

49 U.S. CODE § 5102 - DEFINITIONS

Current through Pub. L. [113-100](#). (See [Public Laws for the current Congress](#).)

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In this chapter—

- (1)** “commerce” means trade or transportation in the jurisdiction of the United States—
(A) between a place in a State and a place outside of the State;
(B) that affects trade or transportation between a place in a State and a place outside of the State; or
(C) on a United States-registered aircraft.
- (2)** “hazardous material” means a substance or material the Secretary designates under section [5103 \(a\)](#) of this title.
- (3)** “hazmat employee”—
(A) means an individual—
(i) who—
(I) is employed on a full time, part time, or temporary basis by a hazmat employer; or
(II) is self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting hazardous material in commerce; and
(ii) who during the course of such full time, part time, or temporary employment, or such self employment, directly affects hazardous material transportation safety as the Secretary decides by regulation; and
(B) includes an individual, employed on a full time, part time, or temporary basis by a hazmat employer, or self employed, who during the course of employment—
(i) loads, unloads, or handles hazardous material;
(ii) designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce;
(iii) prepares hazardous material for transportation;
(iv) is responsible for the safety of transporting hazardous material; or
(v) operates a vehicle used to transport hazardous material.
- (4)** “hazmat employer”—
(A) means a person—
(i) who—
(I) employs or uses at least 1 hazmat employee on a full time, part time, or temporary basis; or
(II) is self-employed (including an owner-operator of a motor vehicle, vessel, or aircraft) transporting hazardous material in commerce; and
(ii) who—
(I) transports hazardous material in commerce;
(II) causes hazardous material to be transported in commerce; or
(III) designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce; and
(B) includes a department, agency, or instrumentality of the United States Government, or an authority of a State, political subdivision of a State, or Indian tribe, carrying out an activity described in clause (ii).

(5) “imminent hazard” means the existence of a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.

(6) “Indian tribe” has the same meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 450b](#)).

(7) “motor carrier”—

(A) means a motor carrier, motor private carrier, and freight forwarder as those terms are defined in section [13102](#); but

(B) does not include a freight forwarder, as so defined, if the freight forwarder is not performing a function relating to highway transportation.

(8) “National Response Team” means the National Response Team established under the National Contingency Plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ([42 U.S.C. 9605](#)).

(9) “person”, in addition to its meaning under section [1](#) of title [1](#)—

(A) includes a government, Indian tribe, or authority of a government or tribe that—

(i) offers hazardous material for transportation in commerce;

(ii) transports hazardous material to further a commercial enterprise; or

(iii) designs, manufactures, fabricates, inspects, marks, maintains, reconditions, repairs, or tests a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce; but

(B) does not include—

(i) the United States Postal Service; and

(ii) in sections [5123](#) and [5124](#) of this title, a department, agency, or instrumentality of the Government.

(10) “public sector employee”—

(A) means an individual employed by a State, political subdivision of a State, or Indian tribe and who during the course of employment has responsibilities related to responding to an accident or incident involving the transportation of hazardous material;

(B) includes an individual employed by a State, political subdivision of a State, or Indian tribe as a firefighter or law enforcement officer; and

(C) includes an individual who volunteers to serve as a firefighter for a State, political subdivision of a State, or Indian tribe.

(11) “Secretary” means the Secretary of Transportation except as otherwise provided.

(12) “State” means—

(A) except in section [5119](#) of this title, a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States designated by the Secretary; and

(B) in section [5119](#) of this title, a State of the United States and the District of Columbia.

(13) “transports” or “transportation” means the movement of property and loading, unloading, or storage incidental to the movement.

(14) “United States” means all of the States.