

§ 28302. Penalties

A person violating section 28301 of this title shall be fined under title 18, imprisoned not more than one year, or both.

(Added Pub. L. 104-287, §5(56)(A), Oct. 11, 1996, 110 Stat. 3394.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
28302 .....	45:66.	Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.

The words "shall be guilty of a misdemeanor" are omitted, and the words "shall be fined under title 18" are substituted for "shall be fined not less than \$100 and not more than \$1,000", for consistency with title 18. The words "upon conviction" are omitted as surplus.

CHAPTER 285—COMMUTER RAIL MEDIATION

- Sec.
- 28501. Definitions<sup>1</sup>
- 28502. Surface Transportation Board mediation of trackage use requests.
- 28503. Surface Transportation Board mediation of rights-of-way use requests.
- 28504. Applicability of other laws.
- 28505. Rules and regulations.

§ 28501. Definitions

In this chapter—

- (1) the term "Board" means the Surface Transportation Board;
- (2) the term "capital work" means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;
- (3) the term "commuter rail passenger transportation" has the meaning given that term in section 24102;
- (4) the term "public transportation authority" means a local governmental authority (as defined in section 5302) established to provide, or make a contract providing for, commuter rail passenger transportation;
- (5) the term "rail carrier" means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;
- (6) the term "segregated fixed guideway facility" means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and
- (7) the term "trackage" means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

(Added Pub. L. 110-432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4955; amended Pub. L. 117-58, div. C, §30001(b)(4), Nov. 15, 2021, 135 Stat. 890.)

<sup>1</sup> So in original. Probably should be followed by a period.

Editorial Notes

AMENDMENTS

2021—Par. (4). Pub. L. 117-58 substituted "section 5302" for "section 5302(a)(6)".

§ 28502. Surface Transportation Board mediation of trackage use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110-432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4955.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

§ 28503. Surface Transportation Board mediation of rights-of-way use requests

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110-432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

§ 28504. Applicability of other laws

Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

(Added Pub. L. 110-432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

§ 28505. Rules and regulations

Within 1 year after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.

(Added Pub. L. 110-432, div. B, title IV, § 401(a), Oct. 16, 2008, 122 Stat. 4956.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

PART A—GENERAL

Chapter Sec.
301. Motor Vehicle Safety ..... 30101
303. National Driver Register ..... 30301
305. National Motor Vehicle Title Information System ..... 30501

PART B—COMMERCIAL

311. Commercial Motor Vehicle Safety .. 31101 1
313. Commercial Motor Vehicle Operators ..... 31301
315. Motor Carrier Safety ..... 31501
317. Participation in International Registration Plan and International Fuel Tax Agreement ..... 31701

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

321. General ..... 32101
323. Consumer Information ..... 32301
325. Bumper Standards ..... 32501
327. Odometers ..... 32701
329. Automobile Fuel Economy ..... 32901
331. Theft Prevention ..... 33101

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-102, § 2(17), Nov. 20, 1997, 111 Stat. 2205, substituted “National Motor Vehicle Title Information System” for “National Automobile Title Information System” in item for chapter 305.

PART A—GENERAL

CHAPTER 301—MOTOR VEHICLE SAFETY

SUBCHAPTER I—GENERAL

Sec.
30101. Purpose and policy.
30102. Definitions.
30103. Relationship to other laws.
30104. Authorization of appropriations.
30105. Restriction on lobbying activities.
30106. Rented or leased motor vehicle safety and responsibility.

SUBCHAPTER II—STANDARDS AND COMPLIANCE

30111. Standards.
30112. Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment.
30113. General exemptions.
30114. Special exemptions.
30115. Certification of compliance.
30116. Defects and noncompliance found before sale to purchaser.
30117. Providing information to, and maintaining records on, purchasers.

1 So in original. Probably should be “31100”.

Sec.
30118. Notification of defects and noncompliance.
30119. Notification procedures.
30120. Remedies for defects and noncompliance.
30120A. Recall obligations and bankruptcy of a manufacturer.
30121. Provisional notification and civil actions to enforce.
30122. Making safety devices and elements inoperative.
30123. Tires.
30124. Nonuse of safety belts.
30125. Schoolbuses and schoolbus equipment.
30126. Used motor vehicles.
30127. Automatic occupant crash protection and seat belt use.
30128. Vehicle accident ejection protection.1
30129. Crash avoidance technology.

SUBCHAPTER III—IMPORTING NONCOMPLYING MOTOR VEHICLES AND EQUIPMENT

30141. Importing motor vehicles capable of complying with standards.
30142. Importing motor vehicles for personal use.
30143. Motor vehicles imported by individuals employed outside the United States.
30144. Importing motor vehicles on a temporary basis.
30145. Importing motor vehicles or equipment requiring further manufacturing.
30146. Release of motor vehicles and bonds.
30147. Responsibility for defects and noncompliance.

SUBCHAPTER IV—ENFORCEMENT AND ADMINISTRATIVE

30161. Judicial review of standards.
30162. Petitions by interested persons for standards and enforcement.
30163. Actions by the Attorney General.
30164. Service of process; conditions on importation of vehicles and equipment.
30165. Civil penalty.
30166. Inspections, investigations, and records.
30167. Disclosure of information by the Secretary of Transportation.
[30168. Repealed.]
30169. Annual reports.
30170. Criminal penalties.
30171. Protection of employees providing motor vehicle safety information.
30172. Whistleblower incentives and protections.

SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

30181. Policy.
30182. Powers and duties.
30183. Prohibition on certain disclosures.

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title IV, § 24208(b), Nov. 15, 2021, 135 Stat. 823, which directed amendment of the analysis for subchapter II of this chapter by adding item 30129 at the end, was executed by adding item 30129 to the analysis for this chapter to reflect the probable intent of Congress.

2015—Pub. L. 114-94, div. B, title XXIV, § 24352(c), Dec. 4, 2015, 129 Stat. 1720, which directed amendment of the analysis for subchapter IV of this chapter by adding item 30172 at the end, was executed by adding item 30172 to the analysis for this chapter to reflect the probable intent of Congress.

2012—Pub. L. 112-141, div. C, title I, §§ 31202(b), 31204(b)(1), (2)(A), 31208(1), 31307(c), 31312(b), July 6, 2012, 126 Stat. 758, 760, 761, 769, 772, added items 30120A and 30171, item for subchapter V, and items 30181 to 30183,

1 So in original. Does not conform to section catchline.