(d) 'Treatment'.—Subsection (a) is an exception to the requirements of section 13702 and, for transportation provided before January 1, 1996, to the requirements of sections 10761(a) and 10762, as in effect on December 31, 1995, as such sections relate to a filed tariff rate and other general tariff requirements.

(e) Nonapplicability of Negotiated Rate Dispute Resolution Procedure.—If a person elects to seek enforcement of subsection (a) with respect to a rate for a transportation or service, section 13709 shall not apply to such rate.

(f) Definitions.—In this section, the term 'negotiated rate' means a rate, charge, classification, or rule agreed upon by a motor carrier or freight forwarder and a shipper through negotiations pursuant to which no tariff was lawfully and timely filed and for which there is written evidence of such agreement.

(g) Applicability to pending cases.—This section shall apply to all cases and proceedings pending on January 1, 1996.


HISTORICAL AND REVISION NOTES

Pub. L. 104–287
This amends 49:13711(a), (d), and (g) by setting out the effective date of 49:13711 and for clarity and consistency.

References in Text


Chapter 107, as in effect on the date transportation was provided, referred to in subsec. (a), means chapter 107 of this title, as in effect on the date transportation was provided with respect to transportation provided before January 1, 1996. Chapter 107 (§10701 et seq.) was omitted and a new chapter 107 enacted in the general amendment of this subtitle by Pub. L. 104–88, title I, §102(a), Dec. 29, 1995, 109 Stat. 804, 809, effective Jan. 1, 1996.

Sections 10761(a) and 10762, referred to in subsec. (d), were omitted in the general amendment of this subtitle by Pub. L. 104–88, title I, §102(a), Dec. 29, 1995, 109 Stat. 804, 809, effective Jan. 1, 1996.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 2(e) of Pub. L. 103–180, set out as a note under former section 10701 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–287, §5(31)(A), substituted ‘‘or, before January 1, 1996’’ for ‘‘or, before the effective date of this section’’, ‘‘December 31, 1995’’ for ‘‘the day before the effective date of this section’’, and ‘‘prior to 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 2(e) of Pub. L. 103–180, set out as a note under former section 10701 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–287, §5(31)(A), substituted ‘‘or, before January 1, 1996’’ for ‘‘or, before the effective date of this section’’, ‘‘December 31, 1995’’ for ‘‘the day before the effective date of this section’’, and ‘‘prior to 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’’.

Effective Date