

§ 5109. Motor carrier safety permits

(a) REQUIREMENT.—A motor carrier may transport or cause to be transported by motor vehicle in commerce hazardous material only if the carrier holds a safety permit the Secretary issues under this section authorizing the transportation and keeps a copy of the permit, or other proof of its existence, in the vehicle. The Secretary shall issue a permit if the Secretary finds the carrier is fit, willing, and able—

- (1) to provide the transportation to be authorized by the permit;
- (2) to comply with this chapter and regulations the Secretary prescribes to carry out this chapter; and
- (3) to comply with applicable United States motor carrier safety laws and regulations and applicable minimum financial responsibility laws and regulations.

(b) APPLICABLE TRANSPORTATION.—The Secretary shall prescribe by regulation the hazardous material and amounts of hazardous material to which this section applies. However, this section shall apply at least to transportation by a motor carrier, in amounts the Secretary establishes, of—

- (1) a class A or B explosive;
- (2) liquefied natural gas;
- (3) hazardous material the Secretary designates as extremely toxic by inhalation; and
- (4) a highway-route-controlled quantity of radioactive material, as defined by the Secretary.

(c) APPLICATIONS.—A motor carrier shall file an application with the Secretary for a safety permit to provide transportation under this section. The Secretary may approve any part of the application or deny the application. The application shall be under oath and contain information the Secretary requires by regulation.

(d) AMENDMENTS, SUSPENSIONS, AND REVOCATIONS.—(1) After notice and an opportunity for a hearing, the Secretary may amend, suspend, or revoke a safety permit, as provided by procedures prescribed under subsection (e) of this section, when the Secretary decides the motor carrier is not complying with a requirement of this chapter, a regulation prescribed under this chapter, or an applicable United States motor carrier safety law or regulation or minimum financial responsibility law or regulation.

(2) If the Secretary decides an imminent hazard exists, the Secretary may amend, suspend, or revoke a permit before scheduling a hearing.

(e) PROCEDURES.—The Secretary shall prescribe by regulation—

- (1) application procedures, including form, content, and fees necessary to recover the complete cost of carrying out this section;
- (2) standards for deciding the duration, terms, and limitations of a safety permit;
- (3) procedures to amend, suspend, or revoke a permit; and
- (4) other procedures the Secretary considers appropriate to carry out this section.

(f) SHIPPER RESPONSIBILITY.—A person offering hazardous material for motor vehicle transportation in commerce may offer the material to a motor carrier only if the carrier has a safety

permit issued under this section authorizing the transportation.

(g) CONDITIONS.—A motor carrier may provide transportation under a safety permit issued under this section only if the carrier complies with conditions the Secretary finds are required to protect public safety.

(h) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section not later than November 16, 1991.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 767; Pub. L. 109-59, title VII, §7126, Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------------|--|
| 5109(a) | 49 App.:1805(d)(1), (2). | Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §106(d); added Nov. 16, 1990, Pub. L. 101-615, §8(a), 104 Stat. 3257; Oct. 24, 1992, Pub. L. 102-508, §503(a)(4), (5), (b), 106 Stat. 3311. |
| 5109(b) | 49 App.:1805(d)(5). | |
| 5109(c) | 49 App.:1805(d)(7). | |
| 5109(d) | 49 App.:1805(d)(4). | |
| 5109(e) | 49 App.:1805(d)(6). | |
| 5109(f) | 49 App.:1805(d)(3). | |
| 5109(g) | 49 App.:1805(d)(8). | |
| 5109(h) | 49 App.:1805 (note). | Nov. 16, 1990, Pub. L. 101-615, §8(b), 104 Stat. 3258. |

In subsection (a), before clause (1), the words “Except as provided in this subsection” and “used to provide such transportation” are omitted as surplus.

In subsection (b), before clause (1), the word “all” is omitted as surplus.

In subsection (e)(2), the word “conditions” is omitted as being included in “terms”.

In subsection (h), the text of section 8(b) (words before semicolon of the Hazardous Materials Transportation Uniform Safety Act of 1990 (Public Law 101-615, 104 Stat. 3258) is omitted as obsolete.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59 substituted “Secretary issues” for “Secretary of Transportation issues” in introductory provisions.

§ 5110. Shipping papers and disclosure

(a) PROVIDING SHIPPING PAPERS.—Each person offering for transportation in commerce hazardous material to which the shipping paper requirements of the Secretary apply shall provide to the carrier providing the transportation a shipping paper that makes the disclosures the Secretary prescribes in regulations.

(b) KEEPING SHIPPING PAPERS ON THE VEHICLE.—(1) A motor carrier, and the person offering the hazardous material for transportation if a private motor carrier, shall keep the shipping paper on the vehicle transporting the material.

(2) Except as provided in paragraph (1) of this subsection, the shipping paper shall be kept in a location the Secretary specifies in a motor vehicle, train, vessel, aircraft, or facility until—

- (A) the hazardous material no longer is in transportation; or
- (B) the documents are made available to a representative of a department, agency, or instrumentality of the United States Government or a State or local authority responding to an accident or incident involving the motor vehicle, train, vessel, aircraft, or facility.

(c) DISCLOSURE TO EMERGENCY RESPONSE AUTHORITIES.—When an incident involving hazard-