

rail carrier, violating section 11144(b)(1) of this title, is liable to the United States Government for a civil penalty of \$100 for each violation.

(3) A rail carrier providing transportation subject to the jurisdiction of the Board under this part, a lessor, receiver, or trustee of that rail carrier, a person furnishing cars, and an officer, agent, or employee of one of them, required to make a report to the Board or answer a question that does not make the report or does not specifically, completely, and truthfully answer the question, is liable to the United States Government for a civil penalty of \$100 for each violation.

(4) A separate violation occurs for each day a violation under this subsection continues.

(f) Trial in a civil action under subsections (a) through (e) of this section is in the judicial district in which the rail carrier has its principal operating office or in a district through which the railroad of the rail carrier runs.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 849.)

PRIOR PROVISIONS

A prior section 11901, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1455; Pub. L. 96-454, §8(a), Oct. 15, 1980, 94 Stat. 2019; Pub. L. 96-510, title III, §306(c), Dec. 11, 1980, 94 Stat. 2810; Pub. L. 97-261, §23, Sept. 20, 1982, 96 Stat. 1124; Pub. L. 98-554, title II, §§226(c)(6), 227(a)(1), Oct. 30, 1984, 98 Stat. 2852; Pub. L. 103-180, §§6(b), 7(c), Dec. 3, 1993, 107 Stat. 2051, 2052, related to general civil penalties, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See sections 11901, 14901, and 16101 of this title.

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11902. Interference with railroad car supply

(a) A person that offers or gives anything of value to another person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Board under this part intending to influence an action of that other person related to supply, distribution, or movement of cars, vehicles, or vessels used in the transportation of property, or because of the action of that other person, shall be fined not more than \$1,000, imprisoned for not more than 2 years, or both.

(b) A person acting for or employed by a rail carrier providing transportation subject to the jurisdiction of the Board under this part that solicits, accepts, or receives anything of value—

- (1) intending to be influenced by it in an action of that person related to supply, distribution, or movement of cars, vehicles, or vessels used in the transportation of property; or
- (2) because of the action of that person,

shall be fined not more than \$1,000, imprisoned for not more than 2 years, or both.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 850.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11907 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Prior sections 11902 and 11902a were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 11902, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1457, related to civil penalties for accepting rebates from common carriers. See section 14902 of this title.

Section 11902a, added Pub. L. 96-296, §15(b)(1), July 1, 1980, 94 Stat. 809, related to penalties for violations of rules relating to loading and unloading motor vehicles. See section 14905 of this title.

§ 11903. Record keeping and reporting violations

A person required to make a report to the Board, or make, prepare, or preserve a record, under subchapter III of chapter 111 of this title about transportation subject to the jurisdiction of the Board under this part that knowingly and willfully—

- (1) makes a false entry in the report or record;
- (2) destroys, mutilates, changes, or by another means falsifies the record;
- (3) does not enter business related facts and transactions in the record;
- (4) makes, prepares, or preserves the record in violation of a regulation or order of the Board; or
- (5) files a false report or record with the Board,

shall be fined not more than \$5,000, imprisoned for not more than 2 years, or both.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 851.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11909 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11903, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1457, related to rate, discrimination, and tariff violations, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14903 of this title.

§ 11904. Unlawful disclosure of information

(a) A—

(1) rail carrier providing transportation subject to the jurisdiction of the Board under this part, or an officer, agent, or employee of that rail carrier, or another person authorized to receive information from that rail carrier, that knowingly discloses to another person, except the shipper or consignee; or

(2) person who solicits or knowingly receives,

information described in subsection (b) without the consent of the shipper or consignee shall be fined not more than \$1,000.

(b) The information referred to in subsection (a) is information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that rail carrier for transportation provided under this part, or information about the contents of a contract authorized under section 10709 of this title, that may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor, the business transactions of the shipper or consignee.

(c) This part does not prevent a rail carrier providing transportation subject to the jurisdiction

tion of the Board under this part from giving information—

(1) in response to legal process issued under authority of a court of the United States or a State;

(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

(3) to another rail carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

(d) An employee of the Board delegated to make an inspection or examination under section 11144 of this title who knowingly discloses information acquired during that inspection or examination, except as directed by the Board, a court, or a judge of that court, shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

(e) A person that knowingly discloses confidential data made available to such person under section 11163 of this title by a rail carrier providing transportation subject to the jurisdiction of the Board under this part shall be fined not more than \$50,000.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 851; amended Pub. L. 105-102, §2(6), Nov. 20, 1997, 111 Stat. 2204.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:11904(a)(2) to correct a grammatical error.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11910 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11904, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1457; Pub. L. 99-521, §13(a), Oct. 22, 1986, 100 Stat. 2998, related to additional rate and discrimination violations, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14904 of this title.

AMENDMENTS

1997—Subsec. (a)(2). Pub. L. 105-102 struck out “a” before “person”.

§ 11905. Disobedience to subpoenas

A person not obeying a subpoena or requirement of the Board to appear and testify or produce records shall be fined at least \$100 but not more than \$5,000, imprisoned for not more than one year, or both.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11913 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11905, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459; Pub. L. 97-261, §29(e), Sept. 20, 1982, 96 Stat. 1128, related to transportation of passengers without charge, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 11906. General criminal penalty when specific penalty not provided

When another criminal penalty is not provided under this chapter, a rail carrier providing

transportation subject to the jurisdiction of the Board under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined not more than \$5,000. The person may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of this part continues.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852; amended Pub. L. 105-102, §2(7), Nov. 20, 1997, 111 Stat. 2204.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:11906 to correct an erroneous cross-reference.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11914 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11906, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to evasion of regulation of motor carriers and brokers, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14906 of this title.

AMENDMENTS

1997—Pub. L. 105-102 substituted “violation of this part” for “violation of this title”.

§ 11907. Punishment of corporation for violations committed by certain individuals

An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a rail carrier providing transportation or service subject to the jurisdiction of the Board under this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that rail carrier are considered to be the actions and omissions of that rail carrier as well as that individual.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11915 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11907, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to interference with railroad car supply, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 11902 of this title.

§ 11908. Relation to other Federal criminal penalties

Notwithstanding section 3571 of title 18, United States Code, the criminal penalties provided for in this chapter are the exclusive criminal penalties for violations of this part.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)