

-CITE-

49 USC CHAPTER 327 - ODOMETERS

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

CHAPTER 327 - ODOMETERS

-MISC1-

Sec.  
32701. Findings and purposes.  
32702. Definitions.  
32703. Preventing tampering.  
32704. Service, repair, and replacement.  
32705. Disclosure requirements on transfer of motor vehicles.  
32706. Inspections, investigations, and records.  
32707. Administrative warrants.  
32708. Confidentiality of information.  
32709. Penalties and enforcement.  
32710. Civil actions by private persons.  
32711. Relationship to State law.

-End-

-CITE-

49 USC Sec. 32701

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32701. Findings and purposes

-STATUTE-

(a) Findings. - Congress finds that -

- (1) buyers of motor vehicles rely heavily on the odometer reading as an index of the condition and value of a vehicle;
- (2) buyers are entitled to rely on the odometer reading as an accurate indication of the mileage of the vehicle;
- (3) an accurate indication of the mileage assists a buyer in deciding on the safety and reliability of the vehicle; and
- (4) motor vehicles move in, or affect, interstate and foreign commerce.

(b) Purposes. - The purposes of this chapter are -

- (1) to prohibit tampering with motor vehicle odometers; and
- (2) to provide safeguards to protect purchasers in the sale of motor vehicles with altered or reset odometers.

-SOURCE-

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32701(a)	15:1981 (1st sentence).	Oct. 20, 1972, Pub. L. 92-513, Sec. 401, 86 Stat. 961.
32701(b)	15:1981 (last sentence).	

-End-

-CITE-

49 USC Sec. 32702

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32702. Definitions

-STATUTE-

In this chapter -

- (1) "auction company" means a person taking possession of a motor vehicle owned by another to sell at an auction.
- (2) "dealer" means a person that sold at least 5 motor vehicles during the prior 12 months to buyers that in good faith bought the vehicles other than for resale.
- (3) "distributor" means a person that sold at least 5 motor vehicles during the prior 12 months for resale.
- (4) "leased motor vehicle" means a motor vehicle leased to a person for at least 4 months by a lessor that leased at least 5 vehicles during the prior 12 months.
- (5) "odometer" means an instrument for measuring and recording the distance a motor vehicle is driven, but does not include an auxiliary instrument designed to be reset by the operator of the vehicle to record mileage of a trip.
- (6) "repair" and "replace" mean to restore to a sound working condition by replacing any part of an odometer or by correcting any inoperative part of an odometer.
- (7) "title" means the certificate of title or other document issued by the State indicating ownership.
- (8) "transfer" means to change ownership by sale, gift, or any other means.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1048; Pub. L. 104-287, Sec. 5(61), Oct. 11, 1996, 110 Stat. 3394.)

-MISC1-

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32702 (1)	15:1982 (8) .	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 402(6)-(8); added Oct. 28, 1986, Pub. L. 99-579, Sec. 2(b), 100 Stat. 3310.
32702 (2)	15:1982 (1) .	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 402(1), (2); added July 14, 1976, Pub. L. 94-364, Sec. 401(2), 90 Stat. 983.
32702 (3)	15:1982 (2) .	
32702 (4)	15:1982 (7) .	
32702 (5)	15:1982 (3) .	Oct. 20, 1972, Pub. L. 92-513, Sec. 402(3)-(5), 86 Stat. 961; July 14, 1976, Pub. L. 94-364, Sec. 401(1), 90 Stat. 983.
32702 (6)	15:1982 (4) .	
32702 (7)	15:1982 (6) .	
32702 (8)	15:1982 (5) .	

In clause (1), the words "(whether through consignment or bailment or through any other arrangement)" and "such motor vehicle" are omitted as surplus.

In clause (4), the words "a term of" are omitted as surplus.

In clause (5), the words "the distance a motor vehicle is driven" are substituted for "the actual distance a motor vehicle travels while in operation" for clarity and to eliminate unnecessary words.

PUB. L. 104-287

This amends 49:32702(8) and 32705 to clarify the restatement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1049).

AMENDMENTS

1996 - Par. (8). Pub. L. 104-287 inserted "any" after "or".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

-CITE-

49 USC Sec. 32703

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32703. Preventing tampering

-STATUTE-

A person may not -

(1) advertise for sale, sell, use, install, or have installed, a device that makes an odometer of a motor vehicle register a mileage different from the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer;

(2) disconnect, reset, alter, or have disconnected, reset, or altered, an odometer of a motor vehicle intending to change the mileage registered by the odometer;

(3) with intent to defraud, operate a motor vehicle on a street, road, or highway if the person knows that the odometer of the vehicle is disconnected or not operating; or

(4) conspire to violate this section or section 32704 or 32705 of this title.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1049; Pub. L. 103-429, Sec. 6(33), Oct. 31, 1994, 108 Stat. 4380.)

