

- (B) the violation occurred; or
- (C) the offender is found.

Process in the action may be served in the judicial district of which the offender is an inhabitant or in which the offender may be found.

(e) **EVASION PENALTIES.**—A person, or an officer, employee, or agent of that person, that by any means knowingly and willfully tries to evade compliance with the provisions of this section shall be fined at least \$200 but not more than \$500 for the first violation and at least \$250 but not more than \$2,000 for a subsequent violation.

(f) **RECORDKEEPING PENALTIES.**—A person required to make a report, answer a question, or maintain a record under this section, or an officer, agent, or employee of that person, that—

- (1) willfully does not make that report;
- (2) willfully does not specifically, completely, and truthfully answer that question in 30 days from the date that the question is required to be answered;
- (3) willfully does not maintain that record in the form and manner prescribed;
- (4) knowingly and willfully falsifies, destroys, mutilates, or changes that report or record;
- (5) knowingly and willfully files a false report or record under this section;
- (6) knowingly and willfully makes a false or incomplete entry in that record about a business-related fact or transaction; or
- (7) knowingly and willfully maintains a record in violation of a regulation or order issued under this section;

shall be fined not more than \$5,000.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 863.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10529 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

SUBCHAPTER II—WATER CARRIER TRANSPORTATION

§ 13521. General jurisdiction

(a) **GENERAL RULES.**—The Secretary and the Board have jurisdiction over transportation insofar as water carriers are concerned—

- (1) by water carrier between a place in a State and a place in another State, even if part of the transportation is outside the United States;
- (2) by water carrier and motor carrier from a place in a State to a place in another State; except that if part of the transportation is outside the United States, the Secretary only has jurisdiction over that part of the transportation provided—
 - (A) by motor carrier that is in the United States; and
 - (B) by water carrier that is from a place in the United States to another place in the United States; and
- (3) by water carrier or by water carrier and motor carrier between a place in the United

States and a place outside the United States, to the extent that—

(A) when the transportation is by motor carrier, the transportation is provided in the United States;

(B) when the transportation is by water carrier to a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States before transshipment from a place in the United States to a place outside the United States; and

(C) when the transportation is by water carrier from a place outside the United States, the transportation is provided by water carrier from a place in the United States to another place in the United States after transshipment to a place in the United States from a place outside the United States.

(b) **DEFINITIONS.**—In this section, the terms “State” and “United States” include the territories and possessions of the United States.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 865.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10541 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

SUBCHAPTER III—FREIGHT FORWARDER SERVICE

§ 13531. General jurisdiction

(a) **IN GENERAL.**—The Secretary and the Board have jurisdiction, as specified in this part, over service that a freight forwarder undertakes to provide, or is authorized or required under this part to provide, to the extent transportation is provided in the United States and is between—

- (1) a place in a State and a place in another State, even if part of the transportation is outside the United States;
- (2) a place in a State and another place in the same State through a place outside the State; or
- (3) a place in the United States and a place outside the United States.

(b) **EXEMPTION OF CERTAIN AIR CARRIER SERVICE.**—Neither the Secretary nor the Board has jurisdiction under subsection (a) of this section over service undertaken by a freight forwarder using transportation of an air carrier subject to part A of subtitle VII of this title.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 865.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10561 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, § 102(a).

SUBCHAPTER IV—AUTHORITY TO EXEMPT

§ 13541. Authority to exempt transportation or services

(a) **IN GENERAL.**—In any matter subject to jurisdiction under this part, the Secretary or the

Board, as applicable, shall exempt a person, class of persons, or a transaction or service from the application, in whole or in part, of a provision of this part, or use this exemption authority to modify the application of a provision of this part as it applies to such person, class, transaction, or service, when the Secretary or Board finds that the application of that provision—

(1) is not necessary to carry out the transportation policy of section 13101;

(2) is not needed to protect shippers from the abuse of market power or that the transaction or service is of limited scope; and

(3) is in the public interest.

(b) **INITIATION OF PROCEEDING.**—The Secretary or Board, as applicable, may, where appropriate, begin a proceeding under this section on the Secretary's or Board's own initiative or on application by an interested party.

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

(d) **REVOCAION.**—The Secretary or Board, as applicable, may revoke an exemption, to the extent specified, on finding that application of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 13101.

(e) **LIMITATIONS.**—

(1) **IN GENERAL.**—The exemption authority under this section may not be used to relieve a person from the application of, and compliance with, any law, rule, regulation, standard, or order pertaining to cargo loss and damage, insurance, safety fitness, or activities approved under section 13703 or 14302 or not terminated under section 13907(d)(2).

(2) **WATER CARRIERS.**—The Secretary or Board, as applicable, may not exempt a water carrier from the application of, or compliance with, section 13701 or 13702 for transportation in the non-contiguous domestic trade.

(f) **CONTINUATION OF CERTAIN EXISTING EXEMPTIONS FOR WATER CARRIERS.**—The Secretary or Board, as applicable, shall not regulate or exercise jurisdiction under this part over the transportation by water carrier in the non-contiguous domestic trade of any cargo or type of cargo or service which was not subject to regulation by, or under the jurisdiction of, either the Federal Maritime Commission or Interstate Commerce Commission under Federal law in effect on November 1, 1995.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 866.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10505 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

ABOLITION OF INTERSTATE COMMERCE COMMISSION

Interstate Commerce Commission abolished by section 101 of Pub. L. 104-88, set out as a note under section 1301 of this title.

CHAPTER 137—RATES AND THROUGH ROUTES

Sec.	
13701.	Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation.
13702.	Tariff requirement for certain transportation.
13703.	Certain collective activities; exemption from antitrust laws.
13704.	Household goods rates—estimates; guarantees of service.
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13707.	Payment of rates.
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§ 13701. Requirements for reasonable rates, classifications, through routes, rules, and practices for certain transportation

(a) **REASONABLENESS.**—

(1) **CERTAIN HOUSEHOLD GOODS TRANSPORTATION; JOINT RATES INVOLVING WATER TRANSPORTATION.**—A rate, classification, rule, or practice related to transportation or service provided by a carrier subject to jurisdiction under chapter 135 for transportation or service involving—

(A) a movement of household goods,

(B) a rate for a movement by or with a water carrier in noncontiguous domestic trade, or

(C) rates, rules, and classifications made collectively by motor carriers under agreements approved pursuant to section 13703,

must be reasonable.

(2) **THROUGH ROUTES AND DIVISIONS OF JOINT RATES.**—Through routes and divisions of joint rates for such transportation or service must be reasonable.

(b) **PRESCRIPTION BY BOARD FOR VIOLATIONS.**—When the Board finds it necessary to stop or prevent a violation of subsection (a), the Board shall prescribe the rate, classification, rule, practice, through route, or division of joint rates to be applied for such transportation or service.

(c) **FILING OF COMPLAINT.**—A complaint that a rate, classification, rule, or practice in noncontiguous domestic trade violates subsection (a) may be filed with the Board.

(d) **ZONE OF REASONABLENESS.**—

(1) **IN GENERAL.**—For purposes of this section, a rate or division of a motor carrier for service in noncontiguous domestic trade or water carrier for port-to-port service in that trade is reasonable if the aggregate of increases and decreases in any such rate or division is not more than 7.5 percent above, or more than 10 percent below, the rate or division in effect 1 year before the effective date of the proposed rate or division.

(2) **ADJUSTMENTS TO THE ZONE.**—The percentage specified in paragraph (1) shall be in-