

Oct. 11, 1996, 110 Stat. 3391; Pub. L. 105-102, §2(9), Nov. 20, 1997, 111 Stat. 2204; Pub. L. 106-159, title II, §227, Dec. 9, 1999, 113 Stat. 1772; Pub. L. 108-7, div. I, title III, §354, Feb. 20, 2003, 117 Stat. 421.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:13703(a)(2) to correct an erroneous cross-reference.

REFERENCES IN TEXT

The date of the enactment of this paragraph, referred to in subsecs. (c)(2) and (d)(2), is the date of enactment of Pub. L. 106-159, which was approved Dec. 9, 1999.

Former section 10706(b), referred to in subsec. (d)(1), probably means section 10706(b) of this title as in effect before that section was omitted and a new section 10706 enacted in the general amendment of this subtitle by Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 804, 812.

Section 227 of the Motor Carrier Safety Improvement Act of 1999, referred to in subsec. (d)(2), is section 227 of Pub. L. 106-159, which amended this section. See 1999 Amendment notes below.

The ICC Termination Act of 1995, referred to in subsec. (e)(2), is Pub. L. 104-88, Dec. 29, 1995, 109 Stat. 803. For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 101 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10706 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

2003—Subsecs. (d) to (h). Pub. L. 108-7 redesignated subsecs. (e) to (h) as (d) to (g), respectively, and struck out heading and text of former subsec. (d). Text read as follows: “The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority.”

1999—Subsec. (c). Pub. L. 106-159, §227(a), designated introductory provisions as par. (1) and inserted heading, redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1) and realigned their margins, and added par. (2).

Subsec. (d). Pub. L. 106-159, §227(b), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “Subject to subsection (c), approval of an agreement under subsection (a) shall expire 3 years after the date of approval unless renewed under this subsection. The approval may be renewed upon request of the parties to the agreement if such parties resubmit the agreement to the Board, the agreement is unchanged, and the Board approves such renewal. The Board shall approve the renewal unless it finds that the renewal is not in the public interest. Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.”

Subsec. (e). Pub. L. 106-159, §227(c), designated existing provisions as par. (1), inserted par. heading, and added par. (2).

1997—Subsec. (a)(2). Pub. L. 105-102 substituted “paragraph (1)” for “subsection (a)”.

1996—Subsec. (e). Pub. L. 104-287, §5(28)(A), substituted “December 31, 1995,” for “the day before the effective date of this section” and “January 1, 1996” for “such effective date”.

Subsec. (f)(2). Pub. L. 104-287, §5(28)(B), substituted “December 31, 1995” for “the day before the effective date of this section”.

ABOLITION OF INTERSTATE COMMERCE COMMISSION

Interstate Commerce Commission abolished by section 101 of Pub. L. 104-88, set out as a note under section 701 of this title.

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.

§ 13704. Household goods rates—estimates; guarantees of service

(a) IN GENERAL.—

(1) **AUTHORITY.**—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish a rate for the transportation of household goods which is based on the carrier’s written, binding estimate of charges for providing such transportation.

(2) **NONPREFERENTIAL; NONPREDATORY.**—Any rate established under this subsection must be available on a nonpreferential basis to shippers and must not result in charges to shippers which are predatory.

(b) RATES FOR GUARANTEED SERVICE.—

(1) **AUTHORITY.**—Subject to the provisions of paragraph (2) of this subsection, a motor carrier providing transportation of household goods subject to jurisdiction under subchapter I of chapter 135 may establish rates for the transportation of household goods which guarantee that the carrier will pick up and deliver such household goods at the times specified in the contract for such services and provide a penalty or per diem payment in the event the carrier fails to pick up or deliver such household goods at the specified time. The charges, if any, for such guarantee and penalty provision may vary to reflect one or more options available to meet a particular shipper’s needs.

(2) **AUTHORITY OF SECRETARY TO REQUIRE NON-GUARANTEED SERVICE RATES.**—Before a carrier may establish a rate for any service under paragraph (1) of this subsection, the Secretary may require such carrier to have in effect and keep in effect, during any period such rate is in effect under paragraph (1), a rate for such service which does not guarantee the pick up and delivery of household goods at the times specified in the contract for such services and which does not provide a penalty or per diem payment in the event the carrier fails to pick up or deliver household goods at the specified time.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 872.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10735 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 13705. Requirements for through routes among motor carriers of passengers

(a) **ESTABLISHMENT; REASONABLENESS.**—A motor carrier providing transportation of passengers subject to jurisdiction under subchapter I of chapter 135 shall establish through routes with other carriers of the same type and shall