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TITLE 49--TRANSPORTATION

SUBTITLE IV--INTERSTATE TRANSPORTATION

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

CHAPTER 139--REGISTRATION

Sec. 13905. Effective periods of registration

(a) Person Holding ICC Authority.--Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on December 31, 1995, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

(b) In General.--Except as otherwise provided in this part, each registration issued under section 13902, 13903, or 13904 shall be effective from the date specified by the Secretary and shall remain in effect for such period as the Secretary determines appropriate by regulation.

(c) Suspension, Amendments, and Revocations.--

(1) In general.--On application of the registrant, the Secretary may amend or revoke a registration. On complaint or on the Secretary's own initiative and after notice and an opportunity for a proceeding, the Secretary may (A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with this part, an applicable regulation or order of the Secretary or of the Board, or a condition of its registration; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder: (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title; or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11, United States Code.

(2) Regulations.--Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide

for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).

(d) Procedure.--Except on application of the registrant, the Secretary may revoke a registration of a motor carrier, freight forwarder, or broker, only after--

(1) the Secretary has issued an order to the registrant under section 14701 requiring compliance with this part, a regulation of the Secretary, or a condition of the registration; and

(2) the registrant willfully does not comply with the order for a period of 30 days.

(e) Expedited Procedure.--

(1) Protection of safety.--Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend the registration of a motor carrier, a freight forwarder, or a broker for failure to comply with safety requirements of the Secretary or the safety fitness requirements pursuant to section 13904(c), 13906, or 31144 of this title, or an order or regulation of the Secretary prescribed under those sections.

(2) Imminent hazard to public health.--Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend a registration of a motor carrier of passengers if the Secretary finds that such carrier has been conducting unsafe operations which are an imminent hazard to public health or property.

(3) Notice; period of suspension.--The Secretary may suspend under this subsection the registration only after giving notice of the suspension to the registrant. The suspension remains in effect until the registrant complies with those applicable sections or, in the case of a suspension under paragraph (2), until the Secretary revokes such suspension.

(Added Pub. L. 104-88, title I, Sec. 103, Dec. 29, 1995, 109 Stat. 884; amended Pub. L. 104-287, Sec. 5(33), Oct. 11, 1996, 110 Stat. 3392; Pub. L. 105-102, Sec. 2(10), Nov. 20, 1997, 111 Stat. 2204; Pub. L. 106-159, title II, Sec. 206(a), Dec. 9, 1999, 113 Stat. 1763.)

Historical and Revision Notes

Pub. L. 104-287

This amends 49:13905(a) for clarity and consistency.

Pub. L. 105-102

This amends 49:13905(e)(1) to correct a grammatical error.

References in Text

The date of the enactment of this paragraph, referred to in subsec. (c)(2), is the date of enactment of Pub. L. 106-159, which was approved Dec. 9, 1999.

Prior Provisions

Provisions similar to those in this section were contained in section 10925 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, Sec. 102(a).

Amendments

1999--Subsec. (c). Pub. L. 106-159 inserted par. (1) designation and heading, inserted ``(A)'' before ``suspend'', added cl. (B), realigned par. (1) margins, and added par. (2).

1997--Subsec. (e)(1). Pub. L. 105-102 struck out comma after ``31144''.

1996--Subsec. (a). Pub. L. 104-287 substituted ``December 31, 1995'' for ``the day before the effective date of this section''.

Section Referred to in Other Sections

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