

Subsec. (a)(1). Pub. L. 107-71, §140(d)(6)(B) inserted "Under Secretary," after "Secretary."

Subsec. (b)(1). Pub. L. 107-71, §140(d)(6)(C), substituted ", Under Secretary, or Administrator" for "or Administrator" in two places.

Subsec. (b)(2). Pub. L. 107-71, §140(d)(6)(B) inserted "Under Secretary," after "Secretary."

Subsec. (c). Pub. L. 107-71, §140(d)(6)(C), substituted ", Under Secretary, or Administrator" for "or Administrator".

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or

(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106-181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109-59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 46312, 49 App.:1472(h)(2), Aug. 23, 1958, Pub. L. 85-726, §902(h)(2), 72 Stat. 785; re-stated Jan. 3, 1975, Pub. L. 93-633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words "is guilty of an offense", "Upon conviction", and "for each offense" are omitted as surplus. The words "fined under title 18" are substituted for "a fine of not more than \$25,000" for consistency with title 18. The word "prescribed" is substituted for "issued" for consistency in the revised title and with other titles of the United States Code. In clause (1), the words "shipment, baggage, or other" are omitted as surplus.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §7128(a)(1), substituted "this part or chapter 51—" for "this part—" in introductory provisions.

Subsec. (b). Pub. L. 109-59, §7128(a)(2), inserted "or chapter 51" after "under this part".

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement of the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 46313, 49 App.:1472(g), 49 App.:1551(b)(1)(E), 49 App.:1655(c)(1), Aug. 23, 1958, Pub. L. 85-726, §902(g), 72 Stat. 785; Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704; Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1963, Pub. L. 87-449, §7(b), 96 Stat. 2444.

The word "Administrator" in section 902(g) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g). The words "not obeying" are substituted for "who shall neglect or refuse . . . or to answer any lawful inquiry . . . in obedience to" to eliminate surplus words. The word "lawful" is omitted as surplus. The word "appear" is substituted for "attend" for clarity. The word "records" is substituted for "books, papers, or documents" for consistency in the revised title and with other titles of the United States Code. The words "if in his power to do so" are omitted as surplus. The words "shall be guilty of a misdemeanor" are omitted for consistency with title 18. The words "and, upon conviction thereof" are omitted as surplus. The words "fined under title 18" are substituted for "a fine of not less than \$100 nor more than \$5,000" for consistency with title 18.

AMENDMENTS

2001—Pub. L. 107-71 inserted "the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or" after "(or)".

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.