

## TITLE 49—TRANSPORTATION

*This title was enacted by Pub. L. 95-473, § 1, Oct. 17, 1978, 92 Stat. 1337; Pub. L. 97-449, § 1, Jan. 12, 1983, 96 Stat. 2413; Pub. L. 103-272, July 5, 1994, 108 Stat. 745*

Subtitle		Sec.
<b>I.</b>	<b>DEPARTMENT OF TRANSPORTATION .....</b>	<b>101</b>
<b>II.</b>	<b>OTHER GOVERNMENT AGENCIES .....</b>	<b>1101</b>
<b>III.</b>	<b>GENERAL AND INTERMODAL PROGRAMS .....</b>	<b>5101</b>
<b>IV.</b>	<b>INTERSTATE TRANSPORTATION .....</b>	<b>10101</b>
<b>V.</b>	<b>RAIL PROGRAMS .....</b>	<b>20101</b>
<b>VI.</b>	<b>MOTOR VEHICLE AND DRIVER PROGRAMS .....</b>	<b>30101</b>
<b>VII.</b>	<b>AVIATION PROGRAMS .....</b>	<b>40101</b>
<b>VIII.</b>	<b>PIPELINES .....</b>	<b>60101</b>
<b>IX.</b>	<b>Multimodal Freight Transportation<sup>1</sup> .....</b>	<b>70101</b>
<b>X.</b>	<b>MISCELLANEOUS .....</b>	<b>80101</b>

### Editorial Notes

#### AMENDMENTS

2015—Pub. L. 114-94, div. A, title VIII, §8001(b), Dec. 4, 2015, 129 Stat. 1612, substituted “Multimodal Freight Transportation . . .70101” for “[TRANSFERRED]” in item for subtitle IX.

2010—Pub. L. 111-314, §4(d)(1)(A), Dec. 18, 2010, 124 Stat. 3440, substituted “[TRANSFERRED]” for “COMMERCIAL SPACE TRANSPORTATION . . .70101” in item for subtitle IX.

1995—Pub. L. 104-88, title I, §102(b), Dec. 29, 1995, 109 Stat. 852, as amended by Pub. L. 104-287, §6(f)(1), Oct. 11, 1996, 110 Stat. 3399, substituted “TRANSPORTATION” for “COMMERCE” in item for subtitle IV.

1994—Pub. L. 103-272, §1(b), July 5, 1994, 108 Stat. 745, amended subtitle analysis generally, substituting “OTHER GOVERNMENT AGENCIES . . .1101” for “TRANSPORTATION PROGRAMS . . .3101” in item for subtitle II, “GENERAL AND INTERMODAL PROGRAMS . . .5101” for “[RESERVED—AIR TRANSPORTATION]” in item for subtitle III, and “RAIL PROGRAMS . . .20101” for “[RESERVED—MISCELLANEOUS]” in item for subtitle V, and adding items for subtitles VI, VII, VIII, IX, and X.

1983—Pub. L. 97-449, §1(b), Jan. 12, 1983, 96 Stat. 2413, amended subtitle analysis generally, substituting “DEPARTMENT OF TRANSPORTATION . . .101” for “[RESERVED—DEPARTMENT OF TRANSPORTATION]” in item for subtitle I and “TRANSPORTATION PROGRAMS . . .3101” for “[RESERVED—TRANSPORTATION PROGRAMS]” in item for subtitle II.

TABLE SHOWING DISPOSITION OF FORMER SECTIONS OF  
TITLE 49 OR TITLE 49 APPENDIX

<i>Title 49 or Title 49 Appendix Former Sections</i>	<i>Title 49 New Sections</i>
1(1), (2) .....	10501
1(3) .....	10102
1(4) (related to standards) .....	10701
1(4) (2d sentence last cl.) .....	10702
1(4) (1st sentence related to through routes and 2d sentence less last cl.) .....	10703

<sup>1</sup> So in original. Probably should be uppercase.

