

United States Code Annotated
Title 49. Transportation (Refs & Annos)
Subtitle VI. Motor Vehicle and Driver Programs
Part A. General
Chapter 301. Motor Vehicle Safety (Refs & Annos)
Subchapter IV. Enforcement and Administrative

49 U.S.C.A. § 30166

§ 30166. Inspections, investigations, and records

Effective: June 4, 2016

[Currentness](#)

(a) Definition.--In this section, “motor vehicle accident” means an occurrence associated with the maintenance or operation of a motor vehicle or motor vehicle equipment resulting in personal injury, death, or property damage.

(b) Authority to inspect and investigate.--**(1)** The Secretary of Transportation may conduct an inspection or investigation--

(A) that may be necessary to enforce this chapter or a regulation prescribed or order issued under this chapter; or

(B) related to a motor vehicle accident and designed to carry out this chapter.

(2) The Secretary of Transportation shall cooperate with State and local officials to the greatest extent possible in an inspection or investigation under paragraph (1)(B) of this subsection.

(c) Matters that can be inspected and impoundment.--In carrying out this chapter, an officer or employee designated by the Secretary of Transportation--

(1) at reasonable times, may inspect and copy any record related to this chapter;

(2) on request, may inspect records of a manufacturer, distributor, dealer, or rental company to decide whether the manufacturer, distributor, dealer, or rental company has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter;

(3) at reasonable times, in a reasonable way, and on display of proper credentials and written notice to an owner, operator, or agent in charge, may--

(A) enter and inspect with reasonable promptness premises in which a motor vehicle or motor vehicle equipment is manufactured, held for introduction in interstate commerce (including at United States ports of entry), or held for sale after introduction in interstate commerce;

(B) enter and inspect with reasonable promptness premises at which a vehicle or equipment involved in a motor vehicle accident is located;

(C) inspect with reasonable promptness that vehicle or equipment; and

(D) impound for not more than 72 hours a vehicle or equipment involved in a motor vehicle accident;

(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security for inspections and sampling of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter.

(d) Reasonable compensation.--When a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment is inspected or temporarily impounded under subsection (c)(3) of this section, the Secretary of Transportation shall pay reasonable compensation to the owner of the vehicle if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle.

(e) Records and making reports.--The Secretary of Transportation reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, dealer, or rental company to make reports, to enable the Secretary to decide whether the manufacturer, distributor, dealer, or rental company has complied or is complying with this chapter or a regulation prescribed or order issued under this chapter. This subsection does not impose a recordkeeping requirement on a distributor¹ dealer, or rental company in addition to those imposed under subsection (f) of this section and [section 30117\(b\)](#) of this title or a regulation prescribed or order issued under subsection (f) or [section 30117\(b\)](#).

(f) Providing copies of communications about defects and noncompliance.--(1) In general.--A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website, a true or representative copy of each communication to the manufacturer's dealers, rental companies, or other owners or purchasers of a motor vehicle or replacement equipment produced by the manufacturer about a defect or noncompliance with a motor vehicle safety standard prescribed under this chapter in a vehicle or equipment that is sold or serviced.

(2) Index.--Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, that--

(A) identifies the make, model, and model year of the affected vehicles;

(B) includes a concise summary of the subject matter of the communication; and

(C) shall be made available by the Secretary to the public on the Internet in a searchable format.

(g) Administrative authority on reports, answers, and hearings.--(1) In carrying out this chapter, the Secretary of Transportation may--

(A) require, by general or special order, any person to file reports or answers to specific questions, including reports or answers under oath; and

(B) conduct hearings, administer oaths, take testimony, and require (by subpoena or otherwise) the appearance and testimony of witnesses and the production of records the Secretary considers advisable.

(2) A witness summoned under this subsection is entitled to the same fee and mileage the witness would have been paid in a court of the United States.

(h) Civil actions to enforce and venue.--A civil action to enforce a subpoena or order under subsection (g) of this section may be brought in the United States district court for any judicial district in which the proceeding is conducted. The court may punish a failure to obey an order of the court to comply with a subpoena or order as a contempt of court.

(i) Governmental cooperation.--The Secretary of Transportation may request a department, agency, or instrumentality of the United States Government to provide records the Secretary considers necessary to carry out this chapter. The head of the department, agency, or instrumentality shall provide the record on request, may detail personnel on a reimbursable basis, and otherwise shall cooperate with the Secretary. This subsection does not affect a law limiting the authority of a department, agency, or instrumentality to provide information to another department, agency, or instrumentality.

(j) Cooperation of Secretary.--The Secretary of Transportation may advise, assist, and cooperate with departments, agencies, and instrumentalities of the Government, States, and other public and private agencies in developing a method for inspecting and testing to determine compliance with a motor vehicle safety standard.

(k) Providing information.--The Secretary of Transportation shall provide the Attorney General and, when appropriate, the Secretary of the Treasury, information obtained that indicates a violation of this chapter or a regulation prescribed or order issued under this chapter.

(l) Reporting of defects in motor vehicles and products in foreign countries.--

(1) Reporting of defects, manufacturer determination.--Not later than 5 working days after determining to conduct a safety recall or other safety campaign in a foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States, the manufacturer shall report the determination to the Secretary.

(2) Reporting of defects, foreign Government determination.--Not later than 5 working days after receiving notification that the government of a foreign country has determined that a safety recall or other safety campaign must be conducted in the foreign country on a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle

or motor vehicle equipment offered for sale in the United States, the manufacturer of the motor vehicle or motor vehicle equipment shall report the determination to the Secretary.

(3) Reporting requirements.--The Secretary shall prescribe the contents of the notification required by this subsection.

