

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1539.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 40904 | 46 App.:1718(e). | Pub. L. 98-237, §19(e), Mar. 20, 1984, 98 Stat. 88; Pub. L. 105-258, title I, §116, Oct. 14, 1998, 112 Stat. 1912. |

In this section, the words “ocean freight forwarder” are substituted for “ocean transportation intermediary, as defined in section 1702(17)(A) of this Appendix” and “ocean transportation intermediary” 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 (d)(1), the word “calendar” is omitted as unnecessary.

CHAPTER 411—PROHIBITIONS AND PENALTIES

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- 41101. Joint ventures and consortiums.
- 41102. General prohibitions.
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Editorial Notes

AMENDMENTS

2018—Pub. L. 115-282, title VII, §709(b)(2), Dec. 4, 2018, 132 Stat. 4296, added item 41105A.

§ 41101. Joint ventures and consortiums

In this chapter, a joint venture or consortium of two or more common carriers operating as a single entity is deemed to be a single common carrier.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1540.)

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| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 41101 | 46 App.:1709(e). | Pub. L. 98-237, §10(e), Mar. 20, 1984, 98 Stat. 80. |

§ 41102. General prohibitions

(a) OBTAINING TRANSPORTATION AT LESS THAN APPLICABLE RATES.—A person may not knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or any other unjust or unfair device or means, obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise apply.

(b) OPERATING CONTRARY TO AGREEMENT.—A person may not operate under an agreement required to be filed under section 40302 or 40305 of this title if—

- (1) the agreement has not become effective under section 40304 of this title or has been rejected, disapproved, or canceled; or
- (2) the operation is not in accordance with the terms of the agreement or any modifica-

tions to the agreement made by the Federal Maritime Commission.

(c) PRACTICES IN HANDLING PROPERTY.—A common carrier, marine terminal operator, or ocean transportation intermediary may not fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1540.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 41102(a) | 46 App.:1709(a)(1). | Pub. L. 98-237, §10(a), Mar. 20, 1984, 98 Stat. 77. |
| 41102(b) | 46 App.:1709(a)(2), (3). | |
| 41102(c) | 46 App.:1709(d)(1). | Pub. L. 98-237, §10(d)(1), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105-258, title I, §109(c)(2), Oct. 14, 1998, 112 Stat. 1909. |

§ 41103. Disclosure of information

(a) PROHIBITION.—A common carrier, marine terminal operator, or ocean freight forwarder, either alone or in conjunction with any other person, directly or indirectly, may not knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier, without the consent of the shipper or consignee, if the information—

- (1) may be used to the detriment or prejudice of the shipper, the consignee, or any common carrier; or
- (2) may improperly disclose its business transaction to a competitor.

(b) EXCEPTIONS.—Subsection (a) does not prevent providing the information—

- (1) in response to legal process;
- (2) to the Federal Maritime Commission or an agency of the United States Government; or
- (3) to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this part.

(c) DISCLOSURE FOR DETERMINING BREACH OR COMPILING STATISTICS.—An ocean common carrier that is a party to a conference agreement approved under this part, a receiver, trustee, lessee, agent, or employee of the carrier, or any other person authorized by the carrier to receive information—

- (1) may give information to the conference or any person or agency designated by the conference, for the purpose of—
 - (A) determining whether a shipper or consignee has breached an agreement with the conference or its member lines;
 - (B) determining whether a member of the conference has breached the conference agreement; or
 - (C) compiling statistics of cargo movement; and
- (2) may not prevent the conference or its designee from soliciting or receiving information for any of those purposes.