

Public Law 89-169

September 6, 1965
[H. J. Res. 632]

JOINT RESOLUTION

To authorize the Administrator of General Services to enter into an agreement with the University of Texas for the Lyndon Baines Johnson Presidential Archival Depository, and for other purposes.

Lyndon Baines
Johnson Presi-
dential Archival
Depository.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to enter into an agreement upon such terms and conditions as he determines proper with the University of Texas to utilize as the Lyndon Baines Johnson Archival Depository, land, buildings, and equipment of such university to be made available by it without transfer of title to the United States, and to maintain, operate, and protect such depository as a part of the National Archives system. Such agreement may be entered into without regard to the provisions of section 507 (f) (1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397 (f) (1)), that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives.

69 Stat. 695.

Approved September 6, 1965.

Public Law 89-170

September 6, 1965
[H. R. 5401]

AN ACT

To amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes.

Interstate Com-
merce Act, amend-
ment.
49 Stat. 550;
54 Stat. 922.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 205 of the Interstate Commerce Act (49 U.S.C. 305 (f)) is amended by inserting after the second sentence thereof the following new sentence: "In addition, the Commission is authorized to make cooperative agreements with the various States to enforce the economic and safety laws and regulations of the various States and the United States concerning highway transportation."

State registra-
tion of ICC certifi-
cates.

SEC. 2. Subsection (b) of section 202 of the Interstate Commerce Act (49 U.S.C. 302 (b)) is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) The requirement by a State that any motor carrier operating in interstate or foreign commerce within the borders of that State register its certificate of public convenience and necessity or permit issued by the Commission shall not constitute an undue burden on interstate commerce provided that such registration is accomplished in accordance with standards, or amendments thereto, determined and officially certified to the Commission by the national organization of the State commissions, as referred to in section 205 (f) of this Act, and promulgated by the Commission. As so certified, such standards, or amendments thereto, shall be promulgated forthwith by the Commission and shall become effective five years from the date of such promulgation. As used in this paragraph, 'standards or amendments thereto' shall mean specification of forms and procedures required to evidence the lawfulness of interstate operations of a carrier within a State by (a) filing

and maintaining current records of the certificates and permits issued by the Commission, (b) registering and identifying vehicles as operating under such certificates and permits, (c) filing and maintaining evidence of currently effective insurance or qualifications as a self-insurer under rules and regulations of the Commission, and (d) filing designations of local agents for service of process. Different standards may be determined and promulgated for each of the classes of carriers as differences in their operations may warrant. In determining or amending such standards, the national organization of the State commissions shall consult with the Commission and with representatives of motor carriers subject to State registration requirements. To the extent that any State requirements for registration of motor carrier certificates or permits issued by the Commission impose obligations which are in excess of the standards or amendments thereto promulgated under this paragraph, such excessive requirements shall, on the effective date of such standards, constitute an undue burden on interstate commerce. If the national organization of the State commissions fails to determine and certify to the Commission such standards within eighteen months from the effective date of the paragraph, or if that organization at any time determines to withdraw in their entirety standards previously determined or promulgated, it shall be the duty of the Commission, within one year thereafter, to devise and promulgate such standards, and to review from time to time the standards so established and make such amendments thereto as it may deem necessary, in accordance with the foregoing requirements of this paragraph. Nothing in this paragraph shall be construed to deprive the Commission, when there is a reasonable question of interpretation or construction, of its jurisdiction to interpret or construe certificates of public convenience and necessity, permits, or rules and regulations issued by the Commission, nor to authorize promulgation of standards in conflict with any rule or regulation of the Commission."

SEC. 3. Subsection (h) of section 222 of the Interstate Commerce Act (49 U.S.C. 322(h)) is amended by striking out the words "shall forfeit to the United States the sum of \$100 for each such offense, and, in case of a continuing violation, not to exceed \$50 for each additional day during which such failure or refusal shall continue" in the first sentence therein and by inserting in lieu thereof the following: "or who shall fail or refuse to comply with the provisions of section 203(c) or section 206(a) (1) or section 209(a) (1) shall forfeit to the United States not to exceed \$500 for each such offense, and, in case of a continuing violation not to exceed \$250 for each additional day during which such failure or refusal shall continue".

