

(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than \$1,000,000, imprisonment for any term of years or life, or both.

(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

(A) \$10,000,000 in the case of an offense described in paragraph (1) or (4); and

(B) \$20,000,000 in the case of an offense described in paragraph (2) or (3).

(c) CIVIL REMEDIES.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

(d) CRIMINAL FORFEITURE.—

(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in

its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on the offense.

(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

(3) an act in furtherance of the offense was committed in the United States.

(Added Pub. L. 106-181, title V, §506(c)(1), Apr. 5, 2000, 114 Stat. 137.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of Title 49, Transportation.

§ 39. Traffic signal preemption transmitters

(a) OFFENSES.—

(1) SALE.—Whoever, in or affecting interstate or foreign commerce, knowingly sells a traffic signal preemption transmitter to a nonqualifying user shall be fined under this title, or imprisoned not more than 1 year, or both.

(2) USE.—Whoever, in or affecting interstate or foreign commerce, being a nonqualifying user makes unauthorized use of a traffic signal preemption transmitter shall be fined under this title, or imprisoned not more than 6 months, or both.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TRAFFIC SIGNAL PREEMPTION TRANSMITTER.—The term “traffic signal preemption transmitter” means any mechanism that can change or alter a traffic signal’s phase time or sequence.

(2) NONQUALIFYING USER.—The term “nonqualifying user” means a person who uses a traffic signal preemption transmitter and is not acting on behalf of a public agency or private corporation authorized by law to provide

fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity, but does not include a person using a traffic signal preemption transmitter for classroom or instructional purposes.

(Added Pub. L. 109-59, title II, §2018(a), Aug. 10, 2005, 119 Stat. 1542.)

CODIFICATION

Another section 39 was renumbered section 40 of this title.

§ 39A. Aiming a laser pointer at an aircraft

(a) OFFENSE.—Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) LASER POINTER DEFINED.—As used in this section, the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(c) EXCEPTIONS.—This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training; or

(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) AUTHORITY TO ESTABLISH ADDITIONAL EXCEPTIONS BY REGULATION.—The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.

(Added Pub. L. 112-95, title III, §311(a), Feb. 14, 2012, 126 Stat. 65.)

§ 40. Commercial motor vehicles required to stop for inspections

(a) A driver of a commercial motor vehicle (as defined in section 31132 of title 49) shall stop and

submit to inspection of the vehicle, driver, cargo, and required records when directed to do so by an authorized employee of the Federal Motor Carrier Safety Administration of the Department of Transportation, at or in the vicinity of an inspection site. The driver shall not leave the inspection site until authorized to do so by an authorized employee.

(b) A driver of a commercial motor vehicle, as defined in subsection (a), who knowingly fails to stop for inspection when directed to do so by an authorized employee of the Administration at or in the vicinity of an inspection site, or leaves the inspection site without authorization, shall be fined under this title or imprisoned not more than 1 year, or both.

(Added Pub. L. 109-59, title IV, §4143(a), Aug. 10, 2005, 119 Stat. 1747, §39; renumbered §40, Pub. L. 110-244, title III, §301(j), June 6, 2008, 122 Stat. 1616.)

AMENDMENTS

2008—Pub. L. 110-244 renumbered section 39 of this title, relating to inspection of commercial vehicles, as this section.

CHAPTER 3—ANIMALS, BIRDS, FISH, AND PLANTS

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| 41. | Hunting, fishing, trapping; disturbance or injury on wildlife refuges. |
| 42. | Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations. |
| 43. | Force, violence, and threats involving animal enterprises. |
| [44, 45.] | Repealed.] |
| 46. | Transportation of water hyacinths. |
| 47. | Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes. |
| 48. | Animal crush videos. |
| 49. | Enforcement of animal fighting prohibitions. |

HISTORICAL AND REVISION NOTES

The criminal provisions of the Migratory Bird Treaty Act, sections 703-711 of title 16, U.S.C., 1940 ed., Conservation, and the Migratory Bird Conservation Act, sections 715-715r of title 16, U.S.C., 1940 ed., Conservation, were considered for inclusion in this chapter. Since these provisions, except parts of sections 704-707 of said title 16, are so inextricably interwoven with the Migratory Bird Acts, it was found advisable to exclude them.

AMENDMENTS

2010—Pub. L. 111-294, §3(b), Dec. 9, 2010, 124 Stat. 3179, substituted “Animal crush videos” for “Depiction of animal cruelty” in item 48.

2007—Pub. L. 110-22, §2(b), May 3, 2007, 121 Stat. 88, added item 49.

2006—Pub. L. 109-374, §2(b), Nov. 27, 2006, 120 Stat. 2655, substituted “Force, violence, and threats involving animal enterprises” for “Animal enterprise terrorism” in item 43.

1999—Pub. L. 106-152, §1(b), Dec. 9, 1999, 113 Stat. 1732, added item 48.

1992—Pub. L. 102-346, §2(b), Aug. 26, 1992, 106 Stat. 929, which directed the general amendment of item 43, was executed by adding item 43 to reflect the probable intent of Congress, because item 43 had been previously struck out by Pub. L. 101-647. See 1990 Amendment note below.

1990—Pub. L. 101-647, title XII, §1206(b), title XXXV, §3506, Nov. 29, 1990, 104 Stat. 4832, 4922, substituted “Im-