

tual gross cargo weight of more than 29,000 pounds before the certification required by section 5902(b) of this title is provided.

(2) A person, knowing that the weight of a loaded container or trailer or the weight of a tractor-trailer combination carrying the container or trailer is more than the weight allowed by applicable State law, may not coerce or attempt to coerce a carrier to transport the container or trailer or to operate the tractor-trailer combination in violation of that State law.

(d) NOTICE TO LEASED OPERATORS.—

(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, then—

(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

(B) the notice shall be provided to the operator prior to the operator being tendered the container or trailer;

(C) the notice required by this subsection shall be in writing, but may be transmitted electronically; and

(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.

(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 860; Pub. L. 104-291, title II, §205, Oct. 11, 1996, 110 Stat. 3456.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5903(a)	49:508(a)(3) (related to violations).	
5903(b)	49:508(d).	
5903(c)	49:508(c).	

In this section, the words "may not" are substituted for "it shall be a violation" and "It shall be unlawful" for consistency in the revised title.

In subsection (a), the words "After the date on which the Secretary of Transportation issues final regulations to enforce this section" are omitted because of section 5907(b) of the revised title. The words "to fail to comply with paragraph (1) or (2)" are omitted as unnecessary because the failure to comply with an affirmative duty is a violation without the need to say so specifically. The word "false" is omitted as included in "erroneous". The word "written" is omitted as surplus.

In subsection (b), the words "(as such term is defined in section 10102 of this title)" are omitted as unnecessary because of section 5901(1) of the revised title. The

word "transport" is substituted for "provide transportation of" for consistency and to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-291, §205(1), inserted "To whom section 5902(b) applies," after "person".

Subsec. (b). Pub. L. 104-291, §205(2), added subsec. (b) and struck out former subsec. (b) which read as follows: "(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—A motor carrier may not transport a loaded container or trailer to which section 5902(b) of this title applies before receiving the certification required by section 5902(b)."

Subsec. (c). Pub. L. 104-291, §205(3), substituted "29,000 pounds" for "10,000 pounds (including packing materials and pallets)".

Subsec. (d). Pub. L. 104-291, §205(4), added subsec. (d).

§ 5904. State enforcement

(a) GENERAL.—A State may enact a law to permit the State or a political subdivision of the State—

(1) to impose a fine or penalty, for a violation of a State highway weight law or regulation by a tractor-trailer combination carrying a loaded container or trailer for which a certification is required by section 5902(b) of this title, against the person tendering the loaded container or trailer to the first carrier if the violation results from the person's having provided erroneous information in the certification in violation of section 5903(a) of this title; and

(2) to impound the container or trailer until the fine or penalty has been paid by the owner or beneficial owner of the contents of the container or trailer or the person tendering the loaded container or trailer to the first carrier.

(b) LIMITATION.—This chapter does not require a person tendering a loaded container or trailer to a first carrier to ensure that the first carrier or any other carrier involved in the intermodal transportation will comply with any State highway weight law or regulation, other than as required by this chapter.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 861.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5904(a)	49:508(f).	
5904(b)	49:508(h).	

In subsection (a)(1), the words "false" and "written" are omitted as surplus and for consistency with section 5903(a) of the revised title.

In subsection (b), the words "does not require" are substituted for "shall not be construed as creating any obligation or responsibility for" to eliminate unnecessary words. The words "State highway weight law or regulation" are substituted for "State statutes or regulations prescribing weight limitations for highway transportation" for consistency with subsection (a) of this section and to eliminate unnecessary words.

§ 5905. Liens

(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because

of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

- (1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;
- (2) the failure of the party required to provide the certification to the first carrier to provide it;
- (3) the failure of a person required under section 5902(c) to forward the certification to forward it; or
- (4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c),

then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.

(b) LIMITATIONS.—(1) A lien under this section does not authorize a person to dispose of the contents of a loaded container or trailer until the person who tendered the container or trailer to the first carrier, or the owner or beneficial owner of the contents, is given a reasonable opportunity to establish responsibility for the bond, fine, penalty, cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.

(2) In this section, an owner or beneficial owner of the contents of a container or trailer or a person tendering a container or trailer to the first carrier is deemed not to be a person involved in the intermodal transportation of the container or trailer.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 861; Pub. L. 104-291, title II, §206, Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5905(a)	49:508(g)(1).	
5905(b)	49:508(g)(2)(A), (B).	

In this section, the word "expenses" is omitted as surplus.

In subsection (a), the words "false" and "written" are omitted as surplus and for consistency with section 5903(a) of the revised title.

In subsection (b)(1), the word "establish" is substituted for "determine" for consistency in the revised title.

In subsection (b)(2), the words "is deemed not to be" are substituted for "shall not be treated as" for consistency in the revised title.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-291, §206(1), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required under State law to post a bond or pay any fine, penalty, cost, or interest resulting from providing erroneous information in the certification to the first carrier in violation of section 5903(a) of this title, the person has a lien against the contents equal to the amount of the bond, fine, penalty, cost, or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents or from the person responsible for making the certification.”

Subsec. (b)(1). Pub. L. 104-291, §206(3), substituted “cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section.” for “cost, or interest.”

Pub. L. 104-291, §206(2), inserted “, or the owner or beneficial owner of the contents,” after “first carrier”.

§ 5906. Perishable agricultural commodities

Section 5905 of this title does not apply to a container or trailer the contents of which are perishable agricultural commodities (as defined in the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a et seq.)).

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 861; Pub. L. 104-291, title II, §207, Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5906	49:508(g)(2)(C).	

Editorial Notes

REFERENCES IN TEXT

The Perishable Agricultural Commodities Act, 1930, referred to in text, is act June 10, 1930, ch. 436, 46 Stat. 531, which is classified generally to chapter 20A (§499a et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 499a(a) of Title 7 and Tables.

AMENDMENTS

1996—Pub. L. 104-291 substituted “Section 5905 of this title does” for “Sections 5904(a)(2) and 5905 of this title do”.

§ 5907. Effective date

This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 862; Pub. L. 104-291, title II, §208(a), Oct. 11, 1996, 110 Stat. 3457.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5907(a)	49:508 (note).	Oct. 28, 1992, Pub. L. 102-548, §2(d), 106 Stat. 3649.
5907(b)	49:508(a)(3) (related to effective date).	

In subsection (a), the words “shall initiate a proceeding to issue regulations . . . within 180 days after the date of enactment of this Act” are omitted as executed.

Subsection (b) is substituted for the source provision and made applicable to the entire chapter for clarity.