Civil penalties,
increase.
63 Stat. 488.

SEC. 4. Subsection (b) of section 222 of the Interstate Commerce Act (49 U.S.C. 322(b)) is amended to read as follows:

"(b) (1) If any motor carrier or broker operates in violation of any provision of this part (except as to the reasonableness of rates, fares, or charges and the discriminatory character thereof), or any lawful rule, regulation, requirement, or order promulgated by the Commission, or of any term or condition of any certificate or permit, the Commission or its duly authorized agent may apply for the enforcement thereof to the district court of the United States for any district where such motor carrier or broker operates. In any proceeding instituted under the provisions of this subsection, any person, or persons, acting in concert or participating with such carrier or broker in the Commis-

Enforcement pro-
ceedings by Com-
mission.
49 Stat. 564.

sion of such violation may, without regard to his or their residence, be included, in addition to the motor carrier or broker, as a party, or parties, to the proceeding. The court shall have jurisdiction to enforce obedience to any such provision of this part, or of such rule, regulation, requirement, order, term, or condition by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier or broker, his or its officers, agents, employees, and representatives, and such other person, or persons, acting in concert or participating with such carrier or broker, from further violation of such provision of this part, or of such rule, regulation, requirement, order, term, or condition and enjoining upon it or them obedience thereto. Process in such proceedings may be served upon such motor carrier, or broker, or upon such person, or persons, acting in concert or participating therewith in the commission of such violation, without regard to the territorial limits of the district or of the State in which the proceeding is instituted.

Enforcement proceedings by injured persons.
49 USC 303, 306, 309, 311.

“(2) If any person operates in clear and patent violation of any provisions of section 203 (c), 206, 209, or 211 of this part, or any rule, regulation, requirement, or order thereunder, any person injured thereby may apply to the district court of the United States for any district where such person so violating operates, for the enforcement of such section, or of such rule, regulation, requirement, or order. The court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such person, his or its officers, agents, employees, and representatives from further violation of such section or of such rule, regulation, requirement, or order; and enjoining upon it or them obedience thereto. A copy of any application for relief filed pursuant to this paragraph shall be served upon the Commission and a certificate of such service shall appear in such application. The Commission may appear as of right in any such action. The party who or which prevails in any such action may, in the discretion of the court, recover reasonable attorney's fees to be fixed by the court, in addition to any costs allowable under the Federal Rules of Civil Procedure, and the plaintiff instituting such action shall be required to give security, in such sum as the court deems proper, to protect the interests of the party or parties against whom any temporary restraining order, temporary injunctive, or other process is issued should it later be proven unwarranted by the facts and circumstances.

28 USC app.

“(3) In any action brought under paragraph (2) of this subsection, the Commission may notify the district court of the United States in which such action is pending that it intends to consider the matter in a proceeding before the Commission. Upon the filing of such a notice the court shall stay further action pending disposition of the proceeding before the Commission.”

56 Stat. 297.

SEC. 5. Subsection (b) of section 417 of the Interstate Commerce Act (49 U.S.C. 1017 (b)) is amended by inserting “(1)” immediately after “(b)” and by adding at the end thereof the following new paragraph:

49 USC 1010.

“(2) If any person operates in clear and patent violation of section 410 of this part, or any rule, regulation, requirement, or order thereunder, any person injured thereby may apply to the district court of the United States for any district where such person so violating operates, for the enforcement of such section, or of such rule, regulation, requirement, or order. The court shall have jurisdiction to

enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such person, his or its officers, agents, employees, and representatives from further violation of such section or of such rule, regulation, requirement, or order; and enjoining upon it or them obedience thereto. A copy of any application for relief filed pursuant to this paragraph shall be served upon the Commission and a certificate of such service shall appear in such application. The Commission may appear as of right in any such action. The party who or which prevails in any such action may, in the discretion of the court, recover reasonable attorney's fees to be fixed by the court, in addition to any costs allowable under the Federal Rules of Civil Procedure, and the plaintiff instituting such action shall be required to give security, in such sum as the court deems proper, to protect the interests of the party or parties against whom any temporary restraining order, temporary injunctive or other process is issued should it later be proven unwarranted by the facts and circumstances.

