

C

**Effective:[See Text Amendments]**United States Code Annotated [Currentness](#)Title 49. Transportation ([Refs & Annos](#))Subtitle IV. Interstate Transportation ([Refs & Annos](#))Part B. Motor Carriers, Water Carriers, Brokers, and Freight Forwarders ([Refs & Annos](#))▢ [Chapter 135. Jurisdiction \(Refs & Annos\)](#)▢ [Subchapter I. Motor Carrier Transportation \(Refs & Annos\)](#)→→ **§ 13501. General jurisdiction**

The Secretary and the Board have jurisdiction, as specified in this part, over transportation by motor carrier and the procurement of that transportation, to the extent that passengers, property, or both, are transported by motor carrier--

(1) between a place in--

(A) a State and a place in another State;

(B) a State and another place in the same State through another State;

(C) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

(D) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

(E) the United States and a place in a foreign country to the extent the transportation is in the United States; and

(2) in a reservation under the exclusive jurisdiction of the United States or on a public highway.

CREDIT(S)

(Added [Pub.L. 104-88, Title I, § 103](#), Dec. 29, 1995, 109 Stat. 859.)

## HISTORICAL AND STATUTORY NOTES

### Revision Notes and Legislative Reports

1995 Acts. [House Report No. 104-311](#) and [House Conference Report No. 104-422](#), see 1995 U.S. Code Cong. and Adm. News, p. 793.

### Effective and Applicability Provisions

1995 Acts. Section effective Jan. 1, 1996, except as otherwise provided in Pub.L. 104-88, see section 2 of Pub.L. 104-88, set out as a note under section 701 of this title.

### Prior Provisions

Provisions similar to those in this section were contained in section 10521 of this title prior to the general amendment of this subtitle by Pub.L. 104-88, § 102(a).

## CROSS REFERENCES

“Motor carrier of migrant workers” defined as person providing transportation referred to in this section for at least 3 migrant workers to or from employment for purposes of motor carrier safety, see [49 USCA § 31501](#).

“Motor private carrier” defined as person other than motor carrier transporting property by motor vehicle when transportation is as provided in this section, see [49 USCA § 13102](#).

Requirements for qualifications, hours of service, safety, and equipment standards applicable to transportation described in this section, see [49 USCA § 31502](#).

Undercharge disputes resolution involving negotiated rates relating to transportation of property between places described in this section, see [49 USCA § 13711](#).

## LIBRARY REFERENCES

### American Digest System

[Carriers](#)  108.

[Labor and Employment](#)  2290.

Key Number System Topic Nos. [70](#), [231H](#).

### Corpus Juris Secundum

[CJS Carriers § 18](#), Motor Carriers, Water Carriers, and Freight Forwarders.

[CJS Carriers § 21](#), Geographic Limitations and Exemptions for Motor Carriers.

[CJS Carriers § 67](#), Carriers and Transportation Subject to Regulation.

[CJS Carriers § 68](#), Jurisdiction Dependent Upon Place of Transportation.

[CJS Carriers § 70](#), Transportation Between Alaska and Other States.  
[CJS Carriers § 78](#), Motor Carriers of Passengers.  
[CJS Carriers § 88](#), Requirements for Qualifications, Hours of Service, Safety, and Equipment Standards.  
[CJS Carriers § 97](#), Registration.  
[CJS Carriers § 236](#), Service of Process.  
[CJS Carriers § 244](#), By Surface Transportation Board.  
[CJS Motor Vehicles § 148](#), Schedules; Time of Operation.

## RESEARCH REFERENCES

### ALR Library

[21 ALR, Fed. 2nd Series 559](#), To 2007 A.L.R. United States Supreme Court Review.

[6 ALR, Fed. 2nd Series 1](#), Validity, Construction, and Application of North American Free Trade Agreement and Implementing Statutes and Regulations--Cases and Materials from Canada, Mexico, and the United States.

[129 ALR, Fed. 273](#), Construction of Statute of Limitations in Carriage of Goods by Sea Act ([46 App. U.S.C.A. § 1303\(6\)](#)).

[9 ALR, Fed. 960](#), Carriers: Applicability to Shipments To, Destined For, or from Foreign Countries, of Carmack Amendment to Interstate Commerce Act (49 U.S.C.A. § 20(11)).

[26 ALR 6th 659](#), To 2007 A.L.R. United States Supreme Court Review.

[120 ALR 295](#), Constitutionality, Construction, and Application of Statutes Relating Specifically to Hours of Service or Other Conditions Affecting Drivers of Motor Trucks.

