

designated by the Secretary or agreed on by the parties by written stipulation filed with the Secretary. A deposition shall be filed with the Secretary promptly.

(e) **WITNESS FEES.**—Each witness summoned before the Secretary or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

(f) **POWERS OF BOARD.**—For those provisions of this part that are specified to be carried out by the Board, the Board shall have the same powers as the Secretary has under this section.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 856.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10321 of this title 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.

BROKER GUIDANCE RELATING TO FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Pub. L. 117-58, div. B, title III, §23021, Nov. 15, 2021, 135 Stat. 777, provided that:

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall issue guidance to clarify the definitions of the terms ‘broker’ and ‘bona fide agents’ in section 371.2 of title 49, Code of Federal Regulations.

“(b) **CONSIDERATIONS.**—In issuing guidance under subsection (a), the Secretary shall take into consideration—

- “(1) the extent to which technology has changed the nature of freight brokerage;
- “(2) the role of bona fide agents; and
- “(3) other aspects of the freight transportation industry.

“(c) **DISPATCH SERVICES.**—In issuing guidance under subsection (a), the Secretary shall, at a minimum—

- “(1) examine the role of a dispatch service in the transportation industry;
- “(2) examine the extent to which dispatch services could be considered brokers or bona fide agents; and
- “(3) clarify the level of financial penalties for unauthorized brokerage activities under section 14916 of title 49, United States Code, applicable to a dispatch service.”

§ 13302. Intervention

Under regulations of the Secretary, reasonable notice of, and an opportunity to intervene and participate in, a proceeding under this part related to transportation subject to jurisdiction under subchapter I of chapter 135 shall be given to interested persons.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 858.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10328 of this title 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.

§ 13303. Service of notice in proceedings

(a) **AGENTS FOR SERVICE OF PROCESS.**—A carrier, a broker, or a freight forwarder providing transportation or service subject to jurisdiction under chapter 135 shall designate, in writing, an agent by name and post office address on whom service of notices in a proceeding before, and of actions of, the Secretary may be made.

(b) **FILING WITH STATE.**—A motor carrier providing transportation under this part shall also file the designation with the appropriate authority of each State in which it operates. The designation may be changed at any time in the same manner as originally made.

(c) **NOTICE.**—A notice to a motor carrier, freight forwarder, or broker shall be served personally or by mail on the motor carrier, freight forwarder, or broker or on its designated agent. Service by mail on the designated agent shall be made at the address filed for the agent. When notice is given by mail, the date of mailing is considered to be the time when the notice is served. If a motor carrier, freight forwarder, or broker does not have a designated agent, service may be made by posting a copy of the notice at the headquarters of the Department of Transportation.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 858.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10329 of this title 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.

§ 13304. Service of process in court proceedings

(a) **DESIGNATION OF AGENT.**—A motor carrier or broker providing transportation subject to jurisdiction under chapter 135, including a motor carrier or broker operating within the United States while providing transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country, shall designate an agent in each State in which it operates by name and post office address on whom process issued by a court with subject matter jurisdiction may be served in an action brought against that carrier or broker. The designation shall be in writing and filed with the Department of Transportation and each State in which the carrier operates may require that an additional designation be filed with it. If a designation under this subsection is not made, service may be made on any agent of the carrier or broker within that State.