(m) Early warning reporting requirements.--

(1) Rulemaking required.--Not later than 120 days after the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, the Secretary shall initiate a rulemaking proceeding to establish early warning reporting requirements for manufacturers of motor vehicles and motor vehicle equipment to enhance the Secretary's ability to carry out the provisions of this chapter.

(2) Deadline.--The Secretary shall issue a final rule under paragraph (1) not later than June 30, 2002.

(3) Reporting elements.--

(A) Warranty and claims data.--As part of the final rule promulgated under paragraph (1), the Secretary shall require manufacturers of motor vehicles and motor vehicle equipment to report, periodically or upon request by the Secretary, information which is received by the manufacturer derived from foreign and domestic sources to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States and which concerns--

(i) data on claims submitted to the manufacturer for serious injuries (including death) and aggregate statistical data on property damage from alleged defects in a motor vehicle or in motor vehicle equipment; or

(ii) customer satisfaction campaigns, consumer advisories, recalls, or other activity involving the repair or replacement of motor vehicles or items of motor vehicle equipment.

(B) Other data.--As part of the final rule promulgated under paragraph (1), the Secretary may, to the extent that such information may assist in the identification of defects related to motor vehicle safety in motor vehicles and motor vehicle equipment in the United States, require manufacturers of motor vehicles or motor vehicle equipment to report, periodically or upon request of the Secretary, such information as the Secretary may request.

(C) Reporting of possible defects.--The manufacturer of a motor vehicle or motor vehicle equipment shall report to the Secretary, in such manner as the Secretary establishes by regulation, all incidents of which the manufacturer receives actual notice which involve fatalities or serious injuries which are alleged or proven to have been caused by a possible defect in such manufacturer's motor vehicle or motor vehicle equipment in the United States, or in a foreign country when the possible defect is in a motor vehicle or motor vehicle equipment that is identical or substantially similar to a motor vehicle or motor vehicle equipment offered for sale in the United States.

(4) Handling and utilization of reporting elements.--

(A) Secretary's specifications.--In requiring the reporting of any information requested by the Secretary under this subsection, the Secretary shall specify in the final rule promulgated under paragraph (1)--

(i) how such information will be reviewed and utilized to assist in the identification of defects related to motor vehicle safety;

(ii) the systems and processes the Secretary will employ or establish to review and utilize such information; and

(iii) the manner and form of reporting such information, including in electronic form.

(B) Information in possession of manufacturer.--The regulations promulgated by the Secretary under paragraph (1) may not require a manufacturer of a motor vehicle or motor vehicle equipment to maintain or submit records respecting information not in the possession of the manufacturer.

(C) Disclosure.--None of the information collected pursuant to the final rule promulgated under paragraph (1) shall be disclosed pursuant to [section 30167\(b\)](#) unless the Secretary determines the disclosure of such information will assist in carrying out [sections 30117\(b\)](#) and [30118](#) through [30121](#).

(D) Burdensome requirements.--In promulgating the final rule under paragraph (1), the Secretary shall not impose requirements unduly burdensome to a manufacturer of a motor vehicle or motor vehicle equipment, taking into account the manufacturer's cost of complying with such requirements and the Secretary's ability to use the information sought in a meaningful manner to assist in the identification of defects related to motor vehicle safety.

(5) Periodic review.--As part of the final rule promulgated pursuant to paragraph (1), the Secretary shall specify procedures for the periodic review and update of such rule.

(n) Sale or lease of defective or noncompliant tire.--

(1) In general.--The Secretary shall, within 90 days of the date of the enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, issue a final rule requiring any person who knowingly and willfully sells or leases for use on a motor vehicle a defective tire or a tire which is not compliant with an applicable tire safety standard with actual knowledge that the manufacturer of such tire has notified its dealers of such defect or noncompliance as required under [section 30118\(c\)](#) or as required by an order under [section 30118\(b\)](#) to report such sale or lease to the Secretary.

(2) Defect or noncompliance remedied or order not in effect.--Regulations under paragraph (1) shall not require the reporting described in paragraph (1) where before delivery under a sale or lease of a tire--

(A) the defect or noncompliance of the tire is remedied as required by [section 30120](#); or

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

(o) Corporate responsibility for reports.--

(1) In general.--The Secretary shall promulgate rules requiring a senior official responsible for safety in any company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that--

(A) the signing official has reviewed the submission; and

(B) based on the official's knowledge, the submission does not--

(i) contain any untrue statement of a material fact; or

(ii) omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

(2) Notice.--The certification requirements of this section shall be clearly stated on any request for information under paragraph (1).

(3) Deadline.--Not later than 1 year after the date of enactment of the Comprehensive Transportation and Consumer Protection Act of 2015, the Secretary shall issue a final rule under paragraph (1).

CREDIT(S)

([Pub.L. 103-272](#), § 1(e), July 5, 1994, 108 Stat. 969; [Pub.L. 103-429](#), § 6(24), Oct. 31, 1994, 108 Stat. 4380; [Pub.L. 104-88](#), Title III, § 308(j), Dec. 29, 1995, 109 Stat. 947; [Pub.L. 104-287](#), § 6(f)(3), Oct. 11, 1996, 110 Stat. 3399; [Pub.L. 106-414](#), § 3(a) to (c), Nov. 1, 2000, 114 Stat. 1802; [Pub.L. 112-141](#), Div. C, Title I, §§ 31209, 31303(a), 31304(a), July 6, 2012, 126 Stat. 762, 764; [Pub.L. 114-94](#), Div. B, Title XXIV, §§ 24109(e), 24112, Dec. 4, 2015, 129 Stat. 1707, 1709.)

Footnotes

¹ So in original. Probably should be followed by a comma.
49 U.S.C.A. § 30166, 49 USCA § 30166
Current through P.L. 116-50.