[103 ALR 268](#), Jurisdiction of Public Service Commission Over Carriers Transporting by Motor Trucks or Busses.

### Encyclopedias

[12 Am. Jur. Proof of Facts 2d 1](#), Status as Common Carrier Rather Than Warehouseman.

[33 Am. Jur. Proof of Facts 2d 423](#), Bailor's Lack of Knowledge of Limit on Bailee's Liability.

[Am. Jur. 2d Carriers § 83](#), Authority and Jurisdiction.

[Am. Jur. 2d Carriers § 134](#), Motor Carriers.

[Am. Jur. 2d Carriers § 135](#), Motor Carriers--Of Passengers.

[Am. Jur. 2d Carriers § 138](#), Brokers.

[Am. Jur. 2d Labor and Labor Relations § 706](#), Motor Carrier Act.

[Am. Jur. 2d Labor and Labor Relations § 3011](#), Places to and from Which Transportation Must Take Place.

#### Forms

[Federal Procedural Forms § 66:191](#), Complaint--Class Action--For Declaratory and Injunctive Relief and Damages--By Owner-Operators Against Lessor Motor Carrier--Use of Contract that Does Not Conform With Regulatory...

[Am. Jur. Pl. & Pr. Forms Carriers § 157](#), Complaint in Federal Court--Against Carrier--Interstate Commerce--Failure to Collect Charges Before Delivery to Consignee Who Subsequently Became Bankrupt.

[Am. Jur. Pl. & Pr. Forms Venue § 110](#), Affidavit--In Opposition to Motion for Transfer of Action--Venue Proper in Action Filed in State Court Against Common Carrier.

#### Treatises and Practice Aids

[Federal Procedure, Lawyers Edition § 76:312](#), Designation of Agent.

[Federal Procedure, Lawyers Edition § 76:313](#), Manner of Service.

[Federal Procedure, Lawyers Edition § 76:448](#), Contents of Complaint--Request for Damages or Other Relief.

[Federal Procedure, Lawyers Edition § 52:1532](#), Types of Motor Carriers in Covered Class--Private Carriers.

[Federal Procedure, Lawyers Edition § 52:1533](#), Activities Must be in Interstate or Foreign Commerce.

[West's Federal Administrative Practice § 5379](#), Substantive Responsibilities--Motor Carriers, Water Carriers, Brokers, and Freight Forwarders.


#### NOTES OF DECISIONS


Generally 1


Authority to determine jurisdiction 4


Construction with other laws [2](#)  
 Foreign shipments [7](#)  
 Intrastate or interstate transportation [6](#)  
 Motor transportation within possession of United States [10](#)  
 Motor-water routes, possession of United States [9](#)  
 Possession of United States [8-10](#)  
     Possession of United States - Generally [8](#)  
     Possession of United States - Motor transportation within possession of United States [10](#)  
     Possession of United States - Motor-water routes [9](#)  
 Property within section [5](#)  
 Purpose [3](#)  
 Review [11](#)


### 1. Generally

Authority of Commission [now Board] is predicated on recognized federal power over interstate commerce and where there is no such commerce, there can be no legitimate use of federal rights granted for this purpose. [Leonard Exp., Inc. v. U. S., W.D.Pa.1969, 298 F.Supp. 556. Commerce](#)  [85\(1\)](#)

Part II of the Interstate Commerce Act was broad enough to bring within its coverage all of those who, no matter what form they used, were in substance engaged in business of transportation of property on public highways for hire. [I. C. C. v. Interstate Auto Shippers, Inc., S.D.N.Y.1963, 214 F.Supp. 473, affirmed 323 F.2d 367. Commerce](#)  [85.25](#)

The Federal Motor Carrier Act is a highly remedial statute, and its terms are broadly comprehensive enough to bring within them all of those who, no matter what form they use, are in substance engaged in business of transportation of property on the public highways for hire. [I. C. C. v. Dudgeon, S.D.Cal.1961, 213 F.Supp. 710, certiorari denied 83 S.Ct. 1015, 372 U.S. 960, 10 L.Ed.2d 13. Commerce](#)  [85.25](#)

The Motor Carrier Act does not purport to regulate all acts and matters indirectly related to interstate transportation by motor carriers. [Tucker v. Casualty Reciprocal Exchange, N.D.Ga.1941, 40 F.Supp. 383. Commerce](#)  [58](#)

Transportation of goods in interstate commerce by a motor carrier subjects carrier to applicable provisions of federal law governing such carriage and rules and regulations of Commission [now Board]. [Hartford Acc. & Indem. Co. v. Major, Ill.App.1967, 226 N.E.2d 74, 81 Ill.App.2d 251. Commerce](#)  [85.25](#)

