

(i) the carrier or broker that is the subject of the action is not registered with the Department of Transportation;

(ii) the license of the carrier or broker for failure to file proof of required bodily injury or cargo liability insurance is pending, or the license has been revoked for any other reason by the Department;

(iii) the carrier is not rated or has received a conditional or unsatisfactory safety rating by the Department; or

(iv) the carrier or broker has been licensed with the Department for less than 5 years; and

(B) may review if the carrier or broker fails to meet criteria developed by the Secretary that are consistent with this section.

(3) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of any criteria developed by the Secretary under paragraph (2)(B).

(4) 60-DAY DEADLINE.—The Secretary or the Board shall be considered to have consented to any civil action of a State under this section if the Secretary or the Board has taken no action with respect to the notice within 60 calendar days after the date on which the Secretary or the Board received notice under paragraph (1).

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Secretary or board may intervene in a civil action of a State under this section and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil actions.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall—

(1) convey a right to initiate or maintain a class action lawsuit in the enforcement of a Federal law or regulation; or

(2) prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a Federal judicial district in which—

(A) the carrier, foreign motor carrier, or broker operates;

(B) the carrier, foreign motor carrier, or broker was authorized to provide transportation at the time the complaint arose; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with a carrier or broker in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a criminal statute of such State.

(Added Pub. L. 109-59, title IV, §4206(b)(1), Aug. 10, 2005, 119 Stat. 1755; amended Pub. L. 109-115, div. A, title I, §173(c), (d), Nov. 30, 2005, 119 Stat. 2426.)

AMENDMENTS

2005—Subsec. (b)(1). Pub. L. 109-115, §173(c), (e), temporarily inserted at end “The State may initiate a civil action under subsection (a) if it is reviewable under subsection (b)(2).” See Termination Date of 2005 Amendment note below.

Subsec. (b)(4). Pub. L. 109-115, §173(d), (e), temporarily inserted “that is subject to review under subsection (b)(2)” before “if the Secretary”. See Termination Date of 2005 Amendment note below.

TERMINATION DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-115 to cease to be in effect after Sept. 30, 2006, see section 173(e) of Pub. L. 109-115, set out as a note under section 14710 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

CHAPTER 149—CIVIL AND CRIMINAL PENALTIES

Sec.	
14901.	General civil penalties.
14902.	Civil penalty for accepting rebates from carrier.
14903.	Tariff violations.
14904.	Additional rate violations.
14905.	Penalties for violations of rules relating to loading and unloading motor vehicles.
14906.	Evasion of regulation of carriers and brokers.
14907.	Recordkeeping and reporting violations.
14908.	Unlawful disclosure of information.
14909.	Disobedience to subpoenas.
14910.	General civil penalty when specific penalty not provided.
14911.	Punishment of corporation for violations committed by certain individuals.
14912.	Weight-bumping in household goods transportation.
14913.	Conclusiveness of rates in certain prosecutions.
14914.	Civil penalty procedures.
14915.	Penalties for failure to give up possession of household goods.
14916.	Unlawful brokerage activities.

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