by applicable State law, may not coerce or attempt to coerce a carrier to transport the container or trailer or to operate the tractor-trailer combination in violation of that State law.

(d) NOTICE TO LEASED OPERATORS.—

(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, then—

(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

(B) the notice shall be provided to the operator prior to the operator being tendered the container or trailer;

(C) the notice required by this subsection shall be in writing, but may be transmitted electronically; and

(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.

(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 860; Pub. L. 104–291, title II, § 205, Oct. 11, 1996, 110 Stat. 3456.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5903(a)	49:508(a)(3) (related to violations).	
5903(b)	49:508(d).	
5903(c)	49:508(c).	

In this section, the words ''may not'' are substituted for ''it shall be a violation'' and ''It shall be unlawful'' for consistency in the revised title.

In subsection (a), the words ''After the date on which the Secretary of Transportation issues final regulations to enforce this section'' are omitted because of section 5907(b) of the revised title. The words ''to fail to comply with paragraph (1) or (2)'' are omitted as unnecessary because the failure to comply with an affirmative duty is a violation without the need to say so specifically. The word ''false'' is omitted as included in ''erroneous''. The word ''written'' is omitted as surplus.

In subsection (b), the words ''(as such term is defined in section 10102 of this title)'' are omitted as unnecessary because of section 5901(1) of the revised title. The word ''transport'' is substituted for ''provide transportation of'' for consistency and to eliminate unnecessary words.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–291, § 205(1), inserted '', To whom section 5902(b) applies,'' after ''person''.

Subsec. (b). Pub. L. 104–291, § 205(2), added subsec. (b) and struck out former subsec. (b) which read as follows:

''(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—A motor carrier may not transport a loaded container or trailer to which section 5902(b) of this title applies before receiving the certification required by section 5902(b).''

Subsec. (c). Pub. L. 104–291, § 205(3), substituted ''29,000 pounds'' for ''10,000 pounds (including packing materials and pallets)''.

Subsec. (d). Pub. L. 104–291, § 205(4), added subsec. (d).

§ 5904. State enforcement

(a) GENERAL.—A State may enact a law to permit the State or a political subdivision of the State—

(1) to impose a fine or penalty, for a violation of a State highway weight law or regulation by a tractor-trailer combination carrying a loaded container or trailer for which a certification is required by section 5902(b) of this title, against the person tendering the loaded container or trailer to the first carrier if the violation results from the person's having provided erroneous information in the certification in violation of section 5903(a) of this title; and

(2) to impound the container or trailer until the fine or penalty has been paid by the owner or beneficial owner of the contents of the container or trailer or the person tendering the loaded container or trailer to the first carrier.

(b) LIMITATION.—This chapter does not require a person tendering a loaded container or trailer to a first carrier to ensure that the first carrier or any other carrier involved in the intermodal transportation will comply with any State highway weight law or regulation, other than as required by this chapter.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 861.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5904(a)	49:508(f).	
5904(b)	49:508(h).	

In subsection (a)(1), the words ''false'' and ''written'' are omitted as surplus and for consistency with section 5903(a) of the revised title.

In subsection (b), the words ''does not require'' are substituted for ''shall not be construed as creating any obligation or responsibility for'' to eliminate unnecessary words. The words ''State highway weight law or regulation'' are substituted for ''State statutes or regulations prescribing weight limitations for highway transportation'' for consistency with subsection (a) of this section and to eliminate unnecessary words.

§ 5905. Liens

(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;