

§ 1022.3

49 CFR Ch. X (10–1–23 Edition)

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.

(c) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

(d) *Cost-of-Living Adjustment* means the percentage (if any) by which the Consumer Price Index for the month of October preceding the adjustment exceeds the Consumer Price Index for the month of October one year before the month of October preceding date of the adjustment.

(e) *Initial Cost-of-Living Adjustment* means, for each civil monetary penalty, the percentage (if any) by which the Consumer Price Index for the month of October 2015 exceeds the Consumer Price Index of the month of October of the calendar year during which the amount of such civil monetary penalty was established or adjusted under a provision of law.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

§ 1022.3 Civil monetary penalty inflation adjustment.

The Board shall, immediately, and at least every year thereafter—

(a) By regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Board by the inflation adjustment described in § 1022.4; and

(b) Publish each such adjustment in the FEDERAL REGISTER.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

§ 1022.4 Cost-of living adjustments of civil monetary penalties.

(a) The inflation adjustment under § 1022.3 will initially be determined by increasing each maximum civil monetary penalty by the initial cost-of-living adjustment. Not later than January 15 of every year thereafter, the inflation adjustment will subsequently be determined by increasing the maximum civil monetary penalty for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this section shall be rounded to the nearest dollar.

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

TABLE 1 TO PARAGRAPH (b)

U.S. Code citation	Civil monetary penalty description	2022—Penalty amount	2023—Adjusted penalty amount
		EP 716 _7 (2022)	EP 716 _8 (2023)
Rail Carrier			
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	\$8,736	\$9,413
49 U.S.C. 11901(b)	For each violation under section 11124(a)(2) or (b)	874	942
49 U.S.C. 11901(b)	For each day violation continues	45	48
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under sections 10901–10906.	8,736	9,413
49 U.S.C. 11901(d)	For each violation under section 11123 or section 11124(a)(1).	174–\$874	187–\$942
49 U.S.C. 11901(d)	For each day violation continues	87	94
49 U.S.C. 11901(e)(1), (4).	For each violation under sections 11141–11145, for each day.	874	942
49 U.S.C. 11901(e)(2), (4).	For each violation under section 11144(b)(1), for each day	174	187
49 U.S.C. 11901(e)(3)–(4).	For each violation of reporting requirements, for each day ..	174	187
Motor and Water Carrier			
49 U.S.C. 14901(a)	Minimum penalty for each violation and for each day	1,195	1,288
49 U.S.C. 14901(a)	For each violation under section 13901 or section 13902(c)	11,957	12,883
49 U.S.C. 14901(a)	For each violation related to transportation of passengers ..	29,893	32,208
49 U.S.C. 14901(b)	For each violation of the hazardous waste rules under section 3001 of the Solid Waste Disposal Act.	23,915–47,829	25,767–51,534

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TABLE 1 TO PARAGRAPH (b)—Continued

U.S. Code citation	Civil monetary penalty description	2022—Penalty amount	2023—Adjusted penalty amount
		EP 716 _7 (2022)	EP 716 _8 (2023)
49 U.S.C. 14901(d)(1) ...	Minimum penalty for each violation of household good regulations, and for each day.	1,746	1,881
49 U.S.C. 14901(d)(2) ...	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	17,473	18,826
49 U.S.C. 14901(d)(3) ...	Minimum penalty for each instance of transportation of household goods without being registered.	43,678	47,061
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	3,494	3,765
49 U.S.C. 14901(e)	Minimum penalty for each additional violation	8,736	9,413
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	174,724	188,257
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	349	376
49 U.S.C. 14904(a)	For all subsequent violations	438	472
49 U.S.C. 14904(b)(1) ...	Maximum penalty for first violation for undercharges by freight forwarders.	874	942
49 U.S.C. 14904(b)(1) ...	Maximum penalty for subsequent violations	3,494	3,765
49 U.S.C. 14904(b)(2) ...	Maximum penalty for other first violations under section 13702.	874	942
49 U.S.C. 14904(b)(2) ...	Maximum penalty for subsequent violations	3,494	3,765
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of section 14103(a), and knowingly authorizing, consenting to, or permitting a violation of section 14103(a) or (b).	17,473	18,826
49 U.S.C. 14906	Minimum penalty for first attempt to evade regulation	2,392	2,577
49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation.	5,978	6,441
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	8,736	9,413
49 U.S.C. 14908(a)(2) ...	Maximum penalty for violation of section 14908(a)(1)	3,494	3,765
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each violation, for each day.	874	942
49 U.S.C. 14915(a)(1)–(2).	Minimum penalty for holding a household goods shipment hostage, for each day.	13,885	14,960
49 U.S.C. 14916(c)(1) ...	Maximum penalty for each knowing violation under section 14916(a) for unlawful brokerage activities.	11,957	12,883
Pipeline Carrier			
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	8,736	9,413
49 U.S.C. 16101(b)(1), (4).	For each recordkeeping violation under section 15722, each day.	874	942
49 U.S.C. 16101(b)(2), (4).	For each inspection violation liable under section 15722, each day.	174	187
49 U.S.C. 16101(b)(3)–(4).	For each reporting violation under section 15723, each day	174	187
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	1,746	1,881

[81 FR 72543, Oct. 20, 2016, as amended at 82 FR 4797, Jan. 17, 2017; 83 FR 993, Jan. 9, 2018; 83 FR 67699, Dec. 31, 2018; 85 FR 839, Jan. 8, 2019; 86 FR 3027, Jan. 14, 2021; 87 FR 2354, Jan. 14, 2022; 88 FR 2269, Jan. 13, 2022]

Parts 1030–1039—Carriers Subject to Part I, Interstate Commerce Act

PART 1033—CAR SERVICE

Sec.

1033.1 Car hire rates.

1033.2 Car service orders.

AUTHORITY: 49 U.S.C. 1321, 11121, 11122.

§ 1033.1 Car hire rates.

(a) Definitions applicable to this section:

(1) *Car*. A freight car bearing railroad reporting marks, other than an excluded boxcar as defined in §1039.14(c)(2) of this chapter whenever it is owned or leased by any class III carrier and bears a class III carrier's reporting marks.

(2) *Car hire*. Compensation to be paid by a user to an owner for use of a car.