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[Laws in effect as of January 7, 2003]
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  January 7, 2003 and December 19, 2003]
[CITE: 49USC41103]

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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 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

| Revised Section<br>Source (Statutes at Large)                                                                                                                                                                                                                                                      | Source (U.S. Code)                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41103(a).....<br>, 1958, Pub. L. 85-726, 72 Stat.<br>ec. 418(a)(4); added Nov. 9,<br>Pub. L. 95-163, Sec. 17(a), 91<br>1285; Mar. 14, 1978, Pub. L. 95-<br>ec. 1, 92 Stat. 156.<br>, 1958, Pub. L. 85-726, 72 Stat.<br>ec. 1601(b) (1)(E); added Oct.<br>4, Pub. L. 98-443, Sec. 3(e),<br>t. 1704. | 49 App.:1388(a)(4).<br><br><br><br><br><br><br><br><br><br>49 App.:1551(b)(1)(E).<br><br><br><br><br><br><br><br><br><br>49 App.:1388(b)(1)(B).<br><br><br><br><br><br><br><br><br><br>49 App.:1551(b)(1)(E).<br>49 App.:1388(b)(2).<br><br><br><br><br><br><br><br><br><br>49 App.:1551(b)(1)(E).<br>49 App.:1388(c).<br>49 App.:1551(b)(1)(E). | Aug. 23<br>731, S<br>1977,<br>Stat.<br>245, S<br>Aug. 23<br>731, S<br>4, 198<br>98 Sta<br>Aug. 23<br>731, S<br>1977,<br>Stat.<br>245, S<br>Aug. 23<br>731, S<br>Nov. 9<br>17(a), |
| 41103(b).....<br>, 1958, Pub. L. 85-726, 72 Stat.<br>ec. 418(b)(1)(B); added Nov. 9,<br>Pub. L. 95-163, Sec. 17(a), 91<br>1285; Mar. 14, 1978, Pub. L. 95-<br>ec. 3, 92 Stat. 156.                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                  |
| 41103(c).....<br>, 1958, Pub. L. 85-726, 72 Stat.<br>ec. 418(b)(2), (c), (d); added<br>, 1977, Pub. L. 95-163, Sec.<br>91 Stat. 1285.                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                  |
| 41103(d)(1).....                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                  |

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.

#### Pub. L. 103-429

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.

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