

marily on the basis of the distance traveled; and

(ii) does not primarily provide transportation to or from airports.

(23) TRANSPORTATION.—The term “transportation” includes—

(A) a motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and

(B) services related to that movement, including arranging for, receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, packing, unpacking, and interchange of passengers and property.

(24) UNITED STATES.—The term “United States” means the States of the United States and the District of Columbia.

(25) VESSEL.—The term “vessel” means a watercraft or other artificial contrivance that is used, is capable of being used, or is intended to be used, as a means of transportation by water.

(26) WATER CARRIER.—The term “water carrier” means a person providing water transportation for compensation.

(27) OVER-THE-ROAD BUS.—The term “over-the-road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 854; amended Pub. L. 104-287, §5(27), Oct. 11, 1996, 110 Stat. 3390; Pub. L. 106-159, title II, §209(a), Dec. 9, 1999, 113 Stat. 1764; Pub. L. 107-298, §3(a), Nov. 26, 2002, 116 Stat. 2343; Pub. L. 109-59, title IV, §§4142(a), 4202(b), Aug. 10, 2005, 119 Stat. 1747, 1751; Pub. L. 110-244, title III, §305(c), June 6, 2008, 122 Stat. 1620; Pub. L. 110-291, §3, July 30, 2008, 122 Stat. 2915.)

HISTORICAL AND REVISION NOTES

PUB. L. 104-287, §5(27)(A)

This amends 49:13102(4)(A) by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104-88, 109 Stat. 803) and the day before that date.

PUB. L. 104-287, §5(27)(B)

This amends 49:13102(4)(B) for clarity and consistency.

REFERENCES IN TEXT

Section 10923, referred to in par. (4)(A), was omitted in the general amendment of this subtitle by Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 804, effective Jan. 1, 1996.

The date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005, referred to in par. (12)(B), is the date of enactment of subtitle B of title IV of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10102 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

2008—Pars. (6)(B), (7)(B), (14), (15). Pub. L. 110-244 substituted “motor vehicle” for “commercial motor vehicle (as defined in section 31132)”.

Par. (27). Pub. L. 110-291 added par. (27).

2005—Pars. (6)(B), (7)(B). Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle”.

Par. (12). Pub. L. 109-59, §4202(b), added par. (12). Former par. (12) redesignated (14).

Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle”.

Par. (13). Pub. L. 109-59, §4202(b), added par. (13). Former par. (13) redesignated (15).

Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle” in introductory provisions.

Pars. (14) to (26). Pub. L. 109-59, §4202(b), redesignated pars. (12) to (24) as (14) to (26), respectively.

2002—Pars. (17) to (24). Pub. L. 107-298 added pars. (17) and (20) and redesignated former pars. (17), (18), (19), (20), (21), and (22) as pars. (18), (19), (21), (22), (23), and (24), respectively.

1999—Par. (10)(A). Pub. L. 106-159 substituted “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;” for “, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling;”.

1996—Par. (4)(A). Pub. L. 104-287, §5(27)(A), substituted “January 1, 1996” for “the effective date of this section” and “December 31, 1995” for “the day before the effective date of this section”.

Par. (4)(B). Pub. L. 104-287, §5(27)(B), substituted “after December 31, 1995” for “on or after such date”.

APPLICATION OF CERTAIN PROVISIONS OF LAW

Pub. L. 109-59, title IV, §4202(c), Aug. 10, 2005, 119 Stat. 1752, provided that: “The provisions of title 49, United States Code, and this subtitle [subtitle B (§§ 4201-4216) of title IV of Pub. L. 109-59, see Short Title of 2005 Amendment note set out under section 10101 of this title] (including any amendments made by this subtitle), that relate to the transportation of household goods apply only to a household goods motor carrier (as defined in section 13102 of title 49, United States Code).”

DEFINITIONS

Pub. L. 109-59, title IV, §4202(a), Aug. 10, 2005, 119 Stat. 1751, provided that: “In this subtitle [subtitle B (§§ 4201-4216) of title IV of Pub. L. 109-59, see Short Title of 2005 Amendment note set out under section 10101 of this title], the terms ‘carrier’, ‘household goods’, ‘motor carrier’, ‘Secretary’, and ‘transportation’ have the meaning given to such terms in section 13102 of title 49, United States Code.”

§ 13103. Remedies as cumulative

Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or common law.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 856.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10103 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

CHAPTER 133—ADMINISTRATIVE PROVISIONS

Sec. 13301. Powers.

Sec.	
13302.	Intervention.
13303.	Service of notice in proceedings.
13304.	Service of process in court proceedings.

§ 13301. Powers

(a) GENERAL POWERS OF SECRETARY.—Except as otherwise specified, the Secretary shall carry out this part. Enumeration of a power of the Secretary in this part does not exclude another power the Secretary may have in carrying out this part. The Secretary may prescribe regulations in carrying out this part.

(b) OBTAINING INFORMATION.—The Secretary may obtain from carriers providing, and brokers for, transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker, information the Secretary decides is necessary to carry out this part.

(c) SUBPOENA POWER.—

(1) BY SECRETARY.—The Secretary may subpoena witnesses and records related to a proceeding under this part from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Secretary, or a party to a proceeding under this part, may petition a court of the United States to enforce that subpoena.

(2) ENFORCEMENT.—The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

(d) TESTIMONY OF WITNESSES.—

(1) PROCEDURE FOR TAKING TESTIMONY.—In a proceeding under this part, the Secretary may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending under this part may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

(2) SUBPOENA.—If a witness fails to be deposed or to produce records under paragraph (1) of this subsection, the Secretary may subpoena the witness to take a deposition, produce the records, or both.

(3) DEPOSITIONS.—A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

(4) NOTICE OF DEPOSITION.—Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

(5) TRANSCRIPT.—The testimony of a person deposed under this subsection shall be taken

under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

(6) FOREIGN COUNTRY.—The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Secretary or agreed on by the parties by written stipulation filed with the Secretary. A deposition shall be filed with the Secretary promptly.

(e) WITNESS FEES.—Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

(f) POWERS OF BOARD.—For those provisions of this part that are specified to be carried out by the Board, the Board shall have the same powers as the Secretary has under this section.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 856.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10321 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 701 of this title.

§ 13302. Intervention

Under regulations of the Secretary, reasonable notice of, and an opportunity to intervene and participate in, a proceeding under this part related to transportation subject to jurisdiction under subchapter I of chapter 135 shall be given to interested persons.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 858.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10328 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

§ 13303. Service of notice in proceedings

(a) AGENTS FOR SERVICE OF PROCESS.—A carrier, a broker, or a freight forwarder providing transportation or service subject to jurisdiction under chapter 135 shall designate, in writing, an agent by name and post office address on whom service of notices in a proceeding before, and of actions of, the Secretary may be made.

(b) FILING WITH STATE.—A motor carrier providing transportation under this part shall also file the designation with the appropriate authority of each State in which it operates. The designation may be changed at any time in the same manner as originally made.

(c) NOTICE.—A notice to a motor carrier, freight forwarder, or broker shall be served personally or by mail on the motor carrier, freight forwarder, or broker or on its designated agent. Service by mail on the designated agent shall be made at the address filed for the agent. When notice is given by mail, the date of mailing is