by such carrier, such carrier may be awarded reasonable attorney's fees by the court only if the shipper brought such action in bad faith—

(1) after resolution of such dispute through arbitration under this section; or

(2) after institution of an arbitration proceeding by the shipper to resolve such dispute under this section but before—

(A) the period provided under subsection (b)(8) for resolution of such dispute (including, if applicable, an extension of such period under such subsection) ends; and

(B) a decision resolving such dispute is rendered.

(f) LIMITATION OF APPLICABILITY TO COLLECT-ON-DELIVERY TRANSPORTATION.—The provisions of this section shall apply only in the case of collect-on-delivery transportation of household goods.

(g) REVIEW BY SECRETARY.—Not later than 18 months after January 1, 1996, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

(Added Pub. L. 104–88, title I, § 103, Dec. 29, 1995, 109 Stat. 910; amended Pub. L. 104–287, § 5(38), Oct. 11, 1996, 110 Stat. 3392; Pub. L. 106–159, title II, § 209(b), Dec. 9, 1999, 113 Stat. 1764; Pub. L. 109–59, title IV, § 4208, Aug. 10, 2005, 119 Stat. 1757.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11711 of this title prior to the general amendment of this subtitle by Pub. L. 104–88, § 102(a).

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59, § 4208(a), inserted ''and to determine whether carrier charges, in addition to those collected at delivery, must be paid by shippers for transportation and services related to transportation of household goods'' before period at end.

Subsec. (b)(6). Pub. L. 109–59, § 4208(b), substituted ''$10,000'' for ''$5,000'' in two places.

Subsec. (b)(8). Pub. L. 109–59, § 4208(c), substituted ''compensation for damages, and an order requiring the payment of additional carrier charges'' for ''and compensation for damages''.

Subsec. (d)(3). Pub. L. 109–59, § 4208(d), added subpar. (A) and redesignated former subpars. (A) and (B) as (B) and (C), respectively.

1999—Subsec. (b)(6). Pub. L. 106–159 substituted ''$5000'' for ''$1000'' in two places.

1996—Subsec. (g). Pub. L. 104–287 substituted ''January 1, 1996'' for ''the effective date of this section''.

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.

§ 14709. Tariff reconciliation rules for motor carriers of property

Subject to review and approval by the Board, motor carriers subject to jurisdiction under subchapter I of chapter 135 (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and under-charge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 or, with respect to transportation provided before January 1, 1996, sections 10761 and 10762, as in effect on December 31, 1995. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a tariff.

(Added Pub. L. 104–88, title I, § 103, Dec. 29, 1995, 109 Stat. 912; amended Pub. L. 104–287, § 5(39), Oct. 11, 1996, 110 Stat. 3392.)

HISTORICAL AND REVISION NOTES

PUB. L. 104–287

This amends 49:14709 by setting out the effective date of 49:14709 and for clarity and consistency.

Editorial Notes

REFERENCES IN TEXT

Sections 10761 and 10762, referred to in text, were omitted in the general amendment of this subtitle by Pub. L. 104–88, title I, § 102(a), Dec. 29, 1995, 109 Stat. 804, effective Jan. 1, 1996.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11712 of this title prior to the general amendment of this subtitle by Pub. L. 104–88, § 102(a).

AMENDMENTS

1996—Pub. L. 104–287 substituted ''January 1, 1996'' for ''the effective date of this section'' and ''December 31, 1995'' for ''the day before the effective date of this section''.

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.

§ 14710. Enforcement of Federal laws and regulations with respect to transportation of household goods

(a) ENFORCEMENT BY STATES.—Notwithstanding any other provision of this title, a State authority may enforce the consumer protection provisions of this title that apply to individual shippers, as determined by the Secretary, and are related to the delivery and transportation of household goods in interstate commerce. Any fine or penalty imposed on a carrier in a proceeding under this subsection shall be paid, notwithstanding any other provision of law, to and retained by the State.

(b) NOTICE.—The State shall serve written notice to the Secretary or the Board, as the case may be, of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide the notice immediately upon instituting such civil action.

(c) ENFORCEMENT ASSISTANCE OUTREACH PLAN.—The Federal Motor Carrier Safety Administration shall implement an outreach plan to enhance the coordination and effective enforcement of Federal laws and regulations with respect to transportation of household goods between and among Federal and State law enforcement and consumer protection authorities. The outreach shall include, as appropriate, local law enforcement and consumer protection authorities.

