

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.