

§ 14709. Tariff reconciliation rules for motor carriers of property

Subject to review and approval by the Board, motor carriers subject to jurisdiction under subchapter I of chapter 135 (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and under-charge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 or, with respect to transportation provided before January 1, 1996, sections 10761 and 10762, as in effect on December 31, 1995. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a tariff.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 912; amended Pub. L. 104-287, §5(39), Oct. 11, 1996, 110 Stat. 3392.)

HISTORICAL AND REVISION NOTES

PUB. L. 104-287

This amends 49:14709 by setting out the effective date of 49:14709 and for clarity and consistency.

REFERENCES IN TEXT

Sections 10761 and 10762, referred to in text, were 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.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11712 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

1996—Pub. L. 104-287 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”.

EFFECTIVE DATE

Section 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.

§ 14710. Enforcement of Federal laws and regulations with respect to transportation of household goods

(a) ENFORCEMENT BY STATES.—Notwithstanding any other provision of this title, a State authority may enforce the consumer protection provisions of this title that apply to individual shippers, as determined by the Secretary, and are related to the delivery and transportation of household goods in interstate commerce. Any fine or penalty imposed on a carrier in a proceeding under this subsection shall be paid, notwithstanding any other provision of law, to and retained by the State.

(b) NOTICE.—The State shall serve written notice to the Secretary or the Board, as the case may be, of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide the notice immediately upon instituting such civil action.

(c) ENFORCEMENT ASSISTANCE OUTREACH PLAN.—The Federal Motor Carrier Safety Administration shall implement an outreach plan to enhance the coordination and effective enforcement of Federal laws and regulations with respect to transportation of household goods between and among Federal and State law enforcement and consumer protection authorities. The outreach shall include, as appropriate, local law enforcement and consumer protection authorities.

(d) STATE AUTHORITY DEFINED.—In this section, the term “State authority” means an agency of a State that has authority under the laws of the State to regulate the intrastate movement of household goods.

(Added Pub. L. 109-59, title IV, §4206(b)(1), Aug. 10, 2005, 119 Stat. 1754; amended Pub. L. 109-115, div. A, title I, §173(a), (b), Nov. 30, 2005, 119 Stat. 2426.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-115, §173(a), (e), temporarily substituted “a State authority other than the attorney general of the state may, as parens patriae,” for “a State authority may” in first sentence and inserted second sentence which read as follows: “Any civil action for injunctive relief to enjoin such delivery or transportation or to compel a person to pay a fine or penalty assessed under chapter 149 shall be brought in an appropriate district court of the United States.” See Termination Date of 2005 Amendment note below.

Subsec. (b). Pub. L. 109-115, §173(b), (e), temporarily amended subsec. (b) to read as follows: “EXERCISE OF ENFORCEMENT AUTHORITY.—The authority of this section shall be exercised subject to the requirements of sections 14711(b)–(f) of this title.” See Termination Date of 2005 Amendment note below.

TERMINATION DATE OF 2005 AMENDMENT

Pub. L. 109-115, div. A, title I, §173(e), Nov. 30, 2005, 119 Stat. 2426, provided that: “The amendments made by this section [amending this section and section 14711 of this title] shall cease to be in effect after September 30, 2006.”

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS

Pub. L. 109-59, title IV, §4213, Aug. 10, 2005, 119 Stat. 1759, as amended by Pub. L. 111-147, title IV, §422(j), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(j), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(j), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(i), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(i), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(i), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. G, title II, §112002(f), July 6, 2012, 126 Stat. 983, directed the Secretary of Transportation to establish a working group to enhance the Federal-State partnership with respect to interstate transportation of household goods to remain in effect until Sept. 30, 2012.

§ 14711. Enforcement by State attorneys general

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the consumer protec-