

TITLE 49--TRANSPORTATION

SUBTITLE IV--INTERSTATE TRANSPORTATION

PART B--MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

CHAPTER 139--REGISTRATION

Sec. 13908. Registration and other reforms

(a) Regulations Replacing Certain Programs.--The Secretary, in cooperation with the States, and after notice and opportunity for public comment, shall issue regulations to replace the current Department of Transportation identification number system, the single State registration system under section 14504, the registration system contained in this chapter, and the financial responsibility information system under section 13906 with a single, on-line, Federal system. The new system shall serve as a clearinghouse and depository of information on and identification of all foreign and domestic motor carriers, brokers, and freight forwarders, and others required to register with the Department as well as information on safety fitness and compliance with required levels of financial responsibility. In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

(b) Factors To Be Considered.--In conducting the rulemaking under subsection (a), the Secretary shall, at a minimum, consider the following factors:

- (1) Funding for State enforcement of motor carrier safety regulations.
- (2) Whether the existing single State registration system is duplicative and burdensome.
- (3) The justification and need for collecting the statutory fee for such system under section 14504(c)(2)(B)(iv).
- (4) The public safety.
- (5) The efficient delivery of transportation services.
- (6) How, and under what conditions, to extend the registration system to motor private carriers and to carriers exempt under sections 13502, 13503, and 13506.

(c) Fee System.--The Secretary may establish, under section 9701 of title 31, a fee system for registration and filing evidence of financial responsibility under the new system under subsection (a). Fees collected under the fee system shall cover the costs of operating and upgrading the registration system, including all personnel costs associated with the system. Fees collected under this subsection may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected, and shall be available for expenditure until expended.

(d) State Registration Programs.--If the Secretary determines that no State should require insurance filings or collect fees for such filings (including filings and fees authorized under section 14504), the Secretary may prevent any State or political subdivision thereof, or any political authority of 2 or more States, from imposing any insurance filing requirements or fees that are for the same purposes as filings or fees the Secretary requires under the new system under subsection (a). The Secretary may not take any action pursuant to this subsection

unless--

(1) fees that will be collected by the Secretary under subsection (c) and distributed in each fiscal year to the States will provide each State with at least as much revenue as that State received in fiscal year 1995 under section 11506, as in effect on December 31, 1995; and

(2) all States will receive from the distribution of such fees a minimum apportionment.

(e) Deadline for Conclusion; Modifications.--Not later than 24 months after January 1, 1996, the Secretary--

(1) shall conclude the rulemaking under this section;

(2) may implement such changes under this section as the Secretary considers appropriate and in the public interest; and

(3) shall transmit to Congress a report on any findings of the rulemaking and the changes being implemented under this section, together with such recommendations for legislative language necessary to conform this part to such changes.

(Added Pub. L. 104-88, title I, Sec. 103, Dec. 29, 1995, 109 Stat. 888; amended Pub. L. 104-287, Sec. 5(36), Oct. 11, 1996, 110 Stat. 3392.)

#### Historical and Revision Notes

Pub. L. 104-287, Sec. 5(36)(A)

This amends 49:13908(d)(1) for clarity and consistency.

Pub. L. 104-287, Sec. 5(36)(B)

This sets out the effective date of 49:13908.

#### References in Text

Section 11506, referred to in subsec. (d)(1), was omitted in the general amendment of this subtitle by Pub. L. 104-88, title I, Sec. 102(a), Dec. 29, 1995, 109 Stat. 804, effective Jan. 1, 1996.

#### Amendments

1996--Subsec. (d)(1). Pub. L. 104-287, Sec. 5(36)(A), substituted ``December 31, 1995'' for ``the day before the effective date of this section''.

Subsec. (e). Pub. L. 104-287, Sec. 5(36)(B), substituted ``January 1, 1996'' for ``the effective date of this section''.

#### Section Referred to in Other Sections

This section is referred to in section 13902 of this title.