-MISC1-

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32703(1)	15:1983.	Oct. 20, 1972, Pub. L. 92-513, Sec. 403, 86 Stat. 962; July 14, 1976, Pub. L. 94-364, Sec. 402, 90 Stat. 983.
32703(2)	15:1984.	Oct. 20, 1972, Pub. L. 92-513, Secs. 404, 405, 86 Stat. 962; restated July 14, 1976, Pub. L. 94-364, Secs. 403, 404, 90 Stat. 983.
32703(3)	15:1985.	
32703(4)	15:1986.	Oct. 20, 1972, Pub. L. 92-513, Sec. 406, 86 Stat. 962.

In clause (1), the words "the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer" are substituted for "the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance" to eliminate unnecessary words.

In clause (3), the words "public" and "road" are added for consistency in this subtitle.

PUB. L. 103-429

This amends 49:32703(3) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1049).

AMENDMENTS

1994 - Par. (3). Pub. L. 103-429 struck out "public" before "street".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

-End-

-CITE-

49 USC Sec. 32704

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32704. Service, repair, and replacement

-STATUTE-

(a) Adjusting Mileage. - A person may service, repair, or replace an odometer of a motor vehicle if the mileage registered by the odometer remains the same as before the service, repair, or replacement. If the mileage cannot remain the same -

(1) the person shall adjust the odometer to read zero; and

(2) the owner of the vehicle or agent of the owner shall attach a written notice to the left door frame of the vehicle specifying the mileage before the service, repair, or replacement and the date of the service, repair, or replacement.

(b) Removing or Altering Notice. - A person may not, with intent to defraud, remove or alter a notice attached to a motor vehicle as required by this section.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1049.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32704	15:1987.	Oct. 20, 1972, Pub. L. 92-513, Sec. 407, 86 Stat. 962; July 14, 1976, Pub. L. 94-364, Sec. 405, 90 Stat. 983.

In subsection (b), the text of 15:1987(b) (1) is omitted as surplus.

-End-

-CITE-

49 USC Sec. 32705

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
 SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
 PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
 CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32705. Disclosure requirements on transfer of motor vehicles

-STATUTE-

(a) (1) Disclosure Requirements. - Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

(A) Disclosure of the cumulative mileage registered on the odometer.

(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.

(4) (A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

(B) For purposes of subparagraph (A), the term "new motor vehicle" means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.

(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.

(b) Mileage Statement Requirement for Licensing. - (1) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the transferee, in submitting an application to a State for the title on which the license will be issued, includes with the application the transferor's title and, if that title contains the space referred to in paragraph (3)(A)(iii) of this subsection, a statement, signed and dated by the transferor, of the mileage disclosure required under subsection (a) of this section. This paragraph does not apply to a transfer of ownership of a motor vehicle that has not been licensed before the transfer.

(2)(A) Under regulations prescribed by the Secretary, if the title to a motor vehicle issued to a transferor by a State is in the possession of a lienholder when the transferor transfers ownership of the vehicle, the transferor may use a written power of attorney (if allowed by State law) in making the mileage disclosure required under subsection (a) of this section. Regulations prescribed under this paragraph -

(i) shall prescribe the form of the power of attorney;

(ii) shall provide that the form be printed by means of a secure printing process (or other secure process);

(iii) shall provide that the State issue the form to the transferee;

(iv) shall provide that the person exercising the power of attorney retain a copy and submit the original to the State with a copy of the title showing the restatement of the mileage;

(v) may require that the State retain the power of attorney and the copy of the title for an appropriate period or that the State adopt alternative measures consistent with section 32701(b) of this title, after considering the costs to the State;

(vi) shall ensure that the mileage at the time of transfer be disclosed on the power of attorney document;

(vii) shall ensure that the mileage be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (3)(A)(iii) of this subsection;

(viii) may not require that a motor vehicle be titled in the State in which the power of attorney was issued;

(ix) shall consider the need to facilitate normal commercial transactions in the sale or exchange of motor vehicles; and

(x) shall provide other conditions the Secretary considers appropriate.

(B) Section 32709(a) and (b) applies to a person granting or granted a power of attorney under this paragraph.

(3)(A) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the title issued by the State to the transferee -

(i) is produced by means of a secure printing process (or other

secure process);

(ii) indicates the mileage disclosure required to be made under subsection (a) of this section; and

(iii) contains a space for the transferee to disclose the mileage at the time of a future transfer and to sign and date the disclosure.

(B) Subparagraph (A) of this paragraph does not require a State to verify, or preclude a State from verifying, the mileage information contained in the title.

(c) Leased Motor Vehicles. - (1) For a leased motor vehicle, the regulations prescribed under subsection (a) of this section shall require written disclosure about mileage to be made by the lessee to the lessor when the lessor transfers ownership of that vehicle.

