

Editorial Notes**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 11909 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11903, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1457, related to rate, discrimination, and tariff violations, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14903 of this title.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11904. Unlawful disclosure of information

(a) A—

(1) rail carrier providing transportation subject to the jurisdiction of the Board under this part, or an officer, agent, or employee of that rail carrier, or another person authorized to receive information from that rail carrier, that knowingly discloses to another person, except the shipper or consignee; or

(2) person who solicits or knowingly receives,

information described in subsection (b) without the consent of the shipper or consignee shall be fined not more than \$1,000.

(b) The information referred to in subsection (a) is information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that rail carrier for transportation provided under this part, or information about the contents of a contract authorized under section 10709 of this title, that may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor, the business transactions of the shipper or consignee.

(c) This part does not prevent a rail carrier providing transportation subject to the jurisdiction of the Board under this part from giving information—

(1) in response to legal process issued under authority of a court of the United States or a State;

(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

(3) to another rail carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

(d) An employee of the Board delegated to make an inspection or examination under section 11144 of this title who knowingly discloses information acquired during that inspection or examination, except as directed by the Board, a court, or a judge of that court, shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

(e) A person that knowingly discloses confidential data made available to such person under section 11163 of this title by a rail carrier providing transportation subject to the jurisdiction of the Board under this part shall be fined not more than \$50,000.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 851; amended Pub. L. 105-102, §2(6), Nov. 20, 1997, 111 Stat. 2204.)

HISTORICAL AND REVISION NOTES**PUB. L. 105-102**

This amends 49:11904(a)(2) to correct a grammatical error.

Editorial Notes**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 11910 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11904, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1457; Pub. L. 99-521, §13(a), Oct. 22, 1986, 100 Stat. 2998, related to additional rate and discrimination violations, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14904 of this title.

AMENDMENTS

1997—Subsec. (a)(2). Pub. L. 105-102 struck out “a” before “person”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11905. Disobedience to subpoenas

A person not obeying a subpoena or requirement of the Board to appear and testify or produce records shall be fined at least \$100 but not more than \$5,000, imprisoned for not more than one year, or both.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

Editorial Notes**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 11913 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11905, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459; Pub. L. 97-261, §29(e), Sept. 20, 1982, 96 Stat. 1128, related to transportation of passengers without charge, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11906. General criminal penalty when specific penalty not provided

When another criminal penalty is not provided under this chapter, a rail carrier providing transportation subject to the jurisdiction of the Board under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined not more than \$5,000. The person

may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of this part continues.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852; amended Pub. L. 105-102, §2(7), Nov. 20, 1997, 111 Stat. 2204.)

HISTORICAL AND REVISION NOTES

PUB. L. 105-102

This amends 49:11906 to correct an erroneous cross-reference.

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11914 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11906, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to evasion of regulation of motor carriers and brokers, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 14906 of this title.

AMENDMENTS

1997—Pub. L. 105-102 substituted “violation of this part” for “violation of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11907. Punishment of corporation for violations committed by certain individuals

An act or omission that would be a violation of this part if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a rail carrier providing transportation or service subject to the jurisdiction of the Board under this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that rail carrier are considered to be the actions and omissions of that rail carrier as well as that individual.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11915 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

A prior section 11907, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459, related to interference with railroad car supply, prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a). See section 11902 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 11908. Relation to other Federal criminal penalties

Notwithstanding section 3571 of title 18, United States Code, the criminal penalties provided for in this chapter are the exclusive criminal penalties for violations of this part.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 852.)

Editorial Notes

PRIOR PROVISIONS

Prior sections 11908 to 11917 were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 11908, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1459; Pub. L. 99-521, §13(b)(1), (2), Oct. 22, 1986, 100 Stat. 2998, 2999, related to penalty for abandonment of service by household goods freight forwarders.

Section 11909, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1460; Pub. L. 96-258, §1(15), June 3, 1980, 94 Stat. 427; Pub. L. 97-424, title IV, §427(a), Jan. 6, 1983, 96 Stat. 2168; Pub. L. 98-216, §2(20), Feb. 14, 1984, 98 Stat. 6; Pub. L. 99-521, §13(c), Oct. 22, 1986, 100 Stat. 2999; Pub. L. 103-180, §6(c), Dec. 3, 1993, 107 Stat. 2051; Pub. L. 103-272, §4(j)(35), July 5, 1994, 108 Stat. 1370, related to penalties for record keeping and reporting violations. See sections 11903, 14907, and 16102 of this title.

Section 11910, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1461; Pub. L. 96-448, title III, §303(b), Oct. 14, 1980, 94 Stat. 1938; Pub. L. 99-521, §13(d), Oct. 22, 1986, 100 Stat. 2999, related to penalties for unlawful disclosure of information. See sections 11904, 14908, and 16103 of this title.

Section 11911, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1462; Pub. L. 97-261, §19(c), Sept. 20, 1982, 96 Stat. 1121, related to penalties for violations involving issuance of securities, disposition of funds, and restrictions on ownership.

Section 11912, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1462; Pub. L. 96-258, §1(13)(C), June 3, 1980, 94 Stat. 427, related to penalties for violations by persons, not carriers, involving consolidations, mergers, and acquisitions of control.

Section 11913, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1463, related to penalty for disobedience to subpoenas. See sections 11905, 14909, and 16104 of this title.

Section 11913a, added Pub. L. 96-448, title III, §303(a)(1), Oct. 14, 1980, 94 Stat. 1938, related to penalty for accounting principles violations.

Section 11914, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1463; Pub. L. 96-258, §1(16), June 3, 1980, 94 Stat. 427; Pub. L. 97-424, title IV, §427(b), Jan. 6, 1983, 96 Stat. 2168; Pub. L. 98-216, §2(20), Feb. 14, 1984, 98 Stat. 6; Pub. L. 98-554, title II, §226(c)(7), Oct. 30, 1984, 98 Stat. 2852, related to general criminal penalty when specific penalty not provided. See sections 11906, 14910, and 16105 of this title.

Section 11915, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1464, related to punishment of corporation for violations committed by certain individuals. See sections 11907, 14911, and 16106 of this title.

Section 11916, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1464, related to conclusiveness of rates in certain prosecutions. See section 14913 of this title.

Section 11917, added Pub. L. 96-454, §9(a), Oct. 15, 1980, 94 Stat. 2021, related to weight-bumping in household goods transportation. See section 14912 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.