

claims establish that a motor vehicle safety standard or order referred to in subsection (a) of this section is necessary and briefly describe the order the Secretary should issue.

(c) **PROCEEDINGS.**—The Secretary may hold a public hearing or conduct an investigation or proceeding to decide whether to grant a petition under this section.

(d) **ACTIONS OF SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall determine whether to approve or deny a petition under this section by not later than 120 days after the petition is filed.

(2) **APPROVAL.**—If a petition under this section is approved, the Secretary shall begin the proceeding promptly.

(3) **DENIAL.**—If a petition under this section is denied, the Secretary shall publish the reasons for the denial in the Federal Register.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 967; Pub. L. 117–58, div. B, title IV, §24206, Nov. 15, 2021, 135 Stat. 822.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30162(a)	15:1410a(a).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §124(a)–(d); added Oct. 27, 1974, Pub. L. 93–492, §106, 88 Stat. 1481.
30162(b)	15:1410a(b).	
30162(c)	15:1410a(c).	
30162(d)	15:1410a(d).	

Subsection (a)(1) is substituted for “the issuance of an order pursuant to section 1392 of this title” for clarity and because of the restatement.

In subsection (b), the words “a motor vehicle safety standard” are added because of the restatement. The words “referred to in subsection (a) of this section” are added for clarity. The words “of the substance” are omitted as surplus.

In subsection (c), the words “as he deems appropriate in order” and “or not” are omitted as surplus.

In subsection (d), the words “described in subsection (b) of this section”, “either”, and “requested in the petition” are omitted as surplus.

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117–58, §24206(1), substituted “A petition under this section” for “The petition”.

Subsec. (c). Pub. L. 117–58, §24206(2), substituted “a petition under this section” for “the petition”.

Subsec. (d). Pub. L. 117–58, §24206(3), designated first to third sentences of existing provisions as pars. (1) to (3), respectively, and inserted headings.

Subsec. (d)(1). Pub. L. 117–58, §24206(3)(C), substituted “The Secretary shall determine whether to approve or deny a petition under this section by” for “The Secretary shall grant or deny a petition”.

Subsec. (d)(2). Pub. L. 117–58, §24206(3)(B), substituted “If a petition under this section is approved” for “If a petition is granted”.

Subsec. (d)(3). Pub. L. 117–58, §24206(3)(A), substituted “If a petition under this section” for “If a petition”.

§ 30163. Actions by the Attorney General

(a) **CIVIL ACTIONS TO ENFORCE.**—The Attorney General may bring a civil action in a United States district court to enjoin—

(1) a violation of this chapter or a regulation prescribed or order issued under this chapter; and

(2) the sale, offer for sale, or introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of a motor vehicle or motor vehicle equipment for which it is decided, before the first purchase in good faith other than for resale, that the vehicle or equipment—

(A) contains a defect related to motor vehicle safety about which notice was given under section 30118(c) of this title or an order was issued under section 30118(b) of this title; or

(B) does not comply with an applicable motor vehicle safety standard prescribed under this chapter.

(b) **PRIOR NOTICE.**—When practicable, the Secretary of Transportation shall notify a person against whom a civil action under subsection (a) of this section is planned, give the person an opportunity to present that person’s views, and, except for a knowing and willful violation of this chapter, give the person a reasonable opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter. Failure to give notice and an opportunity to remedy the defect or comply with the applicable motor vehicle safety standard prescribed under this chapter does not prevent a court from granting appropriate relief.

(c) **VENUE.**—Except as provided in section 30121(d) of this title, a civil action under this section or section 30165(a) of this title may be brought in 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.

(d) **JURY TRIAL DEMAND.**—In a trial for criminal contempt for violating an injunction or restraining order issued under subsection (a) 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) **SUBPENAS FOR WITNESSES.**—In a civil action brought under this section, a subpoena for a witness may be served in any judicial district.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 967.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30163(a)	15:1399(a) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §110(a), (c), 80 Stat. 723, 724; Oct. 27, 1974, Pub. L. 93–492, §§102(b)(2), 103(c), 88 Stat. 1477, 1478.
	15:1424(b) (related to injunctions).	Sept. 9, 1966, Pub. L. 89–563, §204(b) (related to injunctions), 80 Stat. 729.
30163(b)	15:1399(a) (2d, last sentences).	
30163(c)	15:1399(c).	
30163(d)	15:1399(b).	Sept. 9, 1966, Pub. L. 89–563, §110(b), (d) (related to §110), 80 Stat. 723, 724.
30163(e)	15:1399(d) (related to 15:1399).	