(2) Under those regulations, the lessor shall provide written notice to the lessee of -

(A) the lessee's mileage disclosure requirements under paragraph (1) of this subsection; and

(B) the penalties for failure to comply with those requirements.

(3) The lessor shall retain the disclosures made by a lessee under paragraph (1) of this subsection for at least 4 years following the date the lessor transfers the leased motor vehicle.

(4) If the lessor transfers ownership of a leased motor vehicle without obtaining possession of the vehicle, the lessor, in making the disclosure required by subsection (a) of this section, may indicate on the title the mileage disclosed by the lessee under paragraph (1) of this subsection unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

(d) State Alternate Vehicle Mileage Disclosure Requirements. - The requirements of subsections (b) and (c)(1) of this section on the disclosure of motor vehicle mileage when motor vehicles are transferred or leased apply in a State unless the State has in effect alternate motor vehicle mileage disclosure requirements approved by the Secretary. The Secretary shall approve alternate motor vehicle mileage disclosure requirements submitted by a State unless the Secretary decides that the requirements are not consistent with the purpose of the disclosure required by subsection (b) or (c), as the case may be.

(e) Auction Sales. - If a motor vehicle is sold at an auction, the auction company conducting the auction shall maintain the following records for at least 4 years after the date of the sale:

(1) the name of the most recent owner of the motor vehicle (except the auction company) and the name of the buyer of the motor vehicle.

(2) the vehicle identification number required under chapter 301 or 331 of this title.

(3) the odometer reading on the date the auction company took possession of the motor vehicle.

(f) Application and Revision of State Law. - (1) Except as provided in paragraph (2) of this subsection, subsections (b)-(e) of this section apply to the transfer of a motor vehicle after April 28, 1989.

(2) If a State requests, the Secretary shall assist the State in revising its laws to comply with subsection (b) of this section. If a State requires time beyond April 28, 1989, to revise its laws to

achieve compliance, the Secretary, on request of the State, may grant additional time that the Secretary considers reasonable by publishing a notice in the Federal Register. The notice shall include the reasons for granting the additional time. In granting additional time, the Secretary shall ensure that the State is making reasonable efforts to achieve compliance.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1049; Pub. L. 103-429, Sec. 6(34), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104-287, Sec. 5(62), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105-178, title VII, Sec. 7105, June 9, 1998, 112 Stat. 467.)

-MISC1-

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32705(a)	15:1988(a).	Oct. 20, 1972, Pub. L. 92-513, Sec. 408(a), 86 Stat. 962.
	15:1988(b) (related to false statements).	Oct. 20, 1972, Pub. L. 92-513, Sec. 408(b) (related to false statements), 86 Stat. 963; restated July 14, 1976, Pub. L. 94-364, Sec. 406, 90 Stat. 983.
	15:1988(c).	Oct. 20, 1972, Pub. L. 92-513, Sec. 408(c), 86 Stat. 963; restated July 14, 1976, Pub. L. 94-364, Sec. 406, 90 Stat. 984.
32705(b) (1)	15:1988(d) (1) (A), (B).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 408(d) (1) (A), (B), (2)-(g); added Oct. 28, 1986, Pub. L. 99-579, Sec. 2(a), 100 Stat. 3309.
32705(b) (2)	15:1988(d) (1) (C).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 408(d) (1) (C); added Oct. 31, 1988, Pub. L. 100-561, Sec. 401, 102 Stat. 2817; Nov. 28, 1990, Pub. L. 101-641, Sec. 7(a), 104 Stat. 4657.
	15:1988 (note).	Nov. 28, 1990, Pub. L. 101-641, Sec. 7(b) (last sentence), 104 Stat. 4657.
32705(b) (3)	15:1988(d) (2).	
32705(c)	15:1988(e).	
32705(d)	15:1988(f).	
32705(e)	15:1988(g).	
32705(f)	15:1988 (note).	Oct. 28, 1986, Pub. L. 99-579, Sec. 2(c), 100 Stat.

-----

In subsection (a)(1), before clause (A), the words "Not later than 90 days after October 20, 1972" are omitted as executed. In clause (B), the words "if the transferor knows that the mileage registered by the odometer is incorrect" are substituted for "if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled" to eliminate unnecessary words.

