

§ 14911. Punishment of corporation for violations committed by certain individuals

An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a carrier providing transportation or service subject to jurisdiction under chapter 135 that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 917.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11915 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 14912. Weight-bumping in household goods transportation

(a) WEIGHT-BUMPING DEFINED.—For the purposes of this section, “weight-bumping” means the knowing and willful making or securing of a fraudulent weight on a shipment of household goods which is subject to jurisdiction under subchapter I or III of chapter 135.

(b) PENALTY.—Whoever has been found to have committed weight-bumping shall be fined under title 18 or imprisoned not more than 2 years, or both.

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

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11917 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 14913. Conclusiveness of rates in certain prosecutions

When a carrier publishes or files a particular rate under section 13702 or participates in such a rate, the published or filed rate is conclusive proof against that carrier, its officers, and agents that it is the legal rate for that transportation or service in a proceeding begun under section 14902 or 14903. A departure, or offer to depart, from that published or filed rate is a violation of those sections.

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

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. The United States may assign all or a portion of the civil penalty to an aggrieved shipper. The Secretary of Transportation shall establish criteria upon which such assignments shall be made. The Secretary may order, after notice and an opportunity for a proceeding, that a person found holding a household goods shipment hostage return the goods to an aggrieved shipper.

(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.

(4) SETTLEMENT AUTHORITY.—Nothing in this section shall be construed as prohibiting the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.

(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 section, 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; amended Pub. L. 112–141, div. C, title II, §§ 32922(b), 32923(b), July 6, 2012, 126 Stat. 828.)

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112–141, § 32922(b), inserted at end “The United States may assign all or a portion of the civil penalty to an aggrieved shipper. The Secretary of Transportation shall establish criteria upon which such assignments shall be made. The Secretary may order, after notice and an opportunity for a proceeding, that a person found holding a household goods shipment hostage return the goods to an aggrieved shipper.”

Subsec. (a)(4). Pub. L. 112–141, § 32923(b), added par. (4).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 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.

§ 14916. Unlawful brokerage activities

(a) PROHIBITED ACTIVITIES.—A person may provide interstate brokerage services as a broker only if that person—

- (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.)