

(1) is registered under, and in compliance with, section 13904; and

(2) has satisfied the financial security requirements under section 13906.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to—

(1) a non-vessel-operating common carrier (as defined in section 40102 of title 46) or an ocean freight forwarder (as defined in section 40102 of title 46) when arranging for inland transportation as part of an international through movement involving ocean transportation between the United States and a foreign port;

(2) a customs broker licensed in accordance with section 111.2 of title 19, Code of Federal Regulations, only to the extent that the customs broker is engaging in a movement under a customs bond or in a transaction involving customs business, as defined by section 111.1 of title 19, Code of Federal Regulations; or

(3) an indirect air carrier holding a Standard Security Program approved by the Transportation Security Administration, only to the extent that the indirect air carrier is engaging in the activities as an air carrier as defined in section 40102(2) or in the activities defined in section 40102(3).

(c) **CIVIL PENALTIES AND PRIVATE CAUSE OF ACTION.**—Any person who knowingly authorizes, consents to, or permits, directly or indirectly, either alone or in conjunction with any other person, a violation of subsection (a) is liable—

(1) to the United States Government for a civil penalty in an amount not to exceed \$10,000 for each violation; and

(2) to the injured party for all valid claims incurred without regard to amount.

(d) **LIABLE PARTIES.**—The liability for civil penalties and for claims under this section for unauthorized brokering shall apply, jointly and severally—

(1) to any corporate entity or partnership involved; and

(2) to the individual officers, directors, and principals of such entities.

(Added Pub. L. 112–141, div. C, title II, § 32919(a), July 6, 2012, 126 Stat. 827.)

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

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

Sec.

15101. Transportation policy.
15102. Definitions.
15103. Remedies as cumulative.

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

Pub. L. 104–88, title I, § 106(b), Dec. 29, 1995, 109 Stat. 932, 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 exempt a person, class of persons, or a transaction or service when the Board finds that the application, in whole or in part, of a provision of this part—

- (1) is not necessary to carry out the transportation policy of section 15101; and
- (2) either (A) the transaction or service is of limited scope, or (B) the application, in whole or in part, of the provision is not needed to protect shippers from the abuse of market power.

(b) INITIATION OF PROCEEDING.—The Board may, where appropriate, begin a proceeding under this section on its own initiative or an interested party.

(c) PERIOD OF EXEMPTION.—The Board may specify the period of time during which an exemption granted under this section is effective.

(d) REVOCATION.—The Board may revoke an exemption, to the extent it specifies, when it finds that application, in whole or in part, of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 15101.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 923.)

CHAPTER 155—RATES

Sec.

15501. Standards for pipeline rates, classifications, through routes, rules, and practices.