In subsection (b)(2)(A), before clause (i), the words "Under regulations prescribed by the Secretary" are substituted for "prescribed by rule by the Secretary" for consistency in the revised title and because "rule" is synonymous with "regulation". The words "to a transferor" are added for clarity. The words "before February 1, 1989" are omitted as expired. The words "in the possession of" are substituted for "physically held by", and the words "when the transferor transfers ownership of the vehicle" are substituted for "at the time of a transfer of such motor vehicle", for clarity and consistency. The words "the transferor may" are substituted for "nothing in this subsection shall be construed to prohibit" for clarity and to eliminate unnecessary words. Clause (i) is substituted for "in a form" and clause (ii) is substituted for "in accordance with paragraph (2)(A)(i)" for clarity and consistency. In clause (iii), the words "consistent with the purposes of this Act and the need to facilitate enforcement thereof" are omitted as surplus. In clauses (iv), (v), (viii), and (ix), the amendment made by section 7(a) of the Independent Safety Board Act Amendments of 1990 (Public Law 101-641, 104 Stat. 4657) is restated as amending section 408(d)(1)(C) of the Motor Vehicle and Cost Savings Act (15 U.S.C. 1988(d)(1)(C)) instead of section 408(d)(2)(C) of that Act to reflect the probable intent of Congress. There is no section 408(d)(2)(C) in that Act. Clause (vii) is substituted for "and under reasonable conditions" for clarity and consistency.

In subsection (b)(3)(A), before clause (i), the words "following such transfer" are omitted as surplus. In clause (i), the word "produced" is substituted for "set forth" for clarity. In clause (iii), the words "(in the event of a future transfer)" are omitted as surplus.

In subsection (d), the text of 15:1988(f)(1) (last sentence) is omitted as surplus because of 49:322(a).

In subsection (e), before clause (1), the words "establish and" are omitted as executed.

In subsection (f)(1), the text of section 2(c)(3) of the Truth in Mileage Act of 1986 (Public Law 99-579, 100 Stat. 3311) is omitted as surplus.

PUB. L. 103-429

This amends 49:32705(c)(2)(A) to clarify the restatement of 15:1988(e)(2)(A) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1051).

PUB. L. 104-287

This amends 49:32702(8) and 32705 to clarify the restatement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1049).

1998 - Subsec. (a)(4), (5). Pub. L. 105-178 added pars. (4) and (5).

1996 - Subsec. (a). Pub. L. 104-287, Sec. 5(62)(A), substituted "Disclosure requirements" for "Written disclosure requirements" in heading and amended text generally. Prior to amendment, text read as follows:

"(1) Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a motor vehicle shall give the transferee a written disclosure -

"(A) of the cumulative mileage registered by the odometer; or

"(B) that the mileage is unknown if the transferor knows that the mileage registered by the odometer is incorrect.

"(2) A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

"(3) A person acquiring a motor vehicle for resale may accept a disclosure under this section only if it is complete.

"(4) The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under this section."

Subsec. (b)(3)(A). Pub. L. 104-287, Sec. 5(62)(B), substituted "may not be licensed for use in a State unless" for "may be licensed for use in a State only if" in introductory provisions.

1994 - Subsec. (c)(2)(A). Pub. L. 103-429 amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "the mileage disclosure requirements of subsection (a) of this section; and".

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

#### REGULATIONS

Section 4(q) of Pub. L. 103-272 provided that: "The revision of regulations, referred to in section 32705(b)(2)(A) of title 49, United States Code, as enacted by section 1 of this Act, that is required by section 7 of the Independent Safety Board Act Amendments of 1990 (Public Law 101-641, 104 Stat. 4657) [former 15 U.S.C. 1988(d)(1)(C), 1988 note] shall be prescribed not later than May 28, 1991."

-End-

-CITE-

49 USC Sec. 32706

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32706. Inspections, investigations, and records

-STATUTE-

(a) Authority To Inspect and Investigate. - Subject to section 32707 of this title, the Secretary of Transportation may conduct an inspection or investigation necessary to carry out this chapter or a regulation prescribed or order issued under this chapter. The Secretary shall cooperate with State and local officials to the greatest extent possible in conducting an inspection or investigation. The Secretary may give the Attorney General information about a violation of this chapter or a regulation prescribed or order issued under this chapter.

(b) Entry, Inspection, and Impoundment. - (1) In carrying out subsection (a) of this section, an officer or employee designated by the Secretary, on display of proper credentials and written notice to the owner, operator, or agent in charge, may -

(A) enter and inspect commercial premises in which a motor vehicle or motor vehicle equipment is manufactured, held for shipment or sale, maintained, or repaired;

(B) enter and inspect noncommercial premises in which the Secretary reasonably believes there is a motor vehicle or motor vehicle equipment that is an object of a violation of this chapter;

(C) inspect that motor vehicle or motor vehicle equipment; and

(D) impound for not more than 72 hours for inspection a motor vehicle or motor vehicle equipment that the Secretary reasonably believes is an object of a violation of this chapter.

(2) An inspection or impoundment under this subsection shall be conducted at a reasonable time, in a reasonable way, and with reasonable promptness. The written notice may consist of a warrant issued under section 32707 of this title.

(c) Reasonable Compensation. - When the Secretary impounds for inspection a motor vehicle (except a vehicle subject to subchapter I of chapter 135 of this title) or motor vehicle equipment under subsection (b)(1)(D) of this section, the Secretary shall pay reasonable compensation to the owner of the vehicle or equipment if the inspection or impoundment results in denial of use, or reduction in value, of the vehicle or equipment.