### 2. Construction with other laws

Truck driver working for an employer who derived no income from transportation of goods in interstate commerce during period of driver's employment, but who held himself out to the general public as being available for interstate hauls during such period and who actively solicited interstate business during such period, was a truck driver engaged in work subject to jurisdiction of the Commission [now Secretary and Board], and although

such jurisdiction was not exercised, its existence excluded driver from coverage by the Fair Labor Standards Act, section 201 et seq. of Title 29, even though employer may not actually have been regulated, and in fact might have held himself out to do business for which he had no certificate. [Starrett v. Bruce, C.A.10 \(Okla.\) 1968, 391 F.2d 320, certiorari denied 89 S.Ct. 404, 393 U.S. 971, 21 L.Ed.2d 384. Labor And Employment](#) 2290(4)

Yard hostler at distribution facility did not engage in work that directly affected safety of operation of motor vehicles on public highways, and thus did not fall within scope of motor carrier exemption from FLSA's overtime compensation requirement, where only vehicle that hostler drove or was authorized to drive as part of his employment was hostler tractor that he could not, and did not, take on to any public roads or interstate highways, hostler did not exercise, or have authority to exercise, any discretion or judgment regarding placement, layout, or distribution of freight loads in trailers, and hostler had no discretion and was not in fact required or permitted to install, adjust, repair, or maintain any parts on trucks and trailers that he moved around distribution facility yard. [Billingslea v. Southern Freight, Inc., N.D.Ga.2010, 699 F.Supp.2d 1369. Labor And Employment](#) 2287


Employer's overall business, including the number of interstate trips made and the percentage of revenue from interstate trips, is relevant to whether the employer is engaged in interstate transportation, and thus is potentially exempt from payment of overtime wages under motor carrier exemption to FLSA. [Garcia v. Fleetwood Limousine, Inc., M.D.Fla.2007, 511 F.Supp.2d 1233. Labor And Employment](#) 2290(1)

For purposes of determining applicability of motor carrier exemption to FLSA overtime requirement, delivery methods employed by satellite dish technicians met most of the seven criteria of 1992 Interstate Commerce Commission (ICC) policy statement, suggesting that technicians delivered and installed equipment in interstate commerce; shipper's interstate intent was found on basis of determination of total volume of equipment to be shipped, lack of substantial processing or product modification, goods under substantial control and direction of shipper, tracking systems, fact that while shipper bore transportation costs for products delivered from out-of-state facilities to employer's warehouse the employer bore costs of transporting goods within state, ownership of warehouses by employer rather than shipper, and absence of storage in transit provision. [Musarra v. Digital Dish, Inc., S.D.Ohio 2006, 454 F.Supp.2d 692. Labor And Employment](#) 2290(3)


Bus company, which participated in New Jersey transit bus card program which included a ticketing arrangement by which individuals boarding company's buses could use the same bus pass for a ride on another carriers' interstate bus traveling to New York, was subject to jurisdiction of Department of Transportation under Motor Carrier Safety Act (MCSA), and therefore was exempt from overtime pay provisions of Fair Labor Standards Act (FLSA); company's participation in through-ticketing arrangements qualified it as a motor carrier operating in interstate transportation. [United Transp. Union Local 759 v. Orange Newark Elizabeth Bus Co, D.N.J.2000, 111 F.Supp.2d 514. Automobiles](#) 126; [Labor And Employment](#) 2290(2)

### 3. Purpose


Interstate Commerce Act, which vests in Commission [now Board] the regulation of transportation of passengers or property by common carriers engaged in interstate or foreign commerce and of procurement thereof and pro-

vision of facilities therefor, was not intended to extend plenary jurisdiction of the Commission to regulation of terminal facilities owned and operated by third parties who are not motor carriers under the Act. [Middle Atlantic Conference v. U. S., D.C.D.C.1972, 353 F.Supp. 1109. Commerce](#)  85.25



#### 4. Authority to determine jurisdiction


Interstate Commerce Commission (ICC) [now Surface Transportation Board] clearly has primary jurisdiction to determine, in first instance, whether challenged transportation is interstate. [Merchants Fast Motor Lines, Inc. v. I.C.C., C.A.5 1993, 5 F.3d 911. Commerce](#)  89(1)


#### 5. Property within section

Nonradioactive hazardous wastes, consisting of elemental and chlorides of mercury, were not “property” within meaning of Commission's [now Board] regulations and, thus, Commission did not have jurisdiction over transportation of such materials. [I. C. C. v. Browning-Ferris Industries, Inc., N.D.Ala.1981, 529 F.Supp. 287. Commerce](#)  85.2


