(2) the failure of the party required to provide the certification to the first carrier to provide it;

(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c),

then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.

(b) LIMITATIONS.—(1) A lien under this section does not authorize a person to dispose of the contents of a loaded container or trailer until the person who tendered the container or trailer to the first carrier, or the owner or beneficial owner of the contents, is given a reasonable opportunity to establish responsibility for the bond, fine, penalty, cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.

(2) In this section, an owner or beneficial owner of the contents of a container or trailer or a person tendering a container or trailer to the first carrier is deemed not to be a person involved in the intermodal transportation of the container or trailer.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 861; Pub. L. 104–291, title II, § 206, Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5905(a)	49:508(g)(1).	
5905(b)	49:508(g)(2)(A), (B).	

In this section, the word ''expenses'' is omitted as surplus.

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

In subsection (b)(1), the word ''establish'' is substituted for ''determine'' for consistency in the revised title.

In subsection (b)(2), the words ''is deemed not to be'' are substituted for ''shall not be treated as'' for consistency in the revised title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–291, § 206(1), added subsec. (a) and struck out former subsec. (a) which read as follows:

''(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 under State law to post a bond or pay any fine, penalty, cost, or interest resulting from providing erroneous information in the certification to the first carrier in violation of section 5903(a) of this title, the person has a lien against the contents equal to the amount of the bond, fine, penalty, cost, or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making the certification.''

Subsec. (b)(1). Pub. L. 104–291, § 206(3), substituted ''cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.'' for ''cost, or interest.''

Pub. L. 104–291, § 206(2), inserted '', or the owner or beneficial owner of the contents,'' after ''first carrier''.

§ 5906. Perishable agricultural commodities

Section 5905 of this title does not apply to a container or trailer the contents of which are perishable agricultural commodities (as defined in the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.)).

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 861; Pub. L. 104–291, title II, § 207, Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5906	49:508(g)(2)(C).	

REFERENCES IN TEXT

The Perishable Agricultural Commodities Act, 1930, referred to in text, is act June 10, 1930, ch. 436, 46 Stat. 531, as amended, which is classified generally to chapter 20A (§ 499a et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 499a(a) of Title 7 and Tables.

AMENDMENTS

1996—Pub. L. 104–291 substituted ''Section 5905 of this title does'' for ''Sections 5904(a)(2) and 5905 of this title do''.

§ 5907. Effective date

This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996.

(Pub. L. 103–272, § 1(d), July 5, 1994, 108 Stat. 862; Pub. L. 104–291, title II, § 208(a), Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5907(a)	49:508 (note).	Oct. 28, 1992, Pub. L. 102–548, § 2(d), 106 Stat. 3649.
5907(b)	49:508(a)(3) (related to effective date).	

In subsection (a), the words ''shall initiate a proceeding to issue regulations . . . within 180 days after the date of enactment of this Act'' are omitted as executed.

Subsection (b) is substituted for the source provision and made applicable to the entire chapter for clarity.

REFERENCES IN TEXT

The date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996, referred to in text, is the date of enactment of Pub. L. 104–291, which was approved Oct. 11, 1996.

AMENDMENTS

1996—Pub. L. 104–291 substituted ''Effective date'' for ''Regulations and effective date'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) REGULATIONS.—Not later than July 25, 1993, the Secretary of Transportation shall prescribe final regulations to enforce this chapter. The Secretary may establish by regulation exemptions to the regulations that are in the public interest and consistent with the purposes of this chapter.

''(b) EFFECTIVE DATE.—This chapter is effective on the date final regulations to enforce this chapter are prescribed.''

§ 5908. Relationship to other laws

Nothing in this chapter affects—

(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.

(Added Pub. L. 104–291, title II, § 209(a), Oct. 11, 1996, 110 Stat. 3458.)

CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

Sec.
6101. Purposes.
6102. Definitions.
6103. Minimum standards for State one-call notification programs.
6104. Compliance with minimum standards.
6105. Implementation of best practices guidelines.
6106. Grants to States.
6107. Authorization of appropriations.
6108. Relationship to State laws.
6109. Public education and awareness.

AMENDMENTS

2006—Pub. L. 109–468, § 3(b), Dec. 29, 2006, 120 Stat. 3490, added item 6109.

2002—Pub. L. 107–355, § 2(c)(2), Dec. 17, 2002, 116 Stat. 2986, substituted ''Implementation of best practices guidelines'' for ''Review of one-call system best practices'' in item 6105.

§ 6101. Purposes

The purposes of this chapter are—

(1) to enhance public safety;

(2) to protect the environment;

(3) to minimize risks to excavators; and

(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the voluntary adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

(Added Pub. L. 105–178, title VII, § 7302(a), June 9, 1998, 112 Stat. 478.)

TRANSFER OF FUNCTIONS

For transfer of duties, powers, and authority of Research and Special Programs Administration under this chapter to the Administrator of the Pipeline and Hazardous Materials Safety Administration, see section 2(b) of Pub. L. 108–426, set out as a note under section 108 of this title.

CONGRESSIONAL FINDINGS

Pub. L. 105–178, title VII, § 7301, June 9, 1998, 112 Stat. 477, provided that: ''Congress finds that—

''(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

''(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate or untimely marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

''(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.''

§ 6102. Definitions

In this chapter, the following definitions apply:

(1) ONE-CALL NOTIFICATION SYSTEM.—The term ''one-call notification system'' means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term ''State one-call notification program'' means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

(3) STATE.—The term ''State'' means a State, the District of Columbia, and Puerto Rico.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(Added Pub. L. 105–178, title VII, § 7302(a), June 9, 1998, 112 Stat. 478.)

§ 6103. Minimum standards for State one-call notification programs

(a) MINIMUM STANDARDS.—In order to qualify for a grant under section 6106, a State one-call notification program shall, at a minimum, provide for—

(1) appropriate participation by all underground facility operators, including all government operators;

(2) appropriate participation by all excavators, including all government and contract excavators; and

(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

(1) damage to types of underground facilities; and