(d) Records and Information Requirements. - (1) To enable the Secretary to decide whether a dealer or distributor is complying with this chapter and regulations prescribed and orders issued under this chapter, the Secretary may require the dealer or distributor -

(A) to keep records;

(B) to provide information from those records if the Secretary states the purpose for requiring the information and identifies the information to the fullest extent practicable; and

(C) to allow an officer or employee designated by the Secretary to inspect relevant records of the dealer or distributor.

(2) This subsection and subsection (e)(1)(B) of this section do not authorize the Secretary to require a dealer or distributor to provide information on a regular periodic basis.

(e) Administrative Authority and Civil Actions To Enforce. - (1) In carrying out this chapter, the Secretary may -

(A) inspect and copy records of any person at reasonable times;

(B) order a person to file written reports or answers to specific questions, including reports or answers under oath; and

(C) 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.

(3) A civil action to enforce a subpoena or order of the Secretary under this subsection may be brought in the United States district court for any judicial district in which the proceeding by the Secretary is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena or order of the Secretary as a contempt of court.

(f) Prohibitions. - A person may not fail to keep records, refuse access to or copying of records, fail to make reports or provide information, fail to allow entry or inspection, or fail to permit impoundment, as required under this section.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1052; Pub. L. 103-429, Sec. 6(35), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105-102, Sec. 2(19), Nov. 20, 1997, 111 Stat. 2205.)

-MISC1-

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32706(a)	15:1990d(a) (1).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Secs. 414(a)-(c), 416; added July 14, 1976, Pub. L. 94-364, Sec. 408(2), 90 Stat. 985, 988.
32706(b)	15:1990d(a) (2).	
32706(c)	15:1990d(a) (3).	
32706(d)	15:1990d(b).	
32706(e) (1)	15:1990d(c) (1)-(3).	
32706(e) (2)	15:1990d(c) (5).	
32706(e) (3)	15:1990d(c) (4).	
32706(f)	15:1990f.	

In subsection (a), the words "Subject to section 32707 of this title" are added for clarity. The words "appropriate" and "consistent with the purposes of this subsection" are omitted as surplus. The words "The Secretary may give the Attorney General information" are substituted for "Information obtained . . . may be referred to the Attorney General for investigative consideration" to eliminate unnecessary words.

In subsection (b) (1), before clause (A), the words "duly" and

"stating their purpose and" are omitted as surplus. In clause (A), the words "any factory, warehouse, establishment, or other" are omitted as surplus.

In subsection (b)(2), the words "shall be commenced and completed" are omitted as surplus. The words "a warrant issued under section 32707 of this title" are substituted for "an administrative inspection warrant" for clarity.

In subsection (c), the words "the authority of" and "any item of" are omitted as surplus.

In subsection (d)(1), before clause (A), the words "the Secretary may require" are substituted for "as the Secretary may reasonably require" and "as the Secretary finds necessary" to eliminate unnecessary words. In clause (B), the words "such officer or employee" and "reason or" are omitted as surplus. In clause (C), the words "duly" and "upon request of such officer or employee" are omitted as surplus.

In subsection (d)(2), the words "and subsection (e)(1)(B) of this section" are added for clarity.

In subsection (e)(1), before clause (A), the words "In carrying out this chapter" are substituted for "For the purpose of carrying out the provisions of this subchapter", "In order to carry out the provisions of this subchapter", "relevant to any function of the Secretary under this subchapter", and "relating to any function of the Secretary under this subchapter" for consistency. The words "or, with the authorization of the Secretary, any officer or employee of the Department of Transportation" and "or his duly authorized agent" are omitted as surplus because of 49:322(b). In clause (A), the words "inspect and copy" are substituted for "have access to, and for the purposes of examination the right to copy" to eliminate unnecessary words. The word "records" is substituted for "documentary evidence" for consistency. The words "having materials or information" are omitted as surplus. In clause (B), the word "order" is substituted for "require, by general or special orders" to eliminate unnecessary words. The words "in such form as the Secretary may prescribe" and "shall be filed with the Secretary within such reasonable period as the Secretary may prescribe" are omitted as surplus because of 49:322(a). In clause (C), the words "sit and act at such times and places" are omitted as being included in "conduct hearings".

In subsection (e)(3), the words "A civil action to enforce a subpoena or order of the Secretary under this subsection may be brought in the United States district court for the judicial district in which the proceeding by the Secretary was conducted" are substituted for 15:1990d(c)(4) (words before last comma) for consistency in the revised title and to eliminate unnecessary words.

#### PUB. L. 103-429

This amends 49:32706(e)(3) to clarify the restatement of 15:1990d(c)(4) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1053).

#### PUB. L. 105-102

This amends 49:32706(c) to correct a cross-reference necessary because of the restatement of subtitle IV of title 49 by the ICC Termination Act (Public Law 104-88, 109 Stat. 803).