#### 6. Intrastate or interstate transportation


When a shipper transports his product across state lines for sale by him to customers in the destination state, and the product undergoes no alteration during its journey to the shipper's customer, and interruptions in the journey that occur in the destination state are no more than the normal stops or stages that are common in interstate sales, such as temporary warehousing, the entire journey should be regarded as having taken place in “interstate commerce” within the meaning of the Motor Carrier Act's exemption from the Fair Labor Standards Act (FLSA). [Collins v. Heritage Wine Cellars, Ltd., C.A.7 \(Ill.\) 2009, 589 F.3d 895. Commerce](#)  62.66; [Labor And Employment](#)  2290(1)


Wholesale beverage distributor's role in collecting, transporting and exporting empty containers was part of continuous movement of goods in interstate commerce, for purposes of determining applicability of motor carrier exemption to FLSA; although driver's carriage of empties took place entirely within New York, it was merely one leg of route to out-of-state destination. [Bilyou v. Dutchess Beer Distributors, Inc., C.A.2 \(N.Y.\) 2002, 300 F.3d 217. Labor And Employment](#)  2290(4)


Motor carrier's liability for alleged negligent transport of medical drug from warehouse to shipping terminal was governed by Carmack Amendment, even though carrier's transport was restricted exclusively to Virginia, where shipper's intention that medical drug travel in foreign commerce was fixed before motor carrier began transport. [Project Hope v. M/V IBN SINA, C.A.2 \(N.Y.\) 2001, 250 F.3d 67, on remand 2001 WL 1875854. Carriers](#)  177(4)


Interstate Commerce Commission (ICC) [now Surface Transportation Board] acted reasonably in applying its “fixed and persisting intent” rule based on totality of facts and circumstances to conclude that, in certain circumstances, when shipper ships goods into Texas from another state, temporarily stores goods at warehouse in Texas, then later ships goods to shipper's Texas customer, entire shipment is interstate in nature; construction of



precedent to warrant application of multifactor approach, instead of focusing on certain individual factors, was reasonable, assumption of facts in order would not preclude state regulation if other facts were present, and fact that order did not resolve all cases did not render it unreasonable. [Merchants Fast Motor Lines, Inc. v. I.C.C., C.A.5 1993, 5 F.3d 911. Commerce](#)  85.25

Interstate Commerce Commission's (ICC) [now Surface Transportation Board] characterization of transportation of fertilizer within Texas as part of continuous interstate movement was not arbitrary or capricious; storage-in-transit tariff contained requirements ensuring that shipments were part of continuous movement of fertilizer from outside Texas. [Central Freight Lines v. I.C.C., C.A.5 1990, 899 F.2d 413. Commerce](#)  85.25

Carrier is engaged in “interstate commerce” when transporting goods either originating in transit from beyond state or ultimately bound for destinations beyond state, even though route of particular carrier is wholly within one state. [Merchants Fast Motor Lines, Inc. v. I. C. C., C.A.5 \(Tex.\) 1976, 528 F.2d 1042. Commerce](#)  14.10(1)

Where oil company shipped petroleum products to terminal in Michigan and knew each customer to be served, although specific quantity to each was not fixed at time of shipment to terminal, the “through-put” of products was six times storage capacity of terminal, and no final transportation arrangements were made until after products were inventoried at terminal, drivers of transportation company's tank vehicles used to transport oil company's products in Michigan were not engaged in “interstate commerce” within Motor Carriers Act; they were not subject to Commission's [now Board] jurisdiction and they were entitled to benefits of Fair Labor Standards Act, section 201 et seq. of Title 29. [Baird v. Wagoner Transp. Co., C.A.6 \(Mich.\) 1970, 425 F.2d 407, certiorari denied 91 S.Ct. 58, 400 U.S. 829, 27 L.Ed.2d 59. Labor And Employment](#)  2290(4)


Evidence that a carrier has a permit or license from the Department of Transportation (DOT) is sufficient to prove the DOT has jurisdiction to establish qualifications and maximum hours of service for the carrier, as required under the motor carrier exemption to the FLSA's overtime pay requirement. [Vidinliev v. Carey Intern., Inc., N.D.Ga.2008, 581 F.Supp.2d 1281, reconsideration denied 2008 WL 5459335. Labor And Employment](#)  2290(1)


