

tion, a State may elect to apply the provisions of the UCR agreement to motor carriers and motor private carriers and freight forwarders subject to its jurisdiction that operate solely in intrastate commerce within the borders of the State.

(Added Pub. L. 109-59, title IV, § 4305(b), Aug. 10, 2005, 119 Stat. 1764; amended Pub. L. 110-244, title III, § 301(m)-(p), June 6, 2008, 122 Stat. 1617; Pub. L. 110-432, div. A, title VII, § 701(d), Oct. 16, 2008, 122 Stat. 4906.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(7), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

The Federal Advisory Committee Act, referred to in subsec. (d)(9), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The date of enactment of the Unified Carrier Registration Act of 2005, referred to in subsecs. (e)(1) and (g)(1), (2), is the date of enactment of subtitle C of title IV of Pub. L. 109-59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-432, § 701(d)(1)(A), inserted “(except as provided in paragraph (5))” after “14506” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 110-432, § 701(d)(1)(B), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “Except as provided in subparagraph (B), the term ‘commercial motor vehicle’ has the meaning such term has under section 31101.”

Subsec. (a)(1)(B). Pub. L. 110-244, § 301(m), substituted “determining the size of a motor carrier or motor private carrier’s fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier” for “a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier’s authority or insurance related to operation within such State, the motor carrier”.

Subsec. (a)(5). Pub. L. 110-432, § 701(d)(1)(C), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “The term ‘motor carrier’ includes all carriers that are otherwise exempt from this part under subchapter I of chapter 135 or exemption actions by the former Interstate Commerce Commission under this title.”

Subsec. (c)(1)(B). Pub. L. 110-244, § 301(p)(1), substituted “a” for “the a”.

Subsec. (c)(2). Pub. L. 110-244, § 301(n), substituted “exclusively in intrastate operations” for “exclusively in interstate operations”.

Subsec. (d)(4)(C). Pub. L. 110-432, § 701(d)(2), inserted before period “, except that a decision to approve the exclusion of carriers from the definition of the term ‘motor carrier’ under subsection (a)(5) shall require an affirmative vote of ¾ of all such directors.”

Subsec. (f)(1)(A)(i). Pub. L. 110-244, § 301(p)(2), struck out “in connection with the filing of proof of financial responsibility” before “under the UCR agreement”.

Subsec. (f)(1)(A)(ii). Pub. L. 110-244, § 301(o), (p)(3), substituted “under the UCR agreement” for “in connection with such a filing” and struck out “or” before “under this paragraph.”

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

§ 14505. State tax

A State or political subdivision thereof may not collect or levy a tax, fee, head charge, or other charge on—

- (1) a passenger traveling in interstate commerce by motor carrier;
- (2) the transportation of a passenger traveling in interstate commerce by motor carrier;
- (3) the sale of passenger transportation in interstate commerce by motor carrier; or
- (4) the gross receipts derived from such transportation.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 904.)

§ 14506. Identification of vehicles

(a) RESTRICTION ON REQUIREMENTS.—No State, political subdivision of a State, interstate agency, or other political agency of two or more States may enact or enforce any law, rule, regulation standard, or other provision having the force and effect of law that requires a motor carrier, motor private carrier, freight forwarder, or leasing company to display any form of identification on or in a commercial motor vehicle (as defined in section 14504a), other than forms of identification required by the Secretary of Transportation under section 390.21 of title 49, Code of Federal Regulations.

(b) EXCEPTION.—Notwithstanding subsection (a), a State may continue to require display of credentials that are required—

- (1) under the International Registration Plan under section 31704;
- (2) under the International Fuel Tax Agreement under section 31705 or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement;
- (3) under a State law regarding motor vehicle license plates or other displays that the Secretary determines are appropriate;
- (4) in connection with Federal requirements for hazardous materials transportation under section 5103; or
- (5) in connection with the Federal vehicle inspection standards under section 31136.

(Added Pub. L. 109-59, title IV, § 4306(a), Aug. 10, 2005, 119 Stat. 1773; amended Pub. L. 110-244, title III, § 301(q), June 6, 2008, 122 Stat. 1617.)

