

remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

(3) an act in furtherance of the offense was committed in the United States.

(Added Pub. L. 106-181, title V, §506(c)(1), Apr. 5, 2000, 114 Stat. 137.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of Title 49, Transportation.

§ 39. Traffic signal preemption transmitters

(a) OFFENSES.—

(1) SALE.—Whoever, in or affecting interstate or foreign commerce, knowingly sells a traffic signal preemption transmitter to a nonqualifying user shall be fined under this title, or imprisoned not more than 1 year, or both.

(2) USE.—Whoever, in or affecting interstate or foreign commerce, being a nonqualifying user makes unauthorized use of a traffic signal preemption transmitter shall be fined under this title, or imprisoned not more than 6 months, or both.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TRAFFIC SIGNAL PREEMPTION TRANSMITTER.—The term “traffic signal preemption transmitter” means any mechanism that can change or alter a traffic signal’s phase time or sequence.

(2) NONQUALIFYING USER.—The term “nonqualifying user” means a person who uses a traffic signal preemption transmitter and is not acting on behalf of a public agency or private corporation authorized by law to provide fire protection, law enforcement, emergency medical services, transit services, maintenance, or other services for a Federal, State, or local government entity, but does not include a person using a traffic signal preemption transmitter for classroom or instructional purposes.

(Added Pub. L. 109-59, title II, §2018(a), Aug. 10, 2005, 119 Stat. 1542.)

Editorial Notes

CODIFICATION

Another section 39 was renumbered section 40 of this title.

§ 39A. Aiming a laser pointer at an aircraft

(a) OFFENSE.—Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) LASER POINTER DEFINED.—As used in this section, the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(c) EXCEPTIONS.—This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training; or

(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) AUTHORITY TO ESTABLISH ADDITIONAL EXCEPTIONS BY REGULATION.—The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.

(Added Pub. L. 112-95, title III, §311(a), Feb. 14, 2012, 126 Stat. 65.)

§ 39B. Unsafe operation of unmanned aircraft

(a) OFFENSE.—Any person who operates an unmanned aircraft and:

(1) Knowingly interferes with, or disrupts the operation of, an aircraft carrying 1 or more occupants operating in the special aircraft jurisdiction of the United States, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c).

(2) Recklessly interferes with, or disrupts the operation of, an aircraft carrying 1 or more occupants operating in the special aircraft jurisdiction of the United States, in a manner that poses an imminent safety hazard to such occupants, shall be punished as provided in subsection (c).

(b) OPERATION OF UNMANNED AIRCRAFT IN CLOSE PROXIMITY TO AIRPORTS.—

(1) IN GENERAL.—Any person who, without authorization, knowingly operates an unmanned aircraft within a runway exclusion zone shall be punished as provided in subsection (c).

(2) RUNWAY EXCLUSION ZONE DEFINED.—In this subsection, the term “runway exclusion zone” means a rectangular area—

(A) centered on the centerline of an active runway of an airport immediately around which the airspace is designated as class B, class C, or class D airspace at the surface under part 71 of title 14, Code of Federal Regulations; and

(B) the length of which extends parallel to the runway’s centerline to points that are 1 statute mile from each end of the runway and the width of which is ½ statute mile.

(c) PENALTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the punishment for an offense under subsections¹ (a) or (b) shall be a fine under this title, imprisonment for not more than 1 year, or both.

(2) SERIOUS BODILY INJURY OR DEATH.—Any person who:

(A) Causes serious bodily injury or death during the commission of an offense under subsection (a)(2) shall be fined under this title, imprisoned for a term of up to 10 years, or both.

(B) Causes, or attempts or conspires to cause, serious bodily injury or death during the commission of an offense under subsections (a)(1) and (b) shall be fined under this title, imprisoned for any term of years or for life, or both.

(Added Pub. L. 115–254, div. B, title III, §384(a), Oct. 5, 2018, 132 Stat. 3322.)

§ 40. Commercial motor vehicles required to stop for inspections

(a) A driver of a commercial motor vehicle (as defined in section 31132 of title 49) shall stop and submit to inspection of the vehicle, driver, cargo, and required records when directed to do so by an authorized employee of the Federal Motor Carrier Safety Administration of the Department of Transportation, at or in the vicinity of an inspection site. The driver shall not leave the inspection site until authorized to do so by an authorized employee.

(b) A driver of a commercial motor vehicle, as defined in subsection (a), who knowingly fails to stop for inspection when directed to do so by an authorized employee of the Administration at or in the vicinity of an inspection site, or leaves the inspection site without authorization, shall be fined under this title or imprisoned not more than 1 year, or both.

(Added Pub. L. 109–59, title IV, §4143(a), Aug. 10, 2005, 119 Stat. 1747, §39; renumbered §40, Pub. L. 110–244, title III, §301(j), June 6, 2008, 122 Stat. 1616.)

¹ So in original. Probably should be “subsection”.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110–244 renumbered section 39 of this title, relating to inspection of commercial vehicles, as this section.

§ 40A. Operation of unauthorized unmanned aircraft over wildfires

(a) IN GENERAL.—Except as provided in subsection (b), an individual who operates an unmanned aircraft and knowingly or recklessly interferes with a wildfire suppression, or law enforcement or emergency response efforts¹ related to a wildfire suppression, shall be fined under this title, imprisoned for not more than 2 years, or both.

(b) EXCEPTIONS.—This section does not apply to the operation of an unmanned aircraft conducted by a unit or agency of the United States Government or of a State, tribal, or local government (including any individual conducting such operation pursuant to a contract or other agreement entered into with the unit or agency) for the purpose of protecting the public safety and welfare, including firefighting, law enforcement, or emergency response.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) UNMANNED AIRCRAFT.—The term “unmanned aircraft” has the meaning given the term in section 44801 of title 49, United States Code.

(2) WILDFIRE.—The term “wildfire” has the meaning given that term in section 2 of the Emergency Wildfire Suppression Act (42 U.S.C. 1856m).

(3) WILDFIRE SUPPRESSION.—The term “wildfire suppression” means an effort to contain, extinguish, or suppress a wildfire.

(Added Pub. L. 115–254, div. B, title III, §382(a), Oct. 5, 2018, 132 Stat. 3320.)

CHAPTER 3—ANIMALS, BIRDS, FISH, AND PLANTS

- Sec. 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
- 42. Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations.
- 43. Force, violence, and threats involving animal enterprises.
- [44 to 46. Repealed.]
- 47. Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes.
- 48. Animal crushing.
- 49. Enforcement of animal fighting prohibitions.

HISTORICAL AND REVISION NOTES

The criminal provisions of the Migratory Bird Treaty Act, sections 703–711 of title 16, U.S.C., 1940 ed., Conservation, and the Migratory Bird Conservation Act, sections 715–715r of title 16, U.S.C., 1940 ed., Conservation, were considered for inclusion in this chapter. Since these provisions, except parts of sections 704–707 of said title 16, are so inextricably interwoven with the Migratory Bird Acts, it was found advisable to exclude them.

¹ So in original. Probably should be “effort”.