

transportation subject to the jurisdiction of the Board under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined not more than \$5,000. The person may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of this part continues.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852; amended Pub. L. 105-102, §2(7), Nov. 20, 1997, 111 Stat. 2204.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:11906 to correct an erroneous cross-reference.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11914 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11906, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to evasion of regulation of motor carriers and brokers, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14906 of this title.

AMENDMENTS

1997—Pub. L. 105-102 substituted “violation of this part” for “violation of this title”.

§ 11907. 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 rail carrier providing transportation or service subject to the jurisdiction of the Board under this part 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 rail carrier are considered to be the actions and omissions of that rail carrier as well as that individual.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

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).

A prior section 11907, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to interference with railroad car supply, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 11902 of this title.

§ 11908. Relation to other Federal criminal penalties

Notwithstanding section 3571 of title 18, United States Code, the criminal penalties provided for in this chapter are the exclusive criminal penalties for violations of this part.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

PRIOR PROVISIONS

Prior sections 11908 to 11917 were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 11908, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459; Pub. L. 99-521, §13(b)(1), (2), Oct. 22, 1986, 100 Stat. 2998, 2999, related to penalty for abandonment of service by household goods freight forwarders.

Section 11909, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1460; Pub. L. 96-258, §1(15), June 3, 1980, 94 Stat. 427; Pub. L. 97-424, title IV, §427(a), Jan. 6, 1983, 96 Stat. 2168; Pub. L. 98-216, §2(20), Feb. 14, 1984, 98 Stat. 6; Pub. L. 99-521, §13(c), Oct. 22, 1986, 100 Stat. 2999; Pub. L. 103-180, §6(c), Dec. 3, 1993, 107 Stat. 2051; Pub. L. 103-272, §4(j)(35), July 5, 1994, 108 Stat. 1370, related to penalties for record keeping and reporting violations. See sections 11903, 14907, and 16102 of this title.

Section 11910, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1461; Pub. L. 96-448, title III, §303(b), Oct. 14, 1980, 94 Stat. 1938; Pub. L. 99-521, §13(d), Oct. 22, 1986, 100 Stat. 2999, related to penalties for unlawful disclosure of information. See sections 11904, 14908, and 16103 of this title.

Section 11911, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1462; Pub. L. 97-261, §19(c), Sept. 20, 1982, 96 Stat. 1121, related to penalties for violations involving issuance of securities, disposition of funds, and restrictions on ownership.

Section 11912, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1462; Pub. L. 96-258, §1(13)(C), June 3, 1980, 94 Stat. 427, related to penalties for violations by persons, not carriers, involving consolidations, mergers, and acquisitions of control.

Section 11913, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1463, related to penalty for disobedience to subpoenas. See sections 11905, 14909, and 16104 of this title.

Section 11913a, added Pub. L. 96-448, title III, §303(a)(1), Oct. 14, 1980, 94 Stat. 1938, related to penalty for accounting principles violations.

Section 11914, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1463; Pub. L. 96-258, §1(16), June 3, 1980, 94 Stat. 427; Pub. L. 97-424, title IV, §427(b), Jan. 6, 1983, 96 Stat. 2168; Pub. L. 98-216, §2(20), Feb. 14, 1984, 98 Stat. 6; Pub. L. 98-554, title II, §226(c)(7), Oct. 30, 1984, 98 Stat. 2852, related to general criminal penalty when specific penalty not provided. See sections 11906, 14910, and 16105 of this title.

Section 11915, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1464, related to punishment of corporation for violations committed by certain individuals. See sections 11907, 14911, and 16106 of this title.

Section 11916, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1464, related to conclusiveness of rates in certain prosecutions. See section 14913 of this title.

Section 11917, added Pub. L. 96-454, §9(a), Oct. 15, 1980, 94 Stat. 2021, related to weight-bumping in household goods transportation. See section 14912 of this title.

PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

AMENDMENTS

1996—Pub. L. 104-287, §5(26)(A), Oct. 11, 1996, 110 Stat. 3390, made technical amendment to part heading.

CHAPTER 131—GENERAL PROVISIONS

Sec.	
13101.	Transportation policy.
13102.	Definitions.
13103.	Remedies as cumulative.

AMENDMENTS

1996—Pub. L. 104-287, §5(26)(B), Oct. 11, 1996, 110 Stat. 3390, made technical amendment to heading.

§ 13101. Transportation policy

(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transpor-

tation system that meets the transportation needs of the United States, including the United States Postal Service and national defense, it is the policy of the United States Government to oversee the modes of transportation and—

(1) in overseeing those modes—

(A) to recognize and preserve the inherent advantage of each mode of transportation;

(B) to promote safe, adequate, economical, and efficient transportation;

(C) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;

(D) to encourage the establishment and maintenance of reasonable rates for transportation, without unreasonable discrimination or unfair or destructive competitive practices;

(E) to cooperate with each State and the officials of each State on transportation matters; and

(F) to encourage fair wages and working conditions in the transportation industry;

(2) in overseeing transportation by motor carrier, to promote competitive and efficient transportation services in order to—

(A) encourage fair competition, and reasonable rates for transportation by motor carriers of property;

(B) promote efficiency in the motor carrier transportation system and to require fair and expeditious decisions when required;

(C) meet the needs of shippers, receivers, passengers, and consumers;

(D) allow a variety of quality and price options to meet changing market demands and the diverse requirements of the shipping and traveling public;

(E) allow the most productive use of equipment and energy resources;

(F) enable efficient and well-managed carriers to earn adequate profits, attract capital, and maintain fair wages and working conditions;

(G) provide and maintain service to small communities and small shippers and intrastate bus services;

(H) provide and maintain commuter bus operations;

(I) improve and maintain a sound, safe, and competitive privately owned motor carrier system;

(J) promote greater participation by minorities in the motor carrier system;

(K) promote intermodal transportation;

(3) in overseeing transportation by motor carrier of passengers—

(A) to cooperate with the States on transportation matters for the purpose of encouraging the States to exercise intrastate regulatory jurisdiction in accordance with the objectives of this part;

(B) to provide Federal procedures which ensure that intrastate regulation is exercised in accordance with this part; and

(C) to ensure that Federal reform initiatives enacted by section 31138 and the Bus Regulatory Reform Act of 1982 are not nullified by State regulatory actions; and

(4) in overseeing transportation by water carrier, to encourage and promote service and

price competition in the noncontiguous domestic trade.

(b) ADMINISTRATION TO CARRY OUT POLICY.—This part shall be administered and enforced to carry out the policy of this section and to promote the public interest.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 853.)

REFERENCES IN TEXT

The Bus Regulatory Reform Act of 1982, referred to in subsec. (a)(3)(C), is Pub. L. 97-261, Sept. 20, 1982, 96 Stat. 1102. For complete classification of this Act to the Code, see Short Title of 1982 Amendment note set out under section 10101 of this title and Tables.

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).

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 1301 of this title.

§ 13102. Definitions

In this part, the following definitions shall apply:

(1) BOARD.—The term “Board” means the Surface Transportation Board.

(2) BROKER.—The term “broker” means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.

(3) CARRIER.—The term “carrier” means a motor carrier, a water carrier, and a freight forwarder.

(4) CONTRACT CARRIAGE.—The term “contract carriage” means—

(A) for transportation provided before January 1, 1996, service provided pursuant to a permit issued under section 10923, as in effect on December 31, 1995; and

(B) for transportation provided after December 31, 1995, service provided under an agreement entered into under section 14101(b).

(5) CONTROL.—The term “control”, when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by—

(A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or

(B) any other means.

(6) FOREIGN MOTOR CARRIER.—The term “foreign motor carrier” means a person (including a motor carrier of property but excluding a motor private carrier)—

(A)(i) that is domiciled in a contiguous foreign country; or

(ii) that is owned or controlled by persons of a contiguous foreign country; and

(B) in the case of a person that is not a motor carrier of property, that provides