

Agriculture and Health and Human Services and Administrator of the Environmental Protection Agency.
 Section 5710, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 858, related to duties and powers of Secretary.
 Section 5711, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 858, related to enforcement and penalties.
 Section 5712, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 859, related to relationship to other laws.
 Section 5713, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 859, related to application of sections 5711 and 5712.
 Section 5714, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 859, related to coordination between departments, agencies, and instrumentalities.

EFFECTIVE DATE

Section effective Oct. 1, 2005, see section 7204 of Pub. L. 109-59, set out as an Effective Date of 2005 Amendment note under section 331 of Title 21, Food and Drugs.

CHAPTER 59—INTERMODAL SAFE CONTAINER TRANSPORTATION

- Sec. 5901. Definitions.
- 5902. Notifications and certifications.
- 5903. Prohibitions.
- 5904. State enforcement.
- 5905. Liens.
- 5906. Perishable agricultural commodities.
- 5907. Effective date.
- 5908. Relationship to other laws.

AMENDMENTS

1996—Pub. L. 104-291, title II, §§ 208(b), 209(b), Oct. 11, 1996, 110 Stat. 3457, 3458, substituted “Effective date” for “Regulations and effective date” in item 5907 and added item 5908.

§ 5901. Definitions

In this chapter—

- (1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.
- (2) “beneficial owner” means a person not having title to property but having ownership rights in the property, including a trustee of property in transit from an overseas place of origin that is domiciled or doing business in the United States, except that a carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouse, or terminal operator is not a beneficial owner only because of providing or arranging for any part of the intermodal transportation of property.
- (3) “carrier” means—
 - (A) a motor carrier, water carrier, and rail carrier providing transportation of property in commerce; and
 - (B) an ocean common carrier (as defined in section 40102 of title 46) providing transportation of property in commerce.
- (4) “container” has the meaning given the term “freight container” by the International Standards Organization in Series 1, Freight Containers, 3d Edition (reference number ISO668-1979(E)), including successive revisions, and similar containers that are used in providing transportation in interstate commerce.
- (5) “first carrier” means the first carrier transporting a loaded container or trailer in intermodal transportation.
- (6) “gross cargo weight” means the weight of the cargo, packaging materials (including ice), pallets, and dunnage.

(7) “intermodal transportation” means the successive transportation of a loaded container or trailer from its place of origin to its place of destination by more than one mode of transportation in interstate or foreign commerce, whether under a single bill of lading or under separate bills of lading.

(8) “trailer” means a nonpower, property-carrying, trailing unit that is designed for use in combination with a truck tractor.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 859; Pub. L. 104-291, title II, §203, Oct. 11, 1996, 110 Stat. 3453; Pub. L. 109-304, §17(h)(2), Oct. 6, 2006, 120 Stat. 1709.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5901(1)	49:501(a)(1).	
5901(2)	49:501(a)(4).	
5901(3)	49:501(a)(5).	
5901(4)	49:501(a)(6).	
5901(5)	49:501(a)(7).	
5901(6)	49:501(a)(8).	
5901(7)	49:501(a)(9).	

This chapter restates 49:508 and the relevant definitions in 49:501 because the subject matter more appropriately belongs in subtitle III of title 49. The text of 49:501(a)(1) is restated to incorporate the definitions in 49:10102. The terms defined in 49:501(a)(2) and (3) are not used in this chapter.

In clause (2), the word “including” is substituted for “For purposes of this paragraph . . . shall be treated as a beneficial owner of such property” for consistency and to eliminate unnecessary words. The words “is not a beneficial owner only because of providing or arranging for any part of the intermodal transportation of property” are substituted for “providing or arranging for any portion of intermodal transportation of property shall in no case be a beneficial owner of such property, for purposes of this paragraph, solely by reason of providing or arranging for such transportation” to eliminate unnecessary words.

In clause (3)(A), the words “(as such terms are defined in section 10102 of this title)” are omitted as unnecessary because of clause (1) of this section.

In clause (7), the words “property-carrying” are substituted for “cargo carrying” for consistency in the revised title.

AMENDMENTS

2006—Par. (3)(B). Pub. L. 109-304 substituted “section 40102 of title 46” for “section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702)”.

1996—Par. (1). Pub. L. 104-291, §203(1), added par. (1) and struck out former par. (1) which read as follows: “the definitions in section 10102 of this title apply.”

Pars. (6) to (8). Pub. L. 104-291, §203(2), (3), added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

§ 5902. Notifications and certifications

(a) PRIOR NOTIFICATION.—If the first carrier to which any loaded container or trailer having a projected gross cargo weight of more than 29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a notification of the gross cargo weight and a reasonable description of the contents of the container or trailer before the tendering of the container or trailer. The notification may be transmitted electronically or by telephone. This subsection applies to any person within the United States who tenders a container or trailer