TABLE SHOWING DISPOSITION OF FORMER SECTIONS OF  
TITLE 49 OR TITLE 49 APPENDIX—CONTINUED

<i>Title 49 or Title 49 Appendix Former Sections</i>	<i>Title 49 New Sections</i>
1(4) (1st sentence 14th–23d words) .....	11101
1(5)(a) .....	10701
1(5)(b) (7th and 8th sentences) .....	10709
1(5)(b) (less 7th and 8th sentences) .....	10701
1(5)(c)(i) .....	10709
1(5)(c)(ii) .....	10102
1(5)(d) .....	Rep.
1(5½) .....	10749
1(6) (last sentence) .....	10750
1(6) (less last sentence) .....	10702 (See also 10701(a))
1(7) (1st sentence, 32 words before 8th semicolon–9th semicolon) .....	10721
1(7) (1st sentence words before 2d semicolon, words between 5th semicolon and 21st word after 7th semicolon, 1st–18th words after 9th semicolon, 1st proviso (words before semicolon), 2d, and 3d provisos) .....	10722
1(7) (1st sentence 1st–4th and 13th–20th words after 2d semicolon and words between 3d and 5th semicolons) .....	10723
1(7) (1st sentence 5th–12th and 21st–29th words after 2d semicolon and last 11 words before 1st proviso) .....	10723
1(7) (1st sentence 1st proviso, words between semicolon and colon) .....	10724
1(7) (less 1st sentence) .....	11905
1(8) .....	10746
1(9) .....	11104
1(10) .....	10102
1(11) .....	11121
1(12) (3d sentence) .....	11902
1(12) (less 3d sentence) .....	11126
1(13) .....	11121
1(14)(a) .....	11122
1(14)(b) .....	11121
1(14)(c) .....	11105
1(15) (related to car service less last sentence) .....	11123
1(15) (last sentence) .....	11128
1(15) (related to service less last sentence) .....	11127
1(16) (related to traffic less (b)) .....	11124
1(16) (related to service less (b)) .....	11127
1(16)(b) .....	11125
1(17)(a) (1st sentence) .....	11121
1(17)(a) (last sentence less proviso) .....	11901
1(17)(a) (last sentence proviso) .....	10501
1(17)(b) .....	11907
1(18)(a), (b) .....	10901
1(18)(c) .....	10902
1(18)(d) .....	10907
1(18)(e) (related to action by the Attorney General) .....	11703
1(18)(e) (related to Commission action) .....	11702
1(18)(e) .....	11901
1(18)(e) (related to State enforcement) .....	11505
1(19)–(22) .....	Rep.
1 note .....	10711
1a(1) (1st sentence) .....	10903
1a(1) (less 1st and last sentences) .....	10904
1a(1) (last sentence) .....	10907
1a(2), (3) .....	10904
1a(4) .....	10903

(b) GENERAL CRIMINAL PENALTY.—Except as provided by subsection (c) of this section, a person shall be fined under title 18, imprisoned for not more than 3 years, or both, if the person—

(1) knowingly and willfully forges or alters a certificate authorized to be issued under this part;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, such a certificate;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark that is false or misleading about the nationality or registration of the aircraft;

(4) obtains a certificate authorized to be issued under this part by knowingly and willfully falsifying or concealing a material fact, making a false, fictitious, or fraudulent statement, or making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry;

(5) owns an aircraft eligible for registration under section 44102 of this title and knowingly and willfully operates, attempts to operate, or allows another person to operate the aircraft when—

(A) the aircraft is not registered under section 44103 of this title or the certificate of registration is suspended or revoked; or

(B) the owner knows or has reason to know that the other person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(6) knowingly and willfully operates or attempts to operate an aircraft eligible for registration under section 44102 of this title knowing that—

(A) the aircraft is not registered under section 44103 of this title;

(B) the certificate of registration is suspended or revoked; or

(C) the person does not have proper authorization to operate or navigate the aircraft without registration for a period of time after transfer of ownership;

(7) knowingly and willfully serves or attempts to serve in any capacity as an airman without an airman's certificate authorizing the individual to serve in that capacity;

(8) knowingly and willfully employs for service or uses in any capacity as an airman an individual who does not have an airman's certificate authorizing the individual to serve in that capacity; or

(9) operates an aircraft with a fuel tank or fuel system that has been installed or modified knowing that the tank, system, installation, or modification does not comply with regulations and requirements of the Administrator of the Federal Aviation Administration.

(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) A person violating subsection (b) of this section shall be fined under title 18, imprisoned for not more than 5 years, or both, if the viola-

tion is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than one year under a law of the United States or a State; or

(B) that is provided is related to an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

(3) A term of imprisonment imposed under paragraph (2) of this subsection shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual.

(d) SEIZURE AND FORFEITURE.—(1) The Administrator of Drug Enforcement or the Commissioner of U.S. Customs and Border Protection may seize and forfeit under the customs laws an aircraft whose use is related to a violation of subsection (b) of this section, or to aid or facilitate a violation, regardless of whether a person is charged with the violation.

(2) An aircraft's use is presumed to have been related to a violation of, or to aid or facilitate a violation of—

(A) subsection (b)(1) of this section if the aircraft certificate of registration has been forged or altered;

(B) subsection (b)(3) of this section if there is an external display of false or misleading registration numbers or country of registration;

(C) subsection (b)(4) of this section if—

(i) the aircraft is registered to a false or fictitious person; or

(ii) the application form used to obtain the aircraft certificate of registration contains a material false statement;

(D) subsection (b)(5) of this section if the aircraft was operated when it was not registered under section 44103 of this title; or

(E) subsection (b)(9) of this section if the aircraft has a fuel tank or fuel system that was installed or altered—

(i) in violation of a regulation or requirement of the Administrator of the Federal Aviation Administration; or

(ii) if a certificate required to be issued for the installation or alteration is not carried on the aircraft.

(3) The Administrator of the Federal Aviation Administration, the Administrator of Drug Enforcement, and the Commissioner shall agree to a memorandum of understanding to establish procedures to carry out this subsection.

