

(1) inspect and examine the lands, buildings, and equipment of a pipeline carrier or lessor; and

(2) inspect and copy any record of—

(A) a pipeline carrier, lessor, or association; and

(B) a person controlling, controlled by, or under common control with a pipeline carrier if the Board considers inspection relevant to that person's relation to, or transaction with, that carrier.

(c) **PRESERVATION PERIOD.**—The Board may prescribe the time period during which operating, accounting, and financial records must be preserved by pipeline carriers and lessors.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 926.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11144 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

### § 15723. Reports by carriers, lessors, and associations

(a) **FILING OF REPORTS.**—The Board may require pipeline carriers, lessors, and associations, or classes of them as the Board may prescribe, to file annual, periodic, and special reports with the Board containing answers to questions asked by it.

(b) **UNDER OATH.**—Any report under this section shall be made under oath.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 926.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11145 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

## CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

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15901.	General authority.
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#### AMENDMENTS

1998—Pub. L. 105-225, §7(d), Aug. 12, 1998, 112 Stat. 1512, made technical amendment to directory language of Pub. L. 104-287, §5(45)(A), effective Oct. 11, 1996. See 1996 Amendment note below.

1997—Pub. L. 105-102, §3(d)(1)(A), Nov. 20, 1997, 111 Stat. 2215, which directed technical correction of directory language of Pub. L. 104-287, §5(45)(A), by substituting "ENFORCEMENT:" for "ENFORCEMENT," could not be executed because "ENFORCEMENT," does not appear in section 5(45)(A).

Pub. L. 105-102, §2(14), Nov. 20, 1997, 111 Stat. 2205, substituted "pipeline" for "certain" in item 15904.

1996—Pub. L. 104-287, §5(45)(B), Oct. 11, 1996, 110 Stat. 3393, struck out item 15907 "Liability when property is delivered in violation of routing instructions".

Pub. L. 104-287, §5(45)(A), Oct. 11, 1996, 110 Stat. 3393, as amended by Pub. L. 105-225, struck out duplicative chapter heading.

### § 15901. General authority

(a) **INVESTIGATION; COMPLIANCE ORDER.**—Except as otherwise provided in this part, the Board may begin an investigation under this part only on complaint. If the Board finds that a pipeline carrier is violating this part, the Board shall take appropriate action to compel compliance with this part. The Board shall provide the carrier notice of the investigation and an opportunity for a proceeding.

(b) **COMPLAINT.**—A person, including a governmental authority, may file with the Board a complaint about a violation of this part by a pipeline carrier providing transportation or service subject to this part. The complaint must state the facts that are the subject of the violation. The Board may dismiss a complaint it determines does not state reasonable grounds for investigation and action. However, the Board may not dismiss a complaint made against a pipeline carrier providing transportation subject to this part because of the absence of direct damage to the complainant.

(c) **AUTOMATIC DISMISSAL.**—A formal investigative proceeding begun by the Board under subsection (a) is dismissed automatically unless it is concluded by the Board 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, §106(a), Dec. 29, 1995, 109 Stat. 926.)

#### 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.

### § 15902. Enforcement by the Board

The Board may bring a civil action to enforce an order of the Board, except a civil action to enforce an order for the payment of money, when it is violated by a pipeline carrier providing transportation subject to this part.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927.)

#### 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).

### § 15903. Enforcement by the Attorney General

(a) **ON BEHALF OF BOARD.**—The Attorney General may, and on request of the Board shall, bring court proceedings to enforce this part or a regulation or order of the Board and to prosecute a person violating this part or a regulation or order of the Board issued under this part.

(b) **ON BEHALF OF OTHERS.**—The United States Government may bring a civil action on behalf of a person to compel a pipeline carrier providing transportation or service subject to this part to provide that transportation or service to that person in compliance with this part at the same rate charged, or on conditions as favorable as

those given by the carrier, for like traffic under similar conditions to another person.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11703 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

### § 15904. Rights and remedies of persons injured by pipeline carriers

(a) ENFORCEMENT OF ORDERS.—A person injured because a pipeline carrier providing transportation or service subject to this part does not obey an order of the Board, except an order for the payment of money, may bring a civil action to enforce that order under this subsection.

(b) LIABILITY OF CARRIER.—

(1) EXCESSIVE CHARGES.—A pipeline carrier providing transportation subject to this part is liable to a person for amounts charged that exceed the applicable rate for the transportation.

(2) DAMAGES.—A pipeline carrier providing transportation subject to this part is liable for damages sustained by a person as a result of an act or omission of that carrier in violation of this part.

(c) COMPLAINTS.—

(1) FILING.—A person may file a complaint with the Board under section 15901(b) or bring a civil action under subsection (b) to enforce liability against a pipeline carrier providing transportation subject to this part.

(2) PAYMENT DEADLINE.—When the Board makes an award under subsection (b), the Board shall order the carrier to pay the amount awarded by a specific date. The Board may order a carrier providing transportation subject to this part to pay damages only when the proceeding is on complaint. The person for whose benefit an order of the Board requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier does not pay the amount awarded by the date payment was ordered to be made.

(d) CIVIL ACTIONS.—

(1) COMPLAINT.—When a person begins a civil action under subsection (b) to enforce an order of the Board requiring the payment of damages by a pipeline carrier providing transportation subject to this part, the text of the order of the Board must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this paragraph. The findings and order of the Board are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

(2) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee as a

part of the damages for which a carrier is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927; amended Pub. L. 105-102, §2(15), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105-225, §7(b)(2), Aug. 12, 1998, 112 Stat. 1511.)

#### HISTORICAL AND REVISION NOTES

##### PUB. L. 105-102

This amends 49:15904(c)(1) to correct an erroneous cross-reference.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11705 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

#### AMENDMENTS

1998—Subsec. (c)(1). Pub. L. 105-225 inserted “section” before “15901(b)”.

1997—Subsec. (c)(1). Pub. L. 105-102 substituted “15901(b)” for “section 11501(b)”.

### § 15905. Limitation on actions by and against pipeline carriers

(a) IN GENERAL.—A pipeline carrier providing transportation or service subject to this part must begin a civil action to recover charges for transportation or service provided by the carrier within 3 years after the claim accrues.

(b) OVERCHARGES.—A person must begin a civil action to recover overcharges under section 15904(b)(1) within 3 years after the claim accrues. If an election to file a complaint with the Board is made under section 15904(c)(1), the complaint must be filed within 3 years after the claim accrues.

(c) DAMAGES.—A person must file a complaint with the Board to recover damages under section 15904(b)(2) within 2 years after the claim accrues.

(d) EXTENSIONS.—The limitation periods under subsection (b) are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under subsection (b) and the 2-year period under subsection (c) are extended for 90 days from the time the carrier begins a civil action under subsection (a) to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

(e) PAYMENT.—A person must begin a civil action to enforce an order of the Board against a carrier for the payment of money within one year after the date the order required the money to be paid.

(f) GOVERNMENT TRANSPORTATION.—This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the date of—

(1) payment of the rate for the transportation or service involved,