

PUB. L. 104-287, §5(27)(B)

This amends 49:13102(4)(B) for clarity and consistency.

REFERENCES IN TEXT

Section 10923, referred to in par. (4)(A), was omitted in the general amendment of this subtitle by Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 804, effective Jan. 1, 1996.

The date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005, referred to in par. (12)(B), is the date of enactment of subtitle B of title IV of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10102 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

2008—Pars. (6)(B), (7)(B), (14), (15). Pub. L. 110-244 substituted “motor vehicle” for “commercial motor vehicle (as defined in section 31132)”.

Par. (27). Pub. L. 110-291 added par. (27).

2005—Pars. (6)(B), (7)(B). Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle”.

Par. (12). Pub. L. 109-59, §4202(b), added par. (12). Former par. (12) redesignated (14).

Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle”.

Par. (13). Pub. L. 109-59, §4202(b), added par. (13). Former par. (13) redesignated (15).

Pub. L. 109-59, §4142(a), substituted “commercial motor vehicle (as defined in section 31132)” for “motor vehicle” in introductory provisions.

Pars. (14) to (26). Pub. L. 109-59, §4202(b), redesignated pars. (12) to (24) as (14) to (26), respectively.

2002—Pars. (17) to (24). Pub. L. 107-298 added pars. (17) and (20) and redesignated former pars. (17), (18), (19), (20), (21), and (22) as pars. (18), (19), (21), (22), (23), and (24), respectively.

1999—Par. (10)(A). Pub. L. 106-159 substituted “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;” for “, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling;”.

1996—Par. (4)(A). Pub. L. 104-287, §5(27)(A), substituted “January 1, 1996” for “the effective date of this section” and “December 31, 1995” for “the day before the effective date of this section”.

Par. (4)(B). Pub. L. 104-287, §5(27)(B), substituted “after December 31, 1995” for “on or after such date”.

APPLICATION OF CERTAIN PROVISIONS OF LAW

Pub. L. 109-59, title IV, §4202(c), Aug. 10, 2005, 119 Stat. 1752, provided that: “The provisions of title 49, United States Code, and this subtitle [subtitle B (§§4201-4216) of title IV of Pub. L. 109-59, see Short Title of 2005 Amendment note set out under section 10101 of this title] (including any amendments made by this subtitle), that relate to the transportation of household goods apply only to a household goods motor carrier (as defined in section 13102 of title 49, United States Code).”

DEFINITIONS

Pub. L. 109-59, title IV, §4202(a), Aug. 10, 2005, 119 Stat. 1751, provided that: “In this subtitle [subtitle B (§§4201-4216) of title IV of Pub. L. 109-59, see Short Title of 2005 Amendment note set out under section 10101 of this title], the terms ‘carrier’, ‘household goods’,

‘motor carrier’, ‘Secretary’, and ‘transportation’ have the meaning given to such terms in section 13102 of title 49, United States Code.”

§ 13103. Remedies as cumulative

Except as otherwise provided in this part, the remedies provided under this part are in addition to remedies existing under another law or common law.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 856.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10103 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

CHAPTER 133—ADMINISTRATIVE PROVISIONS

| Sec. | |
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| 13301. | Powers. |
| 13302. | Intervention. |
| 13303. | Service of notice in proceedings. |
| 13304. | Service of process in court proceedings. |

§ 13301. Powers

(a) GENERAL POWERS OF SECRETARY.—Except as otherwise specified, the Secretary shall carry out this part. Enumeration of a power of the Secretary in this part does not exclude another power the Secretary may have in carrying out this part. The Secretary may prescribe regulations in carrying out this part.

(b) OBTAINING INFORMATION.—The Secretary may obtain from carriers providing, and brokers for, transportation and service subject to this part, and from persons controlling, controlled by, or under common control with those carriers or brokers to the extent that the business of that person is related to the management of the business of that carrier or broker, information the Secretary decides is necessary to carry out this part.

(c) SUBPOENA POWER.—

(1) BY SECRETARY.—The Secretary may subpoena witnesses and records related to a proceeding under this part from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Secretary, or a party to a proceeding under this part, may petition a court of the United States to enforce that subpoena.

(2) ENFORCEMENT.—The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

(d) TESTIMONY OF WITNESSES.—

(1) PROCEDURE FOR TAKING TESTIMONY.—In a proceeding under this part, the Secretary may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending under this part may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

(2) SUBPOENA.—If a witness fails to be deposed or to produce records under paragraph