(e) RELATIONSHIP TO STATE LAWS.—This part does not prevent a State from establishing a criminal penalty, including providing for forfeiture and seizure of aircraft, for a person that—

(1) knowingly and willfully forges or alters an aircraft certificate of registration;

(2) knowingly sells, uses, attempts to use, or possesses with the intent to use, a fraudulent aircraft certificate of registration;

(3) knowingly and willfully displays or causes to be displayed on an aircraft a mark

that is false or misleading about the nationality or registration of the aircraft; or

(4) obtains an aircraft certificate of registration from the Administrator of the Federal Aviation Administration by—

(A) knowingly and willfully falsifying or concealing a material fact;

(B) making a false, fictitious, or fraudulent statement; or

(C) making or using a false document knowing it contains a false, fictitious, or fraudulent statement or entry.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1235; Pub. L. 104–287, §5(78), Oct. 11, 1996, 110 Stat. 3397; Pub. L. 114–125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46306(a) .....	49 App.:1303 (note).	Nov. 18, 1988, Pub. L. 100–690, §7214, 102 Stat. 4434.
46306(b) .....	49 App.:1472(b)(1), (2) (1st sentence cl. (A)).	Aug. 23, 1958, Pub. L. 85–726, §902(b)(1)–(4), 72 Stat. 784; Oct. 19, 1984, Pub. L. 98–499, §6, 98 Stat. 2316; re-stated Nov. 18, 1988, Pub. L. 100–690, §7209(a), 102 Stat. 4429.
46306(c)(1) ..	49 App.:1472(b)(4).	
46306(c)(2) ..	49 App.:1472(b)(2) (1st sentence cl. (B)).	
46306(c)(3) ..	49 App.:1472(b)(2) (last sentence).	
46306(d) .....	49 App.:1472(b)(3).	
46306(e) .....	49 App.:1472(b)(5).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(b)(5); added Oct. 27, 1986, Pub. L. 99–570, §3401(a)(1), 100 Stat. 3207–99; Nov. 18, 1988, Pub. L. 100–690, §7209(a), (b)(1), 102 Stat. 4429, 4432.

In subsections (b)(9), (d), and (e), the word “Administrator” in section 902(b) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 784) is retained on authority of 49:106(g).

In subsection (b), before clause (1), the words “Except as provided by subsection (c) of this section” are added for clarity. The words “It shall be unlawful for any person” and “upon conviction” are omitted as surplus. The words “fined under title 18” are substituted for “a fine of not more than \$15,000” for consistency with title 18. In clause (1), the words “counterfeit” and “falsely make” are omitted as surplus. In clause (4), the words “covering up”, “representation”, and “writing” are omitted as surplus. In clause (7), the word “valid” is omitted as surplus.

In subsection (c)(2), before clause (A), the words “fined under title 18” are substituted for “a fine of not more than \$25,000” for consistency with title 18.

In subsection (d)(1) and (3), the words “Administrator of Drug Enforcement” are substituted for “Drug Enforcement Administration of the Department of Justice” and “Drug Enforcement Administration” because of section 5(a) of Reorganization Plan No. 2 of 1973 (eff. July 1, 1973, 87 Stat. 1092). The words “Commissioner of Customs” and “Commissioner” are substituted for “United States Customs Service” because of 19:2071.

In subsection (d)(2)(A), the words “aircraft certificate of registration” are substituted for “registration” for consistency in this section. The words “counterfeited” and “falsely made” are omitted as surplus.

In subsections (d)(2)(C)(ii) and (e), the words “aircraft certificate of registration” are substituted for “aircraft registration certificate” for consistency with 49 App.:1401, restated in chapter 441 of the revised title.

In subsection (e), before clause (1), the words “this subsection or in any other provision of” are omitted as surplus. In clause (1), the words “counterfeits” and

“falsely makes” are omitted as surplus. In clause (4)(A), the words “covering up” are omitted as surplus. In clause (4)(B), the words “or representation” are omitted as surplus. In clause (4)(C), the words “writing or” are omitted as surplus.

PUB. L. 104–287

This makes a clarifying amendment to 49:46306(c)(2)(B).

Editorial Notes

AMENDMENTS

1996—Subsec. (c)(2)(B). Pub. L. 104–287 inserted “that is” before “provided”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (d)(1) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

§ 46307. Violation of national defense airspace

A person that knowingly or willfully violates section 40103(b)(3) of this title or a regulation prescribed or order issued under section 40103(b)(3) 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. 1237.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46307 .....	49 App.:1523.	Aug. 23, 1958, Pub. L. 85–726, §1203, 72 Stat. 800.

The words “In addition to the penalties otherwise provided for by this chapter” are omitted as surplus. The word “prescribed” is added for consistency in the revised title. The words “fined under title 18” are substituted for “a fine of not exceeding \$10,000”, and the words “shall be deemed guilty of a misdemeanor” are omitted, for consistency with title 18. The words “and upon conviction thereof” and “such fine and imprisonment” are omitted as surplus.

§ 46308. Interference with air navigation

A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person—