

carry out this section, including for the monitoring and sensitive technology requirements of this section.

(2) **CERTIFICATION REQUIRED.**—To be eligible to provide a railroad freight car for operation on the United States general railroad system of transportation, the manufacturer of such car shall annually certify to the Secretary of Transportation that any railroad freight cars to be so provided meet the requirements under this section.

(3) **COMPLIANCE.**—

(A) **VALID CERTIFICATION REQUIRED.**—At the time a railroad freight car begins operation on the United States general railroad system of transportation, the manufacturer of such railroad freight car shall have valid certification described in paragraph (2) for the year in which such car begins operation.

(B) **REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.**—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements under this section in the Association of American Railroad’s¹ Umler system.

(4) **CIVIL PENALTIES.**—

(A) **IN GENERAL.**—Pursuant to section 21301, the Secretary of Transportation may assess a civil penalty of not less than \$100,000, but not more than \$250,000, for each violation of this section for each railroad freight car.

(B) **PROHIBITION ON OPERATION FOR VIOLATIONS.**—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States general railroad system of transportation until the Secretary determines—

- (i) such manufacturer is in compliance with this section; and
- (ii) all civil penalties assessed to such manufacturer pursuant to subparagraph (A) have been paid in full.

(Added Pub. L. 117–58, div. B, title II, §22425(a), Nov. 15, 2021, 135 Stat. 753.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subssecs. (a)(4)(A) and (c)(1), is the date of enactment of title II of div. B of Pub. L. 117–58, which was approved Nov. 15, 2021.

CHAPTER 203—SAFETY APPLIANCES

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|--------|---|
| Sec. | |
| 20301. | Definition and nonapplication. |
| 20302. | General requirements. |
| 20303. | Moving defective and insecure vehicles needing repairs. |
| 20304. | Assumption of risk by employees. |
| 20305. | Inspection of mail cars. |
| 20306. | Exemption for technological improvements. |

¹ So in original. Probably should be “Association of American Railroads”.

§ 20301. Definition and nonapplication

(a) **DEFINITION.**—In this chapter, “vehicle” means a car, locomotive, tender, or similar vehicle.

(b) **NONAPPLICATION.**—This chapter does not apply to the following:

- (1) a train of 4-wheel coal cars.
- (2) a train of 8-wheel standard logging cars if the height of each car from the top of the rail to the center of the coupling is not more than 25 inches.
- (3) a locomotive used in hauling a train referred to in clause (2) of this subsection when the locomotive and cars of the train are used only to transport logs.
- (4) a car, locomotive, or train used on a street railway.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 881; Pub. L. 104–287, §5(52), Oct. 11, 1996, 110 Stat. 3393.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|---|
| 20301(a) | 45:8 (“trains, locomotives, tenders, cars, and similar vehicles”). | |
| 20301(b) | 45:9 (3d sentence). 45:6 (1st sentence proviso). 45:8 (words after 16th comma). | Mar. 2, 1893, ch. 196, §6 (1st sentence proviso), 27 Stat. 532; restated Apr. 1, 1896, ch. 87, 29 Stat. 85. Mar. 2, 1903, ch. 976, §1 (words after 23d comma), 32 Stat. 943. |

Subsection (a) is added to avoid repeating the substance of the definition throughout this chapter.

In subsection (b), the words before clause (1) are substituted for “*Provided*, That nothing in sections 1 to 7 of this title shall apply to” in 45:6 because 45:9, 11, and 16 provide that 45:9 and 11–16 apply to the same vehicles and trains as 45:1–7 apply to. In clause (1), the word “coal” is added for clarity because of the decision of the Supreme Court in *Baltimore & Ohio Railway Co. v. Jackson*, 353 U.S. 325, 333 (1957) and the legislative history of 45:6 (proviso). See 24 Cong. Rec. 1477 (1893). The text of 45:8 (words after last comma) is omitted as unnecessary because of the definition of “railroad” in section 20102 of the revised title.

PUB. L. 104–287

This amends 49:20301(b) to clarify the restatement of 45:8 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 881).

Editorial Notes

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104–287 added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

§ 20302. General requirements

(a) **GENERAL.**—Except as provided in subsection (c) of this section and section 20303 of this title, a railroad carrier may use or allow to be used on any of its railroad lines—

- (1) a vehicle only if it is equipped with—