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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

(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 Not Pub. L. 103-272	
Revised Section Source (Statutes at Large)	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. 49 App.:1551(b)(1)(E). Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, Sec. 1601(b) (1)(E); added Oct. 4, 1984, Pub. L. 98-443, Sec. 3(e), 98 Stat. 1704. 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. 49 App.:1551(b)(1)(E). 41103(c)..... 49 App.:1388(b)(2). Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, Sec. 418(b)(2), (c), (d); added Nov. 9, 1977, Pub. L. 95-163, Sec. 17(a), 91 Stat. 1285. 41103(d)(2)..... 49 App.:1388(d). \_\_\_\_\_ 

In subsection (a), the words ``After the three hundred and sixtyfifth 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.