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110-244 inserted “or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement” before semicolon at end.

CHAPTER 147—ENFORCEMENT; INVESTIGATIONS; RIGHTS; REMEDIES

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AMENDMENTS

2005—Pub. L. 109-59, title IV, § 4206(c), Aug. 10, 2005, 119 Stat. 1757, added items 14710 and 14711.

§ 14701. General authority

(a) INVESTIGATIONS.—The Secretary or the Board, as applicable, may begin an investigation under this part on the Secretary's or the Board's own initiative or on complaint. If the Secretary or Board, as applicable, finds that a carrier or broker is violating this part, the Secretary or Board, as applicable, shall take appropriate action to compel compliance with this part. If the Secretary finds that a foreign motor carrier or foreign motor private carrier is violating chapter 139, the Secretary shall take appropriate action to compel compliance with that chapter. The Secretary or Board, as applicable, may take action under this subsection only after giving the carrier or broker notice of the investigation and an opportunity for a proceeding.

(b) COMPLAINTS.—A person, including a governmental authority, may file with the Secretary or Board, as applicable, a complaint about a violation of this part by a carrier providing, or broker for, transportation or service subject to jurisdiction under this part or a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title. The complaint must state the facts that are the subject of the violation. The Secretary or Board, as applicable, may dismiss a complaint that it determines does not state reasonable grounds for investigation and action.

(c) DEADLINE.—A formal investigative proceeding begun by the Secretary or Board under subsection (a) of this section is dismissed automatically unless it is concluded with administrative finality by the end of the 3d year after the date on which it was begun.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 904.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11701 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.

CONSUMER COMPLAINT INFORMATION

Pub. L. 109-59, title IV, § 4214, Aug. 10, 2005, 119 Stat. 1759, provided that:

“(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall—

“(1) establish (A) a system for filing and logging consumer complaints relating to household goods

motor carriers for the purpose of compiling or linking complaint information gathered by the Department of Transportation and the States with regard to such carriers, (B) a database of the complaints, and (C) a procedure for the public to have access, subject to section 552(a) of title 5, United States Code, to aggregated information and for carriers to challenge duplicate or fraudulent information in the database; “(2) issue regulations requiring each motor carrier of household goods to submit on a quarterly basis a report summarizing—

“(A) the number of shipments that originate and are delivered for individual shippers during the reporting period by the carrier;

“(B) the number and general category of complaints lodged by consumers with the carrier;

“(C) the number of claims filed with the carrier for loss and damage in excess of \$500;

“(D) the number of such claims resolved during the reporting period;

“(E) the number of such claims declined in the reporting period; and

“(F) the number of such claims that are pending at the close of the reporting period; and

“(3) develop a procedure to forward a complaint, including the motor carrier bill of lading number, if known, related to the complaint to a motor carrier named in such complaint and to an appropriate State authority (as defined in section 14710(d) of title 49, United States Code) in the State in which the complainant resides.

“(b) USE OF INFORMATION.—The Secretary shall consider information in the data base established under subsection (a) in its household goods compliance and enforcement program.”

[For definitions of “carrier”, “household goods”, “motor carrier”, and “Secretary” as used in section 4214 of Pub. L. 109-59, set out above, see section 4202(a) of Pub. L. 109-59, set out as a note under section 13102 of this title.]

§ 14702. Enforcement by the regulatory authority

(a) IN GENERAL.—The Secretary or the Board, as applicable, may bring a civil action—

(1) to enforce section 14103 of this title; or

(2) to enforce this part, or a regulation or order of the Secretary or Board, as applicable, when violated by a carrier or broker providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 of this title or by a foreign motor carrier or foreign motor private carrier providing transportation registered under section 13902 of this title.

(b) VENUE.—In a civil action under subsection (a)(2) of this section—

(1) trial is in the judicial district in which the carrier, foreign motor carrier, foreign motor private carrier, or broker operates;

(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.

(c) STANDING.—The Board, through its own attorneys, may bring or participate in any civil action involving motor carrier undercharges.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 905.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11702 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).