#### AMENDMENTS

1997 - Subsec. (c). Pub. L. 105-102 substituted "subchapter I of

chapter 135" for "subchapter II of chapter 105".

1994 - Subsec. (e)(3). Pub. L. 103-429 substituted "any judicial district in which the proceeding by the Secretary is conducted." for "the judicial district in which the proceeding by the Secretary was conducted."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

-End-

-CITE-

49 USC Sec. 32707

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32707. Administrative warrants

-STATUTE-

(a) Definition. - In this section, "probable cause" means a valid public interest in the effective enforcement of this chapter or a regulation prescribed under this chapter sufficient to justify the inspection or impoundment in the circumstances stated in an application for a warrant under this section.

(b) Warrant Requirement and Issuance. - (1) Except as provided in paragraph (4) of this subsection, an inspection or impoundment under section 32706 of this title may be carried out only after a warrant is obtained.

(2) A judge of a court of the United States or a State court of record or a United States magistrate may issue a warrant for an inspection or impoundment under section 32706 of this title within the territorial jurisdiction of the court or magistrate. The warrant must be based on an affidavit that -

(A) establishes probable cause to issue the warrant; and

(B) is sworn to before the judge or magistrate by an officer or employee who knows the facts alleged in the affidavit.

(3) The judge or magistrate shall issue the warrant when the judge or magistrate decides there is a reasonable basis for believing that probable cause exists to issue the warrant. The warrant must -

(A) identify the premises, property, or motor vehicle to be inspected and the items or type of property to be impounded;

(B) state the purpose of the inspection, the basis for issuing the warrant, and the name of the affiant;

(C) direct an individual authorized under section 32706 of this title to inspect the premises, property, or vehicle for the purpose stated in the warrant and, when appropriate, to impound the property specified in the warrant;

(D) direct that the warrant be served during the hours

specified in the warrant; and

(E) name the judge or magistrate with whom proof of service is to be filed.

(4) A warrant under this section is not required when -

(A) the owner, operator, or agent in charge of the premises consents;

(B) it is reasonable to believe that the mobility of the motor vehicle to be inspected makes it impractical to obtain a warrant;

(C) an application for a warrant cannot be made because of an emergency;

(D) records are to be inspected and copied under section 32706(e)(1)(A) of this title; or

(E) a warrant is not constitutionally required.

(c) Service and Impoundment of Property. - (1) A warrant issued under this section must be served and proof of service filed not later than 10 days after its issuance date. The judge or magistrate may allow additional time in the warrant if the Secretary of Transportation demonstrates a need for additional time. Proof of service must be filed promptly with a written inventory of the property impounded under the warrant. The inventory shall be made in the presence of the individual serving the warrant and the individual from whose possession or premises the property was impounded, or if that individual is not present, a credible individual except the individual making the inventory. The individual serving the warrant shall verify the inventory. On request, the judge or magistrate shall send a copy of the inventory to the individual from whose possession or premises the property was impounded and to the applicant for the warrant.

(2) When property is impounded under a warrant, the individual serving the warrant shall -

(A) give the person from whose possession or premises the property was impounded a copy of the warrant and a receipt for the property; or

(B) leave the copy and receipt at the place from which the property was impounded.

(3) The judge or magistrate shall file the warrant, proof of service, and all documents filed about the warrant with the clerk of the United States district court for the judicial district in which the inspection is made.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1053.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32707(a)	15:1990e(b)(1) (last sentence).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 415; added July 14, 1976, Pub. L. 94-364, Sec. 408(2),

- 32707(b) (1) 15:1990e(a) (words before 1st comma).
- 32707(b) (2) 15:1990e(b) (1) (1st sentence), (2) (1st sentence).
- 32707(b) (3) 15:1990e(b) (2) (2d, last sentences).
- 32707(b) (4) 15:1990e(a) (words after 1st comma).
- 32707(c) (1) 15:1990e(b) (3) (1st, 3d-last sentences).
- 32707(c) (2) 15:1990e(b) (3) (2d sentence).
- 32707(c) (3) 15:1990e(b) (4).

-----

In subsection (a), the words "inspection or impoundment" are substituted for "administrative inspections of the area, factory, warehouse, establishment, premises, or motor vehicle, or contents thereof" to eliminate unnecessary words and for consistency in this section.

In subsection (b)(1), the words "Except as provided in paragraph (4) of this subsection" are added for clarity. The words "an inspection or impoundment" are substituted for "any entry or administrative inspection (including impoundment of motor vehicles or motor vehicle equipment)" to eliminate unnecessary words.

In subsection (b)(2), before clause (A), the words "inspection or impoundment" are substituted for "the purpose of conducting administrative inspections authorized by section 1990d of this title and impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections" for consistency in this section. The words "of the court or magistrate" are substituted for "his" for clarity. The words "and upon proper oath or affirmation" are omitted as surplus because of clause (B). Clause (A) is substituted for "showing probable cause" and "and establishing the grounds for issuing the warrant" to eliminate unnecessary words.

