

Section 4303 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Public Law 109-59, August 10, 2005)

SEC. 4303. INCLUSION OF MOTOR PRIVATE AND EXEMPT CARRIERS.

(a) Persons Registered To Provide Transportation or Service as a Motor Carrier or Motor Private Carrier.--Section 13905 of title 49, United States Code, is amended--

- (1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and
- (2) by inserting after subsection (a) the following:

``(b) Person Registered With Secretary.--

- ``(1) In general.--Except as provided in paragraph (2), any person having registered with the Secretary to provide

[[Page 119 STAT. 1762]]

transportation or service as a motor carrier or motor private carrier under this title, as in effect on January 1, 2005, but not having registered pursuant to section 13902(a), shall be treated, for purposes of this part, to be registered to provide such transportation or service for purposes of sections 13908 and 14504a.

- ``(2) Exclusively intrastate operators.--Paragraph (1) does not apply to a motor carrier or motor private carrier (including a transporter of waste or recyclable materials) engaged exclusively in intrastate transportation operations.''

(b) Security Requirement.--Section 13906(a) of such title is amended--

- (1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

- (2) by inserting after paragraph (1) the following:

``(2) Security requirement.--Not <<NOTE: Deadline.>> later than 120 days after the date of enactment of the Unified Carrier Registration Act of 2005, any person, other than a motor private carrier, registered with the Secretary to provide transportation or service as a motor carrier under section 13905(b) shall file with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than required by sections 31138 and 31139.''

(c) Termination of Transition Rule.--Section 13902 of such title is amended--

- (1) by adding at the end of subsection (d) the following:

``(3) Termination.--This subsection shall cease to be in effect on the transition termination date.''; and

- (2) by redesignating subsection (f) as subsection (g), and inserting after subsection (e) the following:

``(f) Modification of Carrier Registration.--

- ``(1) In general.--On and after the transition termination date, the Secretary--

- ``(A) may not register a motor carrier under this section as a motor common carrier or a motor contract

carrier;

``(B) shall register applicants under this section as motor carriers; and

``(C) shall issue any motor carrier registered under this section after that date a motor carrier certificate of registration that specifies whether the holder of the certificate may provide transportation of persons, household goods, other property, or any combination thereof.

``(2) Pre-existing certificates and permits.--The Secretary shall redesignate any motor carrier certificate or permit issued before the transition termination date as a motor carrier certificate of registration. On and after the transition termination date, any person holding a motor carrier certificate of registration redesignated under this paragraph may provide both contract carriage (as defined in section 13102(4)(B)) and transportation under terms and conditions meeting the requirements of section 13710(a)(1). The Secretary may not, pursuant to any regulation or form issued before or after the transition termination date, make any distinction among holders of motor carrier certificates of registration on the basis of whether the holder would have been classified as a common carrier or as a contract carrier under--

[[Page 119 STAT. 1763]]

``(A) subsection (d) of this section, as that section was in effect before the transition termination date; or

``(B) any other provision of this title that was in effect before the transition termination date.

``(3) Transition termination date defined.--In this section, the term `transition termination date' means the first day of January occurring more than 12 months after the date of enactment of the Unified Carrier Registration Act of 2005.''

(d) Clerical Amendments.--

(1) Heading for section 13906.--Section 13906 of such title is amended by striking the section designation and heading and inserting the following:

``Sec. 13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders''.

(2) Chapter analysis.--The analysis for chapter 139 of such title is amended by striking the item relating to section 13906 and inserting the following:

``13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders.''