under chapter 7 or chapter 11 of title 11 does not negate the manufacturer's duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer's obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority pursuant to section 3713(a)(1)(A) of such chapter, notwithstanding section 3713(a)(2), to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer's products. This section shall apply equally to actions of a manufacturer taken before or after the filing of a petition in bankruptcy.

(Added Pub. L. 112-141, div. C, title I, §31312(a), July 6, 2012, 126 Stat. 772; amended Pub. L. 114-94, div. B, title XXIV, §24106, Dec. 4, 2015, 129 Stat. 1705.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-94 substituted “chapter 7 or chapter 11 of title 11” for “chapter 11 of title 11.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

§ 30121. Provisional notification and civil actions to enforce

(a) PROVISIONAL NOTIFICATION.—(1) The Secretary of Transportation may order a manufacturer to issue a provisional notification if a civil action about an order issued under section 30118(b) of this title has been brought under section 30163 of this title. The provisional notification shall contain—

(A) a statement that the Secretary has decided that a defect related to motor vehicle safety or noncompliance with a motor vehicle safety standard prescribed under this chapter exists and that the manufacturer is contesting the decision in a civil action in a United States district court;

(B) a clear description of the Secretary's stated basis for the decision;

(C) the Secretary's evaluation of the risk to motor vehicle safety reasonably related to the defect or noncompliance;

(D) measures the Secretary considers necessary to avoid an unreasonable risk to motor vehicle safety resulting from the defect or noncompliance;

(E) a statement that the manufacturer will remedy the defect or noncompliance without charge under section 30120 of this title, but that the requirement to remedy without charge is conditioned on the outcome of the civil action; and

(F) other information the Secretary prescribes by regulation or includes in the order requiring the notice.

(2) A notification under this subsection does not relieve a manufacturer of liability for not giving notification required by an order under section 30118(b) of this title.

(b) CIVIL ACTIONS FOR NOT NOTIFYING.—(1) A manufacturer that does not notify owners and purchasers under section 30119(c) and (d) of this title is liable to the United States Government for a civil penalty, unless the manufacturer prevails in a civil action referred to in subsection (a) of this section or the court in that action enjoins enforcement of the order. Enforcement may be enjoined only if the court decides that the failure to notify is reasonable and that the manufacturer has demonstrated the likelihood of prevailing on the merits. If enforcement is enjoined, the manufacturer is not liable during the time the order is stayed.

(2) A manufacturer that does not notify owners and purchasers as required under subsection (a) of this section is liable for a civil penalty regardless of whether the manufacturer prevails in an action on the validity of the order issued under section 30118(b) of this title.

(c) ORDERS TO MANUFACTURERS.—If the Secretary prevails in a civil action referred to in subsection (a) of this section, the Secretary shall order the manufacturer—

(1) to notify each owner, purchaser, and dealer described in section 30119(d) of this title of the outcome of the action and other information the Secretary requires, and notification under this clause may be combined with notification required under section 30118(b) of this title;

(2) to specify the earliest date under section 30119(b) of this title on which the defect or noncompliance will be remedied without charge under section 30120 of this title; and

(3) if notification was required under subsection (a) of this section, to reimburse an owner or purchaser for reasonable and necessary expenses (in an amount that is not more than the amount specified in the order of the Secretary under subsection (a)) incurred for repairing the defect or noncompliance during the period beginning on the date that notification was required to be issued and ending on the date the owner or purchaser receives the notification under this subsection.

(d) VENUE.—Notwithstanding section 30163(c) of this title, a civil action about an order issued under section 30118(b) of this title must be brought in the United States district court for a judicial district in the State in which the manufacturer is incorporated or the District of Columbia. On motion of a party, the court may