"(3) In any action brought under paragraph (2) of this subsection, the Commission may notify the district court of the United States in which such action is pending that it intends to consider the matter in a proceeding before the Commission. Upon the filing of such a notice the court shall stay further action pending disposition of the proceeding before the Commission."

SEC. 6. (a) Paragraph (2) of section 204a of the Interstate Commerce Act (49 U.S.C. 304a) is amended to read as follows:

Recovery of reparations and overcharges.
63 Stat. 280.

"(2) For recovery of reparations, action at law shall be begun against common carriers by motor vehicle subject to this part within two years from the time the cause of action accrues, and not after, and for recovery of overcharges, action at law shall be begun against common carriers by motor vehicle subject to this part within three years from the time the cause of action accrues, and not after, subject to paragraph (3) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice."

(b) Section 204a of the Interstate Commerce Act (49 U.S.C. 304a) is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) thereof the following:

63 Stat. 280;
72 Stat. 860.

"(5) The term 'reparations' as used in this section means damages resulting from charges for transportation services to the extent that the Commission, upon complaint made as provided in section 216(e) of this part, finds them to have been unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial."

"Reparations."

49 Stat. 558.
49 USC 316.

SEC. 7. (a) Paragraph (2) of section 406a of the Interstate Commerce Act (49 U.S.C. 1006a) is amended to read as follows:

63 Stat. 282;
72 Stat. 860.

"(2) For recovery of reparations, action at law shall be begun against freight forwarders subject to this part within two years from the time the cause of action accrues, and not after, and for recovery of overcharges, action at law shall be begun against freight forwarders subject to this part within three years from the time the cause

of action accrues, and not after, subject to paragraph (3) of this section, except that if claim for the overcharge has been presented in writing to the freight forwarder within the three-year period of limitation said period shall be extended to include six months from the time notice in writing is given by the freight forwarder to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice."

(b) Section 406a of the Interstate Commerce Act (49 U.S.C. 1006a) is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting immediately after paragraph (4) thereof the following:

"Reparations."

"(5) The term 'reparations' as used in this section means damages resulting from charges for transportation services to the extent that the Commission, upon complaint made as provided in section 406 of this part, finds them to have been unjust and unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial."

56 Stat. 288.
49 USC 1006.

54 Stat. 929.
49 USC 901-923.

SEC. 8. (a) Part III of the Interstate Commerce Act is amended by inserting immediately after section 312 the following new section:

"REVOCATION OF CERTIFICATES AND PERMITS

"SEC. 312a. (1) Certificates and permits shall be effective from the date specified therein, and shall remain in effect until suspended or revoked as provided in this section.

"(2) Any certificate or permit issued under this part may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may, upon complaint, or on the Commission's own initiative, after reasonable notice and opportunity for hearing, be suspended, changed, or revoked, in whole or in part, for willful failure to comply with the provisions of section 305(a) with respect to performing, providing, and furnishing transportation upon reasonable request therefor: *Provided, however,* That no such certificate or permit shall be suspended, changed, or revoked under this paragraph (except upon application of the holder) unless the holder thereof, fails to comply, within a reasonable time, not less than thirty days, to be fixed by the Commission, with a lawful order of the Commission, made as provided in section 304(e) of this title, commanding obedience to the provisions of section 305(a) with respect to performing, providing, and furnishing transportation upon reasonable request therefor."

49 USC 905.

49 USC 904.
54 Stat. 934.
49 USC 905.

(b) The table of contents in section 301 of the Interstate Commerce Act, as amended (49 U.S.C. 901), is amended by inserting immediately after and below

"Sec. 312. Transfer of certificates and permits."

the following:

"Sec. 312a. Revocation of certificates and permits."

Approved September 6, 1965.