

(ii) a water carrier subject to jurisdiction under subchapter II of this chapter; or  
 (iii) a freight forwarder subject to jurisdiction under subchapter III of this chapter; and

(C) is incidental to transportation or service provided by the carrier or freight forwarder that is subject to jurisdiction under chapter 105 of this title or under subchapter II or III of this chapter.

(2) **APPLICABILITY OF OTHER PROVISIONS.**—Transportation exempt from jurisdiction under paragraph (1) of this subsection is subject to jurisdiction under chapter 105 when provided by such a rail carrier, under subchapter II of this chapter when provided by such a water carrier, and under subchapter III of this chapter when provided by such a freight forwarder.

(b) **TRANSPORTATION BY AGENT.**—

(1) **IN GENERAL.**—Except to the extent provided by paragraph (2) of this subsection, neither the Secretary nor the Board has jurisdiction under this subchapter over transportation by motor vehicle provided in a terminal area when the transportation—

(A) is a transfer, collection, or delivery; and

(B) is provided by a person as an agent or under other arrangement for—

(i) a rail carrier subject to jurisdiction under chapter 105 of this title;

(ii) a motor carrier subject to jurisdiction under this subchapter;

(iii) a water carrier subject to jurisdiction under subchapter II of this chapter; or

(iv) a freight forwarder subject to jurisdiction under subchapter III of this chapter.

(2) **TREATMENT OF TRANSPORTATION BY PRINCIPAL.**—Transportation exempt from jurisdiction under paragraph (1) of this subsection is considered transportation provided by the carrier or service provided by the freight forwarder for whom the transportation was provided and is subject to jurisdiction under chapter 105 of this title when provided for such a rail carrier, under this subchapter when provided for such a motor carrier, under subchapter II of this chapter when provided for such a water carrier, and under subchapter III of this chapter when provided for such a freight forwarder.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 860.)

#### **Editorial Notes**

##### **PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 10523 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.

#### **§ 13504. Exempt motor carrier transportation entirely in one State**

Neither the Secretary nor the Board has jurisdiction under this subchapter over transportation, except transportation of household goods, by a motor carrier operating solely within the State of Hawaii. The State of Hawaii may regulate transportation exempt from jurisdiction under this section and, to the extent provided by a motor carrier operating solely within the State of Hawaii, transportation exempt under section 13503 of this title.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 860.)

#### **Editorial Notes**

##### **PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 10525 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.

#### **§ 13505. Transportation furthering a primary business**

(a) **IN GENERAL.**—Neither the Secretary nor the Board has jurisdiction under this part over the transportation of property by motor vehicle when—

(1) the property is transported by a person engaged in a business other than transportation; and

(2) the transportation is within the scope of, and furthers a primary business (other than transportation) of the person.

(b) **CORPORATE FAMILIES.**—

(1) **IN GENERAL.**—Neither the Secretary nor the Board has jurisdiction under this part over transportation of property by motor vehicle for compensation provided by a person who is a member of a corporate family for other members of such corporate family.

(2) **DEFINITION.**—In this section, “corporate family” means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a 100 percent interest.

(Added Pub. L. 104-88, title I, §103, Dec. 29, 1995, 109 Stat. 861.)

#### **Editorial Notes**

##### **PRIOR PROVISIONS**

Provisions similar to those in this section were contained in section 10524 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.