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[Docket OST-2004-19482, 73 FR 27665, May 13, 2008, as amended at 74 FR 11472, Mar. 18, 2009]

PART 383—CIVIL PENALTIES**§ 383.1 Purpose and periodic adjustment.**

Sec.

383.1 Purpose and periodic adjustment.

383.2 Amount of penalty.

AUTHORITY: Sec. 503, Public Law 108-176, 117 Stat. 2490; Public Law 101-410, 104 Stat. 890; Public Law 104-134, § 31001.

SOURCE: Docket No. DOT-OST-2008-0333, 73 FR 70593, Nov. 21, 2008, unless otherwise noted.

(a) *Purpose.* This part adjusts the civil penalty liability amounts prescribed in 49 U.S.C. 46301(a) for inflation in accordance with the Acts cited in paragraph (b) of this section.

(b) *Periodic Adjustment.* DOT will periodically adjust the maximum civil penalties set forth in 49 U.S.C. 46301 and this part as required by the Federal Civil Penalties Inflation Adjustment

§ 383.2

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Act of 1990 and the Debt Collection Improvement Act of 1996.

§ 383.2 Amount of penalty.

Civil penalties payable to the U.S. Government for violations of Title 49, Chapters 401 through 421, pursuant to 49 U.S.C. 46301(a), are as follows:

(a) A general civil penalty of not more than \$27,500 (or \$1,100 for individuals or small businesses) applies to violations of statutory provisions and rules or orders issued under those provisions, other than those listed in paragraph (b) of this section, (*see* 49 U.S.C. 46301(a)(1));

(b) With respect to small businesses and individuals, notwithstanding the

general \$1,100 civil penalty, the following civil penalty limits apply:

(1) A maximum civil penalty of \$11,000 applies for violations of most provisions of Chapter 401, including the anti-discrimination provisions of sections 40127 (general provision), and 41705 (discrimination against the disabled) and rules and orders issued thereunder (*see* 49 U.S.C. 46301(a)(5)(A));

(2) A maximum civil penalty of \$5,500 applies for violations of section 41719 and rules and orders issued thereunder (*see* 49 U.S.C. 46301(a)(5)(C)); and

(3) A maximum civil penalty of \$2,500 applies for violations of section 41712 or consumer protection rules or orders (*see* 49 U.S.C. 46301(a)(5)(D)).