

**§ 40501. General rate and tariff requirements**

(a) **AUTOMATED TARIFF SYSTEM.**—

(1) **IN GENERAL.**—Each common carrier and conference shall keep open to public inspection in an automated tariff system, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, a common carrier is not required to state separately or otherwise reveal in tariffs the inland divisions of a through rate.

(2) **EXCEPTIONS.**—Paragraph (1) does not apply with respect to bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste.

(b) **CONTENTS OF TARIFFS.**—A tariff under subsection (a) shall—

(1) state the places between which cargo will be carried;

(2) list each classification of cargo in use;

(3) state the level of compensation, if any, of any ocean freight forwarder by a carrier or conference;

(4) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules that in any way change, affect, or determine any part or the total of the rates or charges;

(5) include sample copies of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement; and

(6) include copies of any loyalty contract, omitting the shipper's name.

(c) **ELECTRONIC ACCESS.**—A tariff under subsection (a) shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations. A reasonable fee may be charged for such access, except that no fee may be charged for access by a Federal agency.

(d) **TIME-VOLUME RATES.**—A rate contained in a tariff under subsection (a) may vary with the volume of cargo offered over a specified period of time.

(e) **EFFECTIVE DATES.**—

(1) **INCREASES.**—A new or initial rate or change in an existing rate that results in an increased cost to a shipper may not become effective earlier than 30 days after publication. However, for good cause, the Federal Maritime Commission may allow the rate to become effective sooner.

(2) **DECREASES.**—A change in an existing rate that results in a decreased cost to a shipper may become effective on publication.

(f) **MARINE TERMINAL OPERATOR SCHEDULES.**—A marine terminal operator may make available to the public a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public is enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.

(g) **REGULATIONS.**—

(1) **IN GENERAL.**—The Commission shall by regulation prescribe the requirements for the

accessibility and accuracy of automated tariff systems established under this section. The Commission, after periodic review, may prohibit the use of any automated tariff system that fails to meet the requirements established under this section.

(2) **REMOTE TERMINALS.**—The Commission may not require a common carrier to provide a remote terminal for electronic access under subsection (c).

(3) **MARINE TERMINAL OPERATOR SCHEDULES.**—The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1532.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40501(a) .....	46 App.:1707(a)(1) (1st, 2d sentences).	Pub. L. 98-237, §8(a), (b), (d), (f), (g), Mar. 20, 1984, 98 Stat. 74; Pub. L. 105-258, title I, §106(a), (c), (e), (f), Oct. 14, 1998, 112 Stat. 1905, 1907.
40501(b) .....	46 App.:1707(a)(1) (last sentence).	
40501(c) .....	46 App.:1707(a)(2).	
40501(d) .....	46 App.:1707(b).	
40501(e) .....	46 App.:1707(d).	
40501(f) .....	46 App.:1707(f).	
40501(g) .....	46 App.:1707(g).	

In subsection (b)(3), the words "ocean freight forwarder" are substituted for "ocean transportation intermediary, as defined in section 1702(17)(A) of this Appendix" because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

In subsection (e), the word "calendar" is omitted as unnecessary.

In subsection (f)(1), the words "subject to section 1709(d) of this Appendix" are omitted as unnecessary.

**§ 40502. Service contracts**

(a) **IN GENERAL.**—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this part.

(b) **FILING REQUIREMENTS.**—

(1) **IN GENERAL.**—Each service contract entered into under this section by an individual ocean common carrier or an agreement shall be filed confidentially with the Federal Maritime Commission.

(2) **EXCEPTIONS.**—Paragraph (1) does not apply to contracts regarding bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste.

(c) **ESSENTIAL TERMS.**—Each service contract shall include—

- (1) the origin and destination port ranges;
- (2) the origin and destination geographic areas in the case of through intermodal movements;
- (3) the commodities involved;
- (4) the minimum volume or portion;
- (5) the line-haul rate;
- (6) the duration;
- (7) service commitments; and
- (8) the liquidated damages for nonperformance, if any.