

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 902(f) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words “fined under title 18” are substituted for “a fine of not more than \$5,000” for consistency with title 18. The words “upon conviction thereof be subject for each offense” are omitted as surplus. The words “any fact or” are omitted as being included in “information”. In clause (1), the words “the Secretary, Administrator, officer, or employee acquires” are substituted for “may come to his knowledge” for clarity and consistency.

In subsection (b)(2), the words “or a judge thereof” are omitted as surplus.

In subsection (c), the word “duly” is omitted as surplus.

AMENDMENTS

2018—Pub. L. 115-254, §1991(g)(3)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(g)(3)(A)(i), in introductory provisions, substituted “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration, or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary, the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator”, “Administrator of the Federal Aviation Administration shall” for “Administrator shall”, and “Administrator of the Federal Aviation Administration,” for “Administrator,”.

Subsec. (a)(1). Pub. L. 115-254, §1991(g)(3)(A)(ii), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsecs. (b), (c). Pub. L. 115-254, §1991(g)(3)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator” wherever appearing.

2001—Subsec. (a). Pub. L. 107-71, §140(d)(6), in introductory provisions, inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,” after “Transportation,” and “Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (a)(1). Pub. L. 107-71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary,”.

Subsec. (b)(1). Pub. L. 107-71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (b)(2). Pub. L. 107-71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary,”.

Subsec. (c). Pub. L. 107-71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator”.

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or  
(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106-181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109-59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46312 .....	49 App.:1472(h)(2).	Aug. 23, 1958, Pub. L. 85-726, §902(h)(2), 72 Stat. 785; re-stated Jan. 3, 1975, Pub. L. 93-633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words “is guilty of an offense”, “Upon conviction”, and “for each offense” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. In clause (1), the words “shipment, baggage, or other” are omitted as surplus.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §7128(a)(1), substituted “this part or chapter 51—” for “this part—” in introductory provisions.

Subsec. (b). Pub. L. 109-59, §7128(a)(2), inserted “or chapter 51” after “under this part”.

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement of the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115-254, div. K, title I, §1991(g)(4), Oct. 5, 2018, 132 Stat. 3644.)