

(2) BIENNIAL REPORT.—Not later than October 31 of the calendar year following the calendar year in which the Council is established, and not less frequently than once every 2 years thereafter, the Council shall submit to the Secretary a report containing recommendations of the Council regarding the issues described in paragraph (1).

(d) DUTIES OF SECRETARY.—

(1) COUNCIL RECOMMENDATIONS.—

(A) IN GENERAL.—The Secretary shall determine whether to accept or reject a recommendation contained in a report of the Council under subsection (c)(2).

(B) INCLUSION IN REVIEW.—

(i) IN GENERAL.—The Secretary shall indicate in each review under paragraph (2) whether the Secretary accepts or rejects each recommendation of the Council covered by the review.

(ii) EXCEPTION.—The Secretary may indicate in a review under paragraph (2) that a recommendation of the Council is under consideration, subject to the condition that a recommendation so under consideration shall be accepted or rejected by the Secretary in the subsequent review of the Secretary under paragraph (2).

(2) REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives a report from the Council under subsection (c)(2), the Secretary shall submit a review describing the response of the Secretary to the recommendations of the Council contained in the Council report to—

(i) the Committee on Commerce, Science, and Transportation of the Senate;

(ii) the Committee on Environment and Public Works of the Senate;

(iii) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the Senate;

(iv) the Committee on Transportation and Infrastructure of the House of Representatives; and

(v) the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(B) CONTENTS.—A review of the Secretary under this paragraph shall include a description of—

(i) each recommendation contained in the Council report covered by the review; and

(ii)(I) each recommendation of the Council that was categorized under paragraph (1)(B)(ii) as being under consideration by the Secretary in the preceding review submitted under this paragraph; and

(II) for each such recommendation, whether the recommendation—

(aa) is accepted or rejected by the Secretary; or

(bb) remains under consideration by the Secretary.

(3) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Secretary shall provide to the

Council such administrative support, staff, and technical assistance as the Secretary determines to be necessary to carry out the duties of the Council under this section.

(e) TERMINATION.—The Council shall terminate on the date that is 6 years after the date on which the Council is established under subsection (a).

(Added Pub. L. 117–58, div. B, title IV, §24111(a), Nov. 15, 2021, 135 Stat. 812.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 117–58, which was approved Nov. 15, 2021.

CHAPTER 5—SPECIAL AUTHORITY

SUBCHAPTER I—POWERS

Sec.	
501.	Definitions and application.
502.	General authority.
503.	Service of notice and process on certain motor carriers of migrant workers and on motor private carriers.
504.	Reports and records.
505.	Arrangements and public records.
506.	Authority to investigate.
507.	Enforcement.
508.	Safety performance history of new drivers; limitation on liability.

SUBCHAPTER II—PENALTIES

521.	Civil penalties.
522.	Reporting and record keeping violations.
523.	Unlawful disclosure of information.
524.	Evasion of regulation of motor carriers.
525.	Disobedience to subpoenas. ¹
526.	General criminal penalty when specific penalty not provided.

Editorial Notes

AMENDMENTS

1998—Pub. L. 105–178, title IV, §4014(a)(2), June 9, 1998, 112 Stat. 411, added item 508.

1997—Pub. L. 105–102, §2(1), Nov. 20, 1997, 111 Stat. 2204, struck out “DUTIES AND” before “POWERS” in item for heading of subchapter I.

SUBCHAPTER I—POWERS

Editorial Notes

AMENDMENTS

1997—Pub. L. 105–102, §2(2), Nov. 20, 1997, 111 Stat. 2204, struck out “AND” before “POWERS”.

1995—Pub. L. 104–88, title III, §308(c)(1), Dec. 29, 1995, 109 Stat. 947, struck out “DUTIES” before “AND”.

§ 501. Definitions and application

(a) In this chapter—

(1) the definitions in sections 10102 and 13102 of this title apply.

(2) “migrant worker” has the same meaning given that term in section 31501 of this title.

(3) “motor carrier of migrant workers” means a motor carrier of migrant workers subject to the jurisdiction of the Secretary of

¹ Section catchline amended by Pub. L. 112–141 without corresponding amendment of chapter analysis.

Transportation under section 31502(c) of this title.

(b) APPLICATION.—This chapter only applies in carrying out sections 20302(a)(1)(B) and (C), (2), and (3), (c), and (d)(1) and 20303 and chapters 205 (except section 20504(b)), 211, 213 (in carrying out those sections and chapters), and 315 of this title.

(Pub. L. 97–449, §1(b), Jan. 12, 1983, 96 Stat. 2431; Pub. L. 98–216, §2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 102–548, §2(c), Oct. 28, 1992, 106 Stat. 3648; Pub. L. 103–272, §§4(j)(11)(A), 5(m)(9), July 5, 1994, 108 Stat. 1368, 1376; Pub. L. 104–88, title III, §308(c)(2), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES
PUB. L. 97–449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501(a)	(no source).	
501(b)	45:15.	Apr. 14, 1910, ch. 160, §6, 36 Stat. 299.
	49:26(g).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(g); added Aug. 26, 1937, ch. 818, 50 Stat. 837; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919.
	49:1655(f)(2).	Oct. 15, 1966, Pub. L. 89–670, §6(f)(2), 80 Stat. 940.