In subsection (a), before clause (1), the text of 15:1424(b) (related to injunctions) is omitted because of the restatement. The words “The Attorney General may bring a civil action” are substituted for “upon petition by . . . the Attorney General” for consistency. The words “the appropriate United States attorney or

. . . on behalf of the United States” are omitted as surplus. 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. In clause (1), the words “a regulation prescribed or order issued under this chapter” are substituted for “(or rules, regulations or orders thereunder)” for clarity and consistency and because “rule” and “regulation” are synonymous. In clause (2), before subclause (A), the words “that the vehicle or equipment” are added for clarity. The words “of such vehicle” and “purposes” are omitted as surplus. In subclause (B), the words “does not comply with” are substituted for “is determined . . . not to conform to” for clarity and consistency.

In subsections (b), (c), and (e), the word “civil” is added because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b), the words “comply with the applicable motor vehicle safety standard prescribed under this chapter” are substituted for “achieve compliance”, and the words “a court” are added, for clarity.

In subsection (c), the words “any act or transaction constituting the” are omitted as surplus. The word “resides” is substituted for “is an inhabitant” for consistency in the revised title. The words “the action” are substituted for “such cases” for consistency.

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.

In subsection (e), the words “who are required to attend a United States district court” are omitted as surplus. The words “be served in” are substituted for “run into” for clarity.

§ 30164. Service of process; conditions on importation of vehicles and equipment

(a) DESIGNATING AGENTS.—A manufacturer offering a motor vehicle or motor vehicle equipment for import shall designate an agent on whom service of notices and process in administrative and judicial proceedings may be made. The designation shall be in writing and filed with the Secretary of Transportation. The designation may be changed in the same way as originally made.

(b) SERVICE.—An agent may be served at the agent’s office or usual place of residence. Service on the agent is deemed to be service on the manufacturer. If a manufacturer does not designate an agent, service may be made by posting the notice or process in the office of the Secretary.

(c) IDENTIFYING INFORMATION.—A manufacturer (including an importer) offering a motor vehicle or motor vehicle equipment for import shall provide, upon request, such information that is necessary to identify and track the products as the Secretary, by rule, may specify, including—

(1) the product by name and the manufacturer’s address; and

(2) each retailer or distributor to which the manufacturer directly supplied motor vehicles or motor vehicle equipment over which the Secretary has jurisdiction under this chapter.

(d) REGULATIONS ON THE IMPORT OF A MOTOR VEHICLE.—The Secretary may issue regulations that—

(1) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer’s compliance with—

(A) the requirements under this section;

(B) paragraph (1) or (3) of section 30112(a) with respect to such motor vehicle or motor vehicle equipment;

(C) the provision of reports and records required to be maintained with respect to such motor vehicle or motor vehicle equipment under this chapter;

(D) a request for inspection of premises, vehicle, or equipment under section 30166;

(E) an order or voluntary agreement to remedy such vehicle or equipment; or

(F) any rules implementing the requirements described in this subsection;

(2) provide an opportunity for the manufacturer to present information before the Secretary’s determination as to whether the manufacturer’s imports should be restricted; and

(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment.

(e) EXCEPTION.—The requirements of subsections (c) and (d) shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012—

(1) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

(2) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

(3) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.

(f) RULEMAKING.—In issuing regulations under this section, the Secretary shall seek to reduce duplicative requirements by coordinating with the Department of Homeland Security.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 968; Pub. L. 112-141, div. C, title I, §31208(2), July 6, 2012, 126 Stat. 761.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30164(a)	15:1399(e) (1st sentence).	Sept. 9, 1966, Pub. L. 89-563, §110(e), 80 Stat. 724.
30164(b)	15:1399(e) (last sentence).	

In subsection (a), the words “A manufacturer offering . . . shall” are substituted for “It shall be the duty of every manufacturer offering . . . to” to eliminate unnecessary words. The words “into the United States”, “all . . . orders, decisions and requirements”, and “for and on behalf of said manufacturer” are omitted as surplus. The words “The designation may be changed in the same way as originally made” are substituted for “which designation may from time to time be changed by like writing, similarly filed” for clarity.

In subsection (b), the words “An agent may be served” are substituted for “Service of all administrative and judicial processes, notices, orders, decisions and requirements may be made upon said manufacturer by service upon such designated agent” to eliminate unnecessary words. The words “Service on the agent is deemed to be service on the manufacturer” are sub-