(d) STATE AUTHORITY DEFINED.—In this section, the term ''State authority'' means an agency of a State that has authority under the laws of the State to regulate the intrastate movement of household goods.

(Added Pub. L. 109–59, title IV, §4206(b)(1), Aug. 10, 2005, 119 Stat. 1754; amended Pub. L. 109–115, div. A, title I, §173(a), (b), Nov. 30, 2005, 119 Stat. 2426.)

Editorial Notes

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–115, §173(a), (e), temporarily substituted ''a State authority other than the attorney general of the state may, as parens patriae,'' for ''a State authority may'' in first sentence and inserted second sentence which read as follows: ''Any civil action for injunctive relief to enjoin such delivery or transportation or to compel a person to pay a fine or penalty assessed under chapter 149 shall be brought in an appropriate district court of the United States.'' See Termination Date of 2005 Amendment note below.

Subsec. (b). Pub. L. 109–115, §173(b), (e), temporarily amended subsec. (b) to read as follows: ''EXERCISE OF ENFORCEMENT AUTHORITY.—The authority of this section shall be exercised subject to the requirements of sections 14711(b)–(f) of this title.'' See Termination Date of 2005 Amendment note below.

Statutory Notes and Related Subsidiaries

TERMINATION DATE OF 2005 AMENDMENT

Pub. L. 109–115, div. A, title I, §173(e), Nov. 30, 2005, 119 Stat. 2426, provided that: ''The amendments made by this section [amending this section and section 14711 of this title] shall cease to be in effect after September 30, 2006.''

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to ''this title'' deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111–314, set out as a note under section 101 of this title.

WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS

Pub. L. 109–59, title IV, §4213, Aug. 10, 2005, 119 Stat. 1759, as amended by Pub. L. 111–147, title IV, §422(j), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(j), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112–5, title II, §202(j), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112–30, title I, §122(i), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112–102, title II, §202(i), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112–140, title II, §202(i), June 29, 2012, 126 Stat. 395; Pub. L. 112–141, div. G, title II, §112002(f), July 6, 2012, 126 Stat. 983, directed the Secretary of Transportation to establish a working group to enhance the Federal-State partnership with respect to interstate transportation of household goods to remain in effect until Sept. 30, 2012.

§14711. Enforcement by State attorneys general

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the consumer protection provisions of this title that apply to individual shippers, as determined by the Secretary, and are related to the delivery and transportation of household goods by a household goods motor carrier subject to jurisdiction under subchapter I of chapter 135 or regulations or orders of the Secretary or the Board issued under such provisions or to impose the civil penalties authorized by this part or such regulations or orders, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a carrier or broker providing transportation subject to jurisdiction under subchapter I or III of chapter 135 or a foreign motor carrier providing transportation that is registered under section 13902 and is engaged in household goods transportation that violates this part or a regulation or order of the Secretary or Board, as applicable, issued under this part.

(b) NOTICE AND CONSENT.—

(1) IN GENERAL.—The State shall serve written notice to the Secretary or the Board, as the case may be, of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action.

(2) CONDITIONS.—The Secretary or the Board—

(A) shall review the initiation of a civil action under this section by a State if—

(i) the carrier or broker that is the subject of the action is not registered with the Department of Transportation;

(ii) the license of the carrier or broker for failure to file proof of required bodily injury or cargo liability insurance is pending, or the license has been revoked for any other reason by the Department;

(iii) the carrier is not rated or has received a conditional or unsatisfactory safety rating by the Department; or

(iv) the carrier or broker has been licensed with the Department for less than 5 years; and

(B) may review if the carrier or broker fails to meet criteria developed by the Secretary that are consistent with this section.

(3) CONGRESSIONAL NOTIFICATION.—The Secretary shall notify the Committee on Commerce, Science, and Transportation, of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of any criteria developed by the Secretary under paragraph (2)(B).

(4) 60-DAY DEADLINE.—The Secretary or the Board shall be considered to have consented to any civil action of a State under this section if the Secretary or the Board has taken no action with respect to the notice within 60 calendar days after the date on which the Secretary or the Board received notice under paragraph (1).

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Secretary or board may intervene in a civil action of a State under this section and upon intervening—