In the chapter, the source provisions are those in effect on March 31, 1967, the day before the effective date of the Department of Transportation Act (Pub. L. 89–670, 80 Stat. 931), because 49:1655(f)(2) gave the Secretary of Transportation the same powers enumerated in 49:1655(f)(2) that the Interstate Commerce Commission had before certain duties and powers under 49:1655(e) were transferred on April 1, 1967, from the Commission to the Secretary. All references to brokers in the source provisions are omitted as not being applicable to the duties and powers transferred to the Secretary of Transportation.

Subsection (a) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the definitions are found in the revision notes for sections 3101, 3102(c), and 10102 of the revised title.

In subsection (b), the provisions of law to which the chapter applies are only certain laws listed in 49:1655(e). Those laws include the source provisions restated in chapter 31 of the revised title and 45:4, 5, 6 (in carrying out 45:4 and 5), 11, 12, 13 (proviso), 13 (less proviso in carrying out 45:11, 12, and 13 (proviso)), and 61–64b, and 49:26(a)–(f) (words before last semicolon) and (h). The administrative powers of the Secretary under the chapter are based on the administrative powers of 49:1655(f)(2). That provision lists administrative powers the Commission had under the Interstate Commerce Act (ch. 104, 24 Stat. 379) to carry out the Act, and certain other laws authorized the Commission to use its powers under the Act to carry out those other laws. The administrative powers listed in 49:1655(f)(2) and codified in the chapter therefore apply only to a law listed in 49:1655(e) that was a part of the Interstate Commerce Act or to which the powers of the Commission under the Act were applied. The text of 45:61–64b is included because section 4 of the Act of March 4, 1907 (ch. 2939, 34 Stat. 1417), stated, “It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this Act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this Act”. The transfer to the Secretary was executed on March 31, 1967. The Act of March 4, 1907, was restated by the Act of December 26, 1969 (Pub. L. 91–169, 83 Stat. 463); section 4 was not included in the restatement. However, repeal by implication is not favored and the transfer was completed on March 31, 1967. Therefore, the text of 45:61–64b

is included within the scope of the chapter. The text of 49:304(a)(3) (last sentence 1st–7th words) and (3a) (last sentence 1st–5th words) is omitted as executed.

PUB. L. 103–272

Section 4(j)(11) makes conforming amendments to 49:ch. 5 to reflect the restatement of 49:508 and related provisions in chapter 59 of the revised title.

Editorial Notes

AMENDMENTS

1995—Subsec. (a)(1). Pub. L. 104–88 substituted “sections 10102 and 13102” for “section 10102”.

1994—Subsec. (a)(2). Pub. L. 103–272, §5(m)(9)(A), substituted “section 31501” for “section 3101”.

Subsec. (a)(3). Pub. L. 103–272, §5(m)(9)(B), substituted “section 31502(c)” for “section 3102(c)”.

Subsec. (a)(4) to (9). Pub. L. 103–272, §4(j)(11)(A), struck out pars. (4) to (9) which defined “beneficial owner”, “carrier”, “container”, “initial carrier”, “intermodal transportation”, and “trailer”, respectively.

Subsec. (b). Pub. L. 103–272, §5(m)(9)(C), added subsec. (b) and struck out former subsec. (b) which read as follows: “This chapter only applies in carrying out—

“(1) chapter 31 of this title; and

“(2) other duties and powers transferred to the Secretary under section 6(e) of the Department of Transportation Act (49 App. U.S.C. 1655(e)) and vested in the Interstate Commerce Commission before October 15, 1966.”

1992—Subsec. (a)(4) to (9). Pub. L. 102–548 added pars. (4) to (9).

1984—Subsec. (b)(2). Pub. L. 98–216 substituted “49 App. U.S.C.” for “49 U.S.C.”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 1301 of this title.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–548, §1, Oct. 28, 1992, 106 Stat. 3646, provided that: “This Act [enacting section 508 of this title, amending this section and section 521 of this title, and enacting provisions set out as notes under section 508 of this title] may be cited as the ‘Intermodal Safe Container Transportation Act of 1992’.”

§ 502. General authority

(a) The Secretary of Transportation shall carry out this chapter.

(b) The Secretary may—

(1) inquire into and report on the management of the business of rail carriers and motor carriers;

(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers to the extent that the business of the person is related to the management of the business of that carrier; and

(3) obtain from those carriers and persons information the Secretary determines to be necessary.

(c) In carrying out this chapter as it applies to motor carriers, motor carriers of migrant workers, and motor private carriers, the Secretary may—

(1) confer and hold joint hearings with State authorities;

(2) cooperate with and use the services, records, and facilities of State authorities; and