

increased" before "charge, specifying by whom and in whose behalf", "revised charges" for "increased charges" before "as by its decision shall be found not justified", "new or revised charge, or a proposed new or revised charge" for "charge increased, or sought to be increased" before ", burden of proof to show", and "new or revised charge" for "increased charge" before ", or proposed charge, is just and reasonable".

1988—Subsec. (a). Pub. L. 100-594 designated existing provisions as par. (1) and added par. (2).

1976—Subsec. (a). Pub. L. 94-376 designated existing provisions as subsec. (a), substituted "any new or revised charge" for "any new charge", "in whole or in part but not for a longer period than five months" for "but not for a longer period than three months", "after such charge, classification, regulation, or practice had become effective" for "after it had become effective", "the proposed new or revised charge" for "the proposed change of charge", "but in case of a proposed charge for a new service or an increased charge" for "but in case of a proposed increased charge", "by reason of such charge for a new service or increased charge" for "by reason of such increase", "such portion of such charge for a new service or increased charges" for "such portion of such increased charges", "burden of proof to show that the increased charge, or proposed charge" for "burden of proof to show that the increased charge, or proposed increased charge", and struck out "after the organization of the Commission" before "the burden of proof."

Subsec. (b). Pub. L. 94-376 added subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-104, title IV, §402(b)(4), Feb. 8, 1996, 110 Stat. 129, provided that: "The amendments made by paragraph (1) of this subsection [amending this section and section 208 of this title] shall apply with respect to any charge, classification, regulation, or practice filed on or after one year after the date of enactment of this Act [Feb. 8, 1996]."

FORBEARANCE AUTHORITY NOT LIMITED

Pub. L. 104-104, title IV, §402(b)(3), Feb. 8, 1996, 110 Stat. 129, provided that: "Nothing in this subsection [amending this section and section 208 of this title and enacting provisions set out as notes under this section and section 214 of this title] shall be construed to limit the authority of the Commission to waive, modify, or forbear from applying any of the requirements to which reference is made in paragraph (1) [amending this section and section 208 of this title] under any other provision of this Act [see Short Title of 1996 Amendment note set out under section 609 of this title] or other law."

§ 205. Commission authorized to prescribe just and reasonable charges; penalties for violations

(a) Whenever, after full opportunity for hearing, upon a complaint or under an order for investigation and hearing made by the Commission on its own initiative, the Commission shall be of opinion that any charge, classification, regulation, or practice of any carrier or carriers is or will be in violation of any of the provisions of this chapter, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge or the maximum or minimum, or maximum and minimum, charge or charges to be thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will

exist, and shall not thereafter publish, demand, or collect any charge other than the charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of this section shall forfeit to the United States the sum of \$12,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

(June 19, 1934, ch. 652, title II, §205, 48 Stat. 1072; Pub. L. 101-239, title III, §3002(c), Dec. 19, 1989, 103 Stat. 2131.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-239 substituted "\$12,000" for "\$1,000".

§ 206. Carriers' liability for damages

In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this chapter prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this chapter required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this chapter, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

(June 19, 1934, ch. 652, title II, §206, 48 Stat. 1072.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 207. Recovery of damages

Any person claiming to be damaged by any common carrier subject to the provisions of this chapter may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this chapter, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

(June 19, 1934, ch. 652, title II, §207, 48 Stat. 1073.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat.