

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11916 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 14914. Civil penalty procedures

(a) IN GENERAL.—After notice and an opportunity for a hearing, a person found by the Surface Transportation Board to have violated a provision of law that the Board carries out or a regulation prescribed under that law by the Board that is related to transportation which occurs under subchapter II of chapter 135 for which a civil penalty is provided, is liable to the United States for the civil penalty provided. The amount of the civil penalty shall be assessed by the Board by written notice. In determining the amount of the penalty, the Board 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) COMPROMISE.—The Board may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

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

(d) REFUNDS.—The Board 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 1 year from the date of payment; and
- (2) the Board finds that the penalty was unlawfully, improperly, or excessively imposed.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 918.)

§ 14915. Penalties for failure to give up possession of household goods

(a) CIVIL PENALTY.—

(1) IN GENERAL.—Whoever is found holding a household goods shipment hostage is liable to the United States for a civil penalty of not less than \$10,000 for each violation.

(2) EACH DAY, A SEPARATE VIOLATION.—Each day a carrier is found to have failed to give up possession of household goods may constitute a separate violation.

(3) SUSPENSION.—If the person found holding a shipment hostage is a carrier or broker, the Secretary may suspend for a period of not less than 12 months nor more than 36 months the registration of such carrier or broker under chapter 139. The force and effect of such suspension of a carrier or broker shall extend to and include any carrier or broker having the same ownership or operational control as the suspended carrier or broker.

(b) CRIMINAL PENALTY.—Whoever has been convicted of having failed to give up possession of household goods shall be fined under title 18 or imprisoned for not more than 2 years, or both.

(c) FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS DEFINED.—For purposes of this sec-

tion, the term “failed to give up possession of household goods” means the knowing and willful failure, in violation of a contract, to deliver to, or unload at, the destination of a shipment of household goods that is subject to jurisdiction under subchapter I or III of chapter 135 of this title, for which charges have been estimated by the motor carrier providing transportation of such goods, and for which the shipper has tendered a payment described in clause (i), (ii), or (iii) of section 13707(b)(3)(A).

(Added Pub. L. 109-59, title IV, §4210(a), Aug. 10, 2005, 119 Stat. 1758.)

PART C—PIPELINE CARRIERS

AMENDMENTS

1996—Pub. L. 104-287, §5(40), Oct. 11, 1996, 110 Stat. 3392, made technical amendment to part heading.

CHAPTER 151—GENERAL PROVISIONS

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| Sec. | |
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AMENDMENTS

1996—Pub. L. 104-287, §5(41), Oct. 11, 1996, 110 Stat. 3392, struck out duplicative chapter heading.

§ 15101. Transportation policy

(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the national defense, it is the policy of the United States Government to oversee the modes of transportation and in overseeing those modes—

- (1) to recognize and preserve the inherent advantage of each mode of transportation;
- (2) to promote safe, adequate, economical, and efficient transportation;
- (3) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;
- (4) to encourage the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices;
- (5) to cooperate with each State and the officials of each State on transportation matters; and
- (6) to encourage fair wages and working conditions in the transportation industry.

(b) ADMINISTRATION TO CARRY OUT POLICY.—This part shall be administered and enforced to carry out the policy of this section.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 921; amended Pub. L. 105-102, §2(13), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:15101(a) to correct a grammatical error.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10101 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-102 struck out “of” after “Government to oversee”.

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.

GAO REPORT

Section 106(b) of Pub. L. 104-88 provided that: “Within 3 years after the effective date of this Act [Jan. 1, 1996, except as otherwise provided, see Effective Date note set out under section 701 of this title], the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the impact of regulations under part C [of subtitle IV] of title 49, United States Code, on the competitiveness of pipelines and recommend whether to continue, revise, or sunset such regulations. Congress shall take into account the findings of this report when considering the Board’s [Surface Transportation Board] reauthorization.”

§ 15102. Definitions

In this part—

(1) BOARD.—The term “Board” means the Surface Transportation Board.

(2) PIPELINE CARRIER.—The term “pipeline carrier” means a person providing pipeline transportation for compensation.

(3) RATE.—The term “rate” means a rate or charge for transportation.

(4) STATE.—The term “State” means a State of the United States and the District of Columbia.

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

(A) property, facilities, instrumentalities, or equipment of any kind related to the movement of property, regardless of ownership or an agreement concerning use; and

(B) services related to that movement, including receipt, delivery, transfer in transit, storage, handling, and interchange of property.

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

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 921.)

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).

§ 15103. 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, §106(a), Dec. 29, 1995, 109 Stat. 922.)

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 153—JURISDICTION

Sec.

15301. General pipeline jurisdiction.

15302. Authority to exempt pipeline carrier transportation.

AMENDMENTS

1996—Pub. L. 104-287, §5(42), Oct. 11, 1996, 110 Stat. 3392, struck out duplicative chapter heading.

§ 15301. General pipeline jurisdiction

(a) IN GENERAL.—The Board has jurisdiction over transportation by pipeline, or by pipeline and railroad or water, when transporting a commodity other than water, gas, or oil. Jurisdiction under this subsection applies only to transportation in the United States between a place in—

(1) a State and a place in another State;

(2) the District of Columbia and another place in the District of Columbia;

(3) a State and a place in a territory or possession of the United States;

(4) a territory or possession of the United States and a place in another such territory or possession;

(5) a territory or possession of the United States and another place in the same territory or possession;

(6) the United States and another place in the United States through a foreign country; or

(7) the United States and a place in a foreign country.

(b) NO JURISDICTION OVER INTRASTATE TRANSPORTATION.—The Board does not have jurisdiction under subsection (a) over the transportation of property, or the receipt, delivery, storage, or handling of property, entirely in a State (other than the District of Columbia) and not transported between a place in the United States and a place in a foreign country except as otherwise provided in this part.

(c) PROTECTION OF STATES POWERS.—This part does not affect the power of a State, in exercising its police power, to require reasonable intrastate transportation by carriers providing transportation subject to the jurisdiction of the Board under this chapter unless the State requirement is inconsistent with an order of the Board issued under this part or is prohibited under this part.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 922.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10501 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.

§ 15302. Authority to exempt pipeline carrier transportation

(a) IN GENERAL.—In a matter related to a pipeline carrier providing transportation subject to jurisdiction under this chapter, the Board shall