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AMENDMENTS

2012—Pub. L. 112-141, div. C, title II, §32919(b), July 6, 2012, 126 Stat. 827, added item 14916.

2005—Pub. L. 109-59, title IV, §4210(b), Aug. 10, 2005, 119 Stat. 1759, added item 14915.

§ 14901. General civil penalties

(a) **REPORTING AND RECORDKEEPING.**—A person required to make a report to the Secretary or the Board, answer a question, or make, prepare, or preserve a record under this part concerning transportation subject to jurisdiction under subchapter I or III of chapter 135 or transportation by a foreign carrier registered under section 13902, or an officer, agent, or employee of that person that—

- (1) does not make the report;
- (2) does not specifically, completely, and truthfully answer the question;
- (3) does not make, prepare, or preserve the record in the form and manner prescribed;
- (4) does not comply with section 13901; or
- (5) does not comply with section 13902(c);

is liable to the United States for a civil penalty of not less than \$1,000 for each violation and for each additional day the violation continues; except that, in the case of a person or an officer, agent, or employee of such person, that does not comply with section 13901 or section 13902(c) of this title, the amount of the civil penalty shall not be less than \$10,000 for each violation, or \$25,000 for each violation relating to providing transportation of passengers.

(b) **TRANSPORTATION OF HAZARDOUS WASTES.**—A person subject to jurisdiction under subchapter I of chapter 135, or an officer, agent, or employee of that person, and who is required to comply with section 13901 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall be liable to the United States for a civil penalty not less than \$20,000, but not to exceed \$40,000 for each violation.

(c) **FACTORS TO CONSIDER IN DETERMINING AMOUNT.**—In determining and negotiating the amount of a civil penalty under subsection (a) or (d) concerning transportation of household goods, the degree of culpability, any history of prior such conduct, the degree of harm to shipper or shippers, ability to pay, the effect on ability to do business, whether the shipper has been

adequately compensated before institution of the proceeding, and such other matters as fairness may require shall be taken into account.

(d) **PROTECTION OF HOUSEHOLD GOODS SHIPPERS.**—

(1) **IN GENERAL.**—If a carrier providing transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 or a receiver or trustee of such carrier fails or refuses to comply with any regulation issued by the Secretary or the Board relating to protection of individual shippers, such carrier, receiver, or trustee is liable to the United States for a civil penalty of not less than \$1,000 for each violation and for each additional day during which the violation continues.

(2) **ESTIMATE OF BROKER WITHOUT CARRIER AGREEMENT.**—If a broker for transportation of household goods subject to jurisdiction under subchapter I of chapter 135 makes an estimate of the cost of transporting any such goods before entering into an agreement with a carrier to provide transportation of household goods subject to such jurisdiction, the broker is liable to the United States for a civil penalty of not less than \$10,000 for each violation.

(3) **UNAUTHORIZED TRANSPORTATION.**—If a person provides transportation of household goods subject to jurisdiction under subchapter I of chapter 135 or provides broker services for such transportation without being registered under chapter 139 to provide such transportation or services as a motor carrier or broker, as the case may be, such person is liable to the United States for a civil penalty of not less than \$25,000 for each violation.

(e) **VIOLATION RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS.**—Any person that knowingly engages in or knowingly authorizes an agent or other person—

(1) to falsify documents used in the transportation of household goods subject to jurisdiction under subchapter I or III of chapter 135 which evidence the weight of a shipment; or

(2) to charge for accessorial services which are not performed or for which the carrier is not entitled to be compensated in any case in which such services are not reasonably necessary in the safe and adequate movement of the shipment;

is liable to the United States for a civil penalty of not less than \$2,000 for each violation and of not less than \$5,000 for each subsequent violation. Any State may bring a civil action in the United States district courts to compel a person to pay a civil penalty assessed under this subsection.

(f) **VENUE.**—Trial in a civil action under subsections (a) through (e) of this section is in the judicial district in which—

- (1) the carrier or broker has its principal office;
- (2) the carrier or broker was authorized to provide transportation or service under this part when the violation occurred;
- (3) the violation occurred; or
- (4) 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.