In subsection (b)(3), before clause (A), the words "when the judge or magistrate decides there is a reasonable basis for believing that probable cause exists to issue the warrant" are substituted for "If the judge or magistrate is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist" for consistency in this section and to eliminate unnecessary words. In clauses (A) and (C), the words "area, factory, warehouse, establishment" are omitted as being included in "premises". In clause (A), the word "property" is substituted for "and, where appropriate, the type of property to be inspected, if any" to eliminate unnecessary words. In clause (B), the words "the name of the affiant" are substituted for "the name of the person or persons whose affidavit has been taken in support thereof" to eliminate unnecessary words. In clause (C), the words "command the person to whom it is directed" are omitted as surplus. The word "property" is added for consistency with the source provisions restated in clause (A) of this paragraph. In clause (E), the words "proof of service is to be filed" are substituted for "it shall be returned" for clarity.

In subsection (b)(4)(A), the words "factory, warehouse, establishment" are omitted as being included in "premises".

Subsection (b) (4) (C) is substituted for 15:1990e(a) (3) to eliminate unnecessary words.

In subsection (b) (4) (D), the words "are to be inspected and copied" are substituted for "for access to and examination" for consistency.

In subsection (b) (4) (E), the words "in any other situations where" are omitted as surplus.

In subsection (c) (2) (A), the words "from whose possession or" are substituted for "from whom or from whose" for clarity.

In subsection (c) (3), the words "shall file the warrant, proof of service, and all documents filed about the warrant" are substituted for "shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them" to eliminate unnecessary words. The words "United States district court" are substituted for "district court of the United States" for consistency with the definition in section 32101 of the revised title and with other provisions of the chapter.

-CHANGE-

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

-End-

-CITE-

49 USC Sec. 32708

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32708. Confidentiality of information

-STATUTE-

(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.

(b) Withholding Information From Congress. - This section does not authorize information to be withheld from a committee of Congress authorized to have the information.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1054.)

-MISC1-

HISTORICAL AND REVISION NOTES

---

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32708	15:1990d(d).	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Sec. 414(d); added July 14, 1976, Pub. L. 94-364, Sec. 408(2), 90 Stat. 987.

---

In subsection (a), before clause (1), the words "reported to or otherwise" and "or his 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. The words "shall be considered confidential for the purpose of that section" are omitted as surplus.

In subsection (b), the words "a committee of Congress authorized to have the information" are substituted for "the duly authorized committees of the Congress" for clarity.

-End-

-CITE-

49 USC Sec. 32709

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32709. Penalties and enforcement

-STATUTE-

(a) Civil Penalty. - (1) A person that violates this chapter or a regulation prescribed or order issued under this chapter is liable to the United States Government for a civil penalty of not more than \$2,000 for each violation. A separate violation occurs for each motor vehicle or device involved in the violation. The maximum penalty under this subsection for a related series of violations is \$100,000.

(2) The Secretary of Transportation shall impose a civil penalty under this subsection. The Attorney General shall bring a civil action to collect the penalty. Before referring a penalty claim to the Attorney General, the Secretary may compromise the amount of the penalty. Before compromising the amount of the penalty, the Secretary shall give the person charged with a violation an opportunity to establish that the violation did not occur.

(3) In determining the amount of a civil penalty under this subsection, the Secretary shall consider -

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(b) Criminal Penalty. - A person that knowingly and willfully violates this chapter or a regulation prescribed or order issued under this chapter shall be fined under title 18, imprisoned for not more than 3 years, or both. If the person is a corporation, the penalties of this subsection also apply to a director, officer, or individual agent of a corporation who knowingly and willfully authorizes, orders, or performs an act in violation of this chapter or a regulation prescribed or order issued under this chapter without regard to penalties imposed on the corporation.

(c) Civil Actions by Attorney General. - The Attorney General may bring a civil action to enjoin a violation of this chapter or a regulation prescribed or order issued under this chapter. The action may be brought in the United States district court for 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. A subpoena for a witness in the action may be served in any judicial district.

(d) Civil Actions by States. - (1) When a person violates this chapter or a regulation prescribed or order issued under this chapter, the chief law enforcement officer of the State in which the violation occurs may bring a civil action -

(A) to enjoin the violation; or

(B) to recover amounts for which the person is liable under section 32710 of this title for each person on whose behalf the action is brought.

(2) An action under this subsection may be brought in an appropriate United States district court or in a State court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1054.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32709(a)	15:1988(b) (related to violating rules).	Oct. 20, 1972, Pub. L. 92-513, Sec. 408(b) (related to violating rules), 86 Stat. 963; restated July 14, 1976, Pub. L. 94-364, Sec. 406, 90 Stat. 983.
	15:1990b.	Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, Secs. 412, 413; added July 14, 1976, Pub. L. 94-364, Sec.

