

duties and powers designated to be carried out by the Under Secretary,” after “Transportation,” and “Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (a)(1). Pub. L. 107-71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary.”

Subsec. (b)(1). Pub. L. 107-71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (b)(2). Pub. L. 107-71, §140(d)(6)(B) inserted “Under Secretary,” after “Secretary.”

Subsec. (c). Pub. L. 107-71, §140(d)(6)(C), substituted “, Under Secretary, or Administrator” for “or Administrator”.

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

(1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or

(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106-181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109-59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46312	49 App.:1472(h)(2).	Aug. 23, 1958, Pub. L. 85-726, §902(h)(2), 72 Stat. 785; re-stated Jan. 3, 1975, Pub. L. 93-633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words “is guilty of an offense”, “Upon conviction”, and “for each offense” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18. The word “prescribed” is substituted for “issued” for consistency in the revised title and with other titles of the United States Code. In clause (1), the words “shipment, baggage, or other” are omitted as surplus.

Editorial Notes

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §7128(a)(1), substituted “this part or chapter 51—” for “this part—” in introductory provisions.

Subsec. (b). Pub. L. 109-59, §7128(a)(2), inserted “or chapter 51” after “under this part”.

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

Pub. L. 106-181, set out as a note under section 106 of this title.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement of the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115-254, div. K, title I, §1991(g)(4), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46313	49 App.:1472(g). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(g), 72 Stat. 785. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

The word “Administrator” in section 902(g) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g). The words “not obeying” are substituted for “who shall neglect or refuse . . . or to answer any lawful inquiry . . . in obedience to” to eliminate surplus words. The word “lawful” is omitted as surplus. The word “appear” is substituted for “attend” for clarity. The word “records” is substituted for “books, papers, or documents” for consistency in the revised title and with other titles of the United States Code. The words “if in his power to do so” are omitted as surplus. The words “shall be guilty of a misdemeanor” are omitted for consistency with title 18. The words “and, upon conviction thereof” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not less than \$100 nor more than \$5,000” for consistency with title 18.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254 substituted “subpoena” for “subpena” and “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator”.

2001—Pub. L. 107-71 inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)”.