

(Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2429; Pub. L. 104-88, title III, §308(b), Dec. 29, 1995, 109 Stat. 946.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
333(a)	49:1654(a).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(a)-(e); added Feb. 5, 1976, Pub. L. 94-210, §401, 90 Stat. 61.
333(b)	49:1654(b).	
333(c)	49:1654(c).	
333(d)	49:1654(d).	
333(e)	49:1654(e).	

In the section, the word “transportation” is substituted for “services” for consistency.

In subsection (a), the words “feasible” and “but not limited to” are omitted as surplus.

In subsection (b), the words “In order” are omitted as surplus. The words “at least 2” are substituted for “two or more” for consistency.

In subsection (c)(1), the words “as are deemed” are omitted as unnecessary.

In subsection (c)(2), the words “and the study described in section 901 of the Railroad Revitalization and Regulatory Reform Act of 1976” and “or such section 901” are omitted as executed. The word “nature” is omitted as covered by “kind”. The word “When” is substituted for “to the extent” for consistency. The word “necessary” is omitted as being included in “appropriate”. A cross-reference to section 203(c) of the Regional Rail Reorganization Act of 1973 is included even though the law is unclear because section 1149 of the Omnibus Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 675) amended section 203 to repeal the powers referred to in the source provisions. No position is taken as to whether the powers described in section 203(c) are still in existence.

In subsection (d)(1)(A), the word “appropriate” is omitted as surplus.

In subsection (d)(1)(C), the words “representatives of” are added for consistency in the section.

In subsection (e), the words “in his judgment” are omitted as unnecessary and covered by “decide”. The word “satisfies” is substituted for “is in accordance with the standards set forth in” to eliminate unnecessary words.

REFERENCES IN TEXT

Section 203 of the Regional Rail Reorganization Act of 1973, referred to in subsec. (c)(2), which is classified to section 713 of Title 45, Railroads, was amended generally by Pub. L. 97-35, title XI, §1149, Aug. 13, 1981, 95 Stat. 675, and as so amended does not contain a subsec. (c). For further details, see the fifth par. of Historical and Revision Notes above.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104-88, §308(b)(1), substituted “11904” for “11910(a)(1)”.

Subsec. (e). Pub. L. 104-88, §308(b)(2), substituted “11323(a)” for “11343(a)” and “11324(b)” for “11344(b)”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Trans-

portation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

[[§§ 334, 335. Repealed. Pub. L. 103-272, § 4(j)(9)(A), July 5, 1994, 108 Stat. 1367]

Section 334, Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2430; Pub. L. 98-216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 100-223, title III, §304, Dec. 30, 1987, 101 Stat. 1525; Pub. L. 100-690, title VII, §7207(c)(3), Nov. 18, 1988, 102 Stat. 4428, related to a limit on aviation charges. See section 45301 of this title.

Section 335, Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2430, authorized appropriations to the Secretary of Transportation for fiscal years ending Sept. 30, 1983, and Sept. 30, 1984.

§ 336. Civil penalty procedures

(a) After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(d) The Secretary may refund or remit a civil penalty collected under this section if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

(Added Pub. L. 101-225, title III, §305(1), Dec. 12, 1989, 103 Stat. 1924.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 337. Budget request for the Director of Intelligence and Security

The annual budget the Secretary of Transportation submits shall include a specific request for the Office of the Director of Intelligence and