

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-1251

September Term, 2012

FMCS-2011-0097

Filed On: July 26, 2013

Owner-Operator Independent Drivers Assn.,
Inc.,

Petitioner

v.

Federal Motor Carrier Safety Administration, et
al.,

Respondents

No. 11-1444

TRAN-76FR131

International Brotherhood of Teamsters, et al.,

Petitioners

v.

United States Department of Transportation,
et al.,

Respondents

BEFORE: Henderson, Rogers, and Kavanaugh, Circuit Judges

ORDER

Upon consideration of petitioner's petition for panel rehearing and the response thereto, it is

ORDERED that the petition be denied. It is

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FURTHER ORDERED, on the court's own motion, that the opinion issued April 19, 2013, be amended as follows:

(1) Slip Op. p. 13, line 6,

Delete the comma (,) after the word "commerce" and insert in lieu thereof a period (.); and

(2) Slip Op. p. 13, lines 6-7,

Delete "and the agency's interpretation is otherwise reasonable. Therefore, we uphold the agency's interpretation." and insert in lieu thereof

"In any event, even if Mexico-domiciled trucks transporting goods between the United States and Mexico are 'introduce[d] . . . in interstate commerce,' the safety decal requirement still does not apply to those trucks because the safety decal requirement does not apply to the 'introduction or delivery for introduction in interstate commerce of a motor vehicle or motor vehicle equipment after the first purchase of the vehicle or equipment in good faith other than for resale.' 49 U.S.C. § 30112(b)(1). The Mexico-domiciled trucks at issue in this case are driven into the United States to transport goods. The trucks themselves are not being resold. For that reason as well, the safety decal requirement simply does not apply to these trucks."

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Jennifer M. Clark

Deputy Clerk