

WAIS Document RetrievalFrom the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 7, 2003]
[Document not affected by Public Laws enacted between
January 7, 2003 and December 19, 2003]
[CITE: 49USC41103]

TITLE 49 - -TRANSPORTATION

SUBTITLE VII--AVIATION PROGRAMS

PART A--AIR COMMERCE AND SAFETY

subpart ii--economic regulation

CHAPTER 411--AIR CARRIER CERTIFICATES

Sec. 41103. All-cargo air transportation certificates of air carriers

(a) Applications.--A citizen of the United States may apply to the Secretary of Transportation for a certificate authorizing the citizen to provide all-cargo air transportation. The application must contain information and be in the form the Secretary by regulation requires.

(b) Issuance.--Not later than 180 days after an application for a certificate is filed under this section, the Secretary shall issue the certificate to a citizen of the United States authorizing the citizen, as an air carrier, to provide any part of the all-cargo air transportation applied for unless the Secretary finds that the citizen is not fit, willing, and able to provide the all-cargo air transportation to be authorized by the certificate and to comply with regulations of the Secretary.

(c) Terms.--The Secretary may impose terms the Secretary considers necessary when issuing a certificate under this section. However, the Secretary may not impose terms that restrict the places served or prices charged by the holder of the certificate.

(d) Exemptions and Status.--A citizen issued a certificate under this section--

(1) is exempt in providing the transportation under the certificate from the requirements of--

(A) section 41101(a)(1) of this title and regulations or procedures prescribed under section 41101(a)(1); and

(B) other provisions of this part and regulations or procedures prescribed under those provisions when the Secretary finds under regulations of the Secretary that the exemption is appropriate; and

(2) is an air carrier under this part except to the extent the carrier is exempt under this section from a requirement of this part.

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1119; Pub. L. 103-429, Sec. 6(49), Oct. 31, 1994, 108 Stat. 4384.)

Historical and Revision Notes
Pub. L. 103-272

Source (Statutes at Large)	Revised Section	Source (U.S. Code)
----------------------------	-----------------	--------------------

41103(a)..... 49 App.:1388(a)(4).

Aug .

23, 1958, Pub. L. 85-726, 72 Stat.		731,
Sec. 418(a)(4); added Nov. 9,		1977,
Pub. L. 95-163, Sec. 17(a), 91		Stat.
1285; Mar. 14, 1978, Pub. L. 95-		245,
Sec. 1, 92 Stat. 156.		
23, 1958, Pub. L. 85-726, 72 Stat.	49 App.:1551(b)(1)(E).	Aug.
Sec. 1601(b) (1)(E); added Oct.		731,
1984, Pub. L. 98-443, Sec. 3(e),		4,
Stat. 1704.		98
41103(b).....	49 App.:1388(b)(1)(B).	Aug.
23, 1958, Pub. L. 85-726, 72 Stat.		731,
Sec. 418(b)(1)(B); added Nov. 9,		1977,
Pub. L. 95-163, Sec. 17(a), 91		Stat.
1285; Mar. 14, 1978, Pub. L. 95-		245,
Sec. 3, 92 Stat. 156.		
41103(c).....	49 App.:1551(b)(1)(E).	
23, 1958, Pub. L. 85-726, 72 Stat.	49 App.:1388(b)(2).	Aug.
Sec. 418(b)(2), (c), (d); added		731,
9, 1977, Pub. L. 95-163, Sec.		Nov.
91 Stat. 1285.		17(a),
41103(d)(1).....	49 App.:1551(b)(1)(E).	
41103(d)(2).....	49 App.:1388(c).	
	49 App.:1551(b)(1)(E).	
	49 App.:1388(d).	

In subsection (a), the words ``After the three hundred and sixty-fifth day which begins after November 9, 1977'' are omitted as executed. The words ``under this section'' are omitted as surplus. The words ``authorizing the citizen'' are added for clarity and consistency in this chapter.

In subsection (b), the words ``pursuant to paragraph (4) of subsection (a) of this section'' are omitted as surplus. The word ``citizen'' is substituted for ``applicant'' for clarity and consistency because only a citizen of the United States may be an ``air carrier'' as defined in section 40102(a) of the revised title and only an air carrier can provide all-cargo air transportation. The words ``to provide'' are added for clarity and consistency in this subchapter. The word ``rules'' is omitted as being synonymous with ``regulations''. The word ``promulgated'' is omitted as surplus.

In subsection (c), the words ``reasonable'', ``and limitations'', and ``and conditions'' are omitted as surplus. The word ``places'' is substituted for ``points'' for consistency in the revised title.

This amends 49:41103(a) to make the term consistent throughout subtitle VII of title 49.

Amendments

1994--Subsec. (a). Pub. L. 103-429 substituted ``all-cargo'' for ``all-property''.

Effective Date of 1994 Amendment

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

Section Referred to in Other Sections

This section is referred to in sections 41110, 41709, 46301, 46316 of this title.