408(2), 90 Stat. 984; Oct.  
28, 1986, Pub. L. 99-579,  
Sec. 3, 100 Stat. 3311.

32709(b) 15:1988(b) (related  
to violating rules).  
15:1990c.  
32709(c) 15:1990. Oct. 20, 1972, Pub. L.  
92-513, Sec. 410, 86 Stat.  
963; restated July 14, 1976,  
Pub. L. 94-364, Sec. 407, 90  
Stat. 984.  
32709(d) 15:1990a. Oct. 20, 1972, Pub. L.  
92-513, 86 Stat. 947, Sec.  
411; added July 14, 1976,  
Pub. L. 94-364, Sec. 408(2),  
90 Stat. 984.

-----

In subsection (a)(1), the words "that violates this chapter" are substituted for "who commits any act or causes to be done any act that violates any provision of this subchapter or omits to do any act or causes to be omitted any act that is required by any such provision" in 15:1990b(a) for consistency and to eliminate unnecessary words. The words "or a regulation prescribed or order issued under this chapter" are substituted for "No transferor shall violate any rule prescribed under this section" in 15:1988 for consistency in the revised title and because "rule" is synonymous with "regulations". The words "A separate violation occurs for each motor vehicle or device involved in the violation" are substituted for "A violation of any such provision shall, for purposes of this section, constitute a separate violation with respect to each motor vehicle or device involved" in 15:1990b(a) to eliminate unnecessary words.

In subsection (a)(2), the words "on behalf of the United States" are omitted as surplus. The words "Before compromising the amount of a penalty, the Secretary shall give" are substituted for "after affording" for clarity. The words "to present views and evidence in support thereof" and "alleged" are omitted as surplus.

In subsection (b), the words "that knowingly and willfully violates this chapter" are substituted for "knowingly and willfully commits any act or causes to be done any act that violates any provision of this subchapter or knowingly and willfully omits to do any act or causes to be omitted any act that is required by such provision" to eliminate unnecessary words. The words "or a regulation prescribed or order issued under this chapter" are substituted for "No transferor shall violate any rule prescribed under this section" in 15:1988 for consistency in the revised title and because "rule" is synonymous with "regulation". The words "fined under title 18" are substituted for "fined not more than \$50,000" for consistency with title 18. The words "an act in violation of" are substituted for "any of the acts or practices constituting in whole or in part a violation of" to eliminate unnecessary words.

In subsections (c) and (d), the word "enjoin" is substituted for "restrain" for consistency.

In subsection (c), the words "The United States district courts 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 exemption from them. The words "the violation occurred" are substituted for "wherein any act, omission, or transaction constituting the violation occurred", and the word "resides" is substituted for "is an inhabitant", to eliminate unnecessary words. The words "may be served in" are substituted for "may run into" for clarity.

In subsection (d)(1), before clause (A), the words "this chapter or a regulation prescribed or order issued under this chapter" are substituted for "requirement imposed under this subchapter" for consistency. The words "civil action" are substituted for "any action" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (d)(2), the words "without regard to the amount in controversy" are omitted because jurisdiction is now allowed under 28:1331 without regard to the amount in controversy. The words "United States district court" are substituted for "district court of the United States" for consistency with the definition in section 32101 of the revised title and with other provisions of the chapter.

-End-

-CITE-

49 USC Sec. 32710

01/03/2012 (112-90)

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS  
PART C - INFORMATION, STANDARDS, AND REQUIREMENTS  
CHAPTER 327 - ODOMETERS

-HEAD-

Sec. 32710. Civil actions by private persons

-STATUTE-

(a) Violation and Amount of Damages. - A person that violates this chapter or a regulation prescribed or order issued under this chapter, with intent to defraud, is liable for 3 times the actual damages or \$1,500, whichever is greater.

(b) Civil Actions. - A person may bring a civil action to enforce a claim under this section in an appropriate United States district court or in another court of competent jurisdiction. The action must be brought not later than 2 years after the claim accrues. The court shall award costs and a reasonable attorney's fee to the person when a judgment is entered for that person.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1055.)

-MISC1-

HISTORICAL AND REVISION NOTES

-----  
Revised            Source (U.S. Code)            Source (Statutes at Large)  
Section



Oct. 20, 1972, Pub. L.  
92-513, Sec. 418, 86 Stat.  
963; July 14, 1976, Pub. L.  
94-364, Sec. 408(1), 90  
Stat. 984.

---

In this section, before clause (1), the words "and then only to the extent of the inconsistency" are omitted as surplus. In clause (1), the word "affect" is substituted for "annul, alter, or affect" to eliminate unnecessary words. In clause (2), the words "subject to the provisions of this subchapter" are omitted as surplus.

-End-