Florida operator of limousine service's arrangements to provide chauffeured transportation for corporate clients traveling interstate or out of the country and for destination management companies that sold travel packages to individuals and companies, usually located outside Florida, that included airport transportation as part of overall price charged to traveler, did not involve “interstate commerce” within the meaning of the FLSA and the Motor Carrier Act (MCA), and thus these arrangements were not subject to the jurisdiction of the Secretary of Transportation, as required for application of motor carrier exemption to FLSA's overtime pay requirement. [Powell v. Carey Intern., Inc., S.D.Fla.2006, 490 F.Supp.2d 1202. Automobiles](#)  126; [Labor And Employment](#)  2290(4)

Company that delivered and installed satellite dish network equipment and was seeking to invoke motor carrier exemption in satellite technicians' FLSA overtime suit failed to establish that technicians returning equipment to its in-state warehouses were carrying out the first leg of an interstate journey. [Musarra v. Digital Dish, Inc.,](#)




S.D.Ohio 2006, 454 F.Supp.2d 692. Labor And Employment  2290(3)


Regulation of intrastate transportation is excepted from authority of Commission [now Board], even insofar as it might remedy discriminatory effects on interstate commerce. [In re Grand Jury Subpoena Duces Tecum Issued to Southern Motor Carriers Rate Conference, Inc., Dated August 13, 1975, N.D.Ga.1975, 405 F.Supp. 1192.](#) Commerce  85.2

Where transit activities constituted part of continuous movement of mail and other freight from points outside state and vice versa, activities constituted “interstate commerce” within this Motor Carrier Act, even if operations of drivers were wholly within state. [Martinez v. Phillips Petroleum Co., D.C.Idaho 1968, 283 F.Supp. 514, affirmed 424 F.2d 547.](#) Commerce  85.25


#### 7. Foreign shipments


Interstate Commerce Commission's (ICC) [now Surface Transportation Board] jurisdiction does not extend to shipments from a foreign country to the United States unless domestic segment of shipment is covered by separate domestic bill of lading. [Shao v. Link Cargo \(Taiwan\) Ltd., C.A.4 \(Md.\) 1993, 986 F.2d 700.](#) Commerce  85.2

#### 8. Possession of United States--Generally

Puerto Rico is to be considered a possession of the United States for purposes of the Interstate Commerce Act. [Puerto Rico Maritime Shipping Authority v. I.C.C., C.A.D.C.1981, 645 F.2d 1102, 207 U.S.App.D.C. 177.](#) Commerce  85(1)

#### 9. ---- Motor-water routes, possession of United States

Motor carrier service provided entirely within privately controlled marine terminal, as part of continuous interstate movement of freight, was subject to ICC [now Surface Transportation Board] jurisdiction, such that transportation of goods to Puerto Rico by motor carrier and affiliated water carrier constituted “joint through service” subject to ICC jurisdiction; thus, tariff filed with ICC by water carrier was applicable to shipments at issue. [Puerto Rico Maritime Shipping Authority v. Valley Freight Systems, Inc., C.A.3 \(N.J.\) 1988, 856 F.2d 546, rehearing denied.](#) Commerce  89(3)

Commission [now Board] has power to regulate the marine segment of a joint motor-water through route between the United States and Puerto Rico. [Puerto Rico Maritime Shipping Authority v. I.C.C., C.A.D.C.1981, 645 F.2d 1102, 207 U.S.App.D.C. 177.](#) Commerce  85.34

#### 10. ---- Motor transportation within possession of United States

Addition, to grant of jurisdiction to the Commission [now Board] over transportation by a motor carrier between a place in the United States and place in a territory or possession of the United States, of the language “to the ex-

tent that transportation is in the United States”, was intended only to correct a defect in previous codification and not to effect any sweeping changes in the jurisdiction of the Commission; limitation clause was added only to make clear that the Commission was to have no jurisdiction over motor transportation taking place within the territories or possession. [Puerto Rico Maritime Shipping Authority v. I.C.C., C.A.D.C.1981, 645 F.2d 1102, 207 U.S.App.D.C. 177. Commerce ↪ 85.25](#)

#### 11. Review

Inasmuch as Commission [now Board] was on record after rule-making and adjudicatory proceedings as having construed its jurisdiction not to include regulation of transportation of all hazardous wastes, court would not support expansion of its jurisdiction by broad reading of ambiguous language contained in Commission decision. [I. C. C. v. Browning-Ferris Industries, Inc., N.D.Ala.1981, 529 F.Supp. 287. Commerce ↪ 85.2](#)

49 U.S.C.A. § 13501, 49 USCA § 13501

Current through P.L. 112-209 approved 12-18-12

Westlaw. (C) 2013 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

END OF DOCUMENT