

order to help ensure the security of the border and to prevent potential threats to national security.

Motor carriers domiciled in Mexico operating in the United States will be subject to the same Federal and State laws, regulations, and procedures that apply to carriers domiciled in the United States. These include safety regulations, such as drug and alcohol testing requirements; insurance requirements; taxes and fees; and other applicable laws and regulations, including those administered by the United States Customs Service, the Immigration and Naturalization Service, the Department of Labor, and Federal and State environmental agencies.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 13903. Registration of freight forwarders

(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary determines that the person—

(1) has sufficient experience to qualify the person to act as a freight forwarder; and

(2) is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary.

(b) DURATION.—A registration issued under subsection (a) shall only remain in effect while the freight forwarder is in compliance with section 13906(c).

(c) EXPERIENCE OR TRAINING REQUIREMENT.—Each freight forwarder shall employ, as an officer, an individual who—

(1) has at least 3 years of relevant experience; or

(2) provides the Secretary with satisfactory evidence of the individual's knowledge of related rules, regulations, and industry practices.

(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—A freight forwarder may not provide transportation as a motor carrier unless the freight forwarder has registered separately under this chapter to provide transportation as a motor carrier.

(e) UPDATE OF REGISTRATION.—The Secretary shall require a freight forwarder to update its registration under this section not later than 30 days after a change in the freight forwarder's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 884; amended Pub. L. 109-59, title IV, § 4142(b), Aug. 10, 2005, 119 Stat. 1747; Pub. L. 110-244, title III, § 305(d), June 6, 2008, 122 Stat. 1620; Pub. L. 112-141, div. C, title II, §§ 32107(b), 32916(a), July 6, 2012, 126 Stat. 782, 820; Pub. L. 114-94, div. A, title V, § 5508(a)(2), Dec. 4, 2015, 129 Stat. 1554.)

Editorial Notes

AMENDMENTS

2015—Subsec. (d). Pub. L. 114-94 struck out par. (1) designation and heading before “A freight forwarder”.

2012—Subsec. (a). Pub. L. 112-141, § 32916(a)(1), substituted “determines that the person—” for “finds that the person is fit”, added par. (1), inserted par. (2) des-

ignation and “is fit” before “, willing”, and, in par. (2), struck out “and the Board” after “Secretary”.

Subsec. (b). Pub. L. 112-141, § 32916(a)(3), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 112-141, § 32916(a)(3), added subsec. (c). Former subsec. (c) redesignated (e).

Pub. L. 112-141, § 32107(b), added subsec. (c).

Subsec. (d). Pub. L. 112-141, § 32916(a)(4), amended subsec. (d) generally. Prior to amendment, text read as follows: “The freight forwarder may provide transportation as the carrier itself only if the freight forwarder also has registered to provide transportation as a carrier under this chapter.”

Pub. L. 112-141, § 32916(a)(2), redesignated subsec. (b) as (d).

Subsec. (e). Pub. L. 112-141, § 32916(a)(2), redesignated subsec. (c) as (e).

2008—Subsec. (a). Pub. L. 110-244 amended subsec. (a) generally. Prior to amendment, text read as follows:

“(1) HOUSEHOLD GOODS.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder of household goods if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.

“(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder (other than a freight forwarder of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.”

2005—Subsec. (a). Pub. L. 109-59 designated existing provisions as par. (1) and inserted heading, inserted “of household goods” after “freight forwarder”, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

FINANCIAL RESPONSIBILITY REQUIREMENTS

Pub. L. 112-141, div. C, title II, § 32104, July 6, 2012, 126 Stat. 780, provided that: “Not later than 6 months after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], and every 4 years thereafter, the Secretary shall—

“(1) issue a report on the appropriateness of—

“(A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and

“(B) the current bond and insurance requirements under sections 13904(f), 13903, and 13906 of title 49, United States Code; and

“(2) submit the report issued under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”

§ 13904. Registration of brokers

(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary determines that the person—

(1) has sufficient experience to qualify the person to act as a broker for transportation; and

(2) is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.

(b) DURATION.—A registration issued under subsection (a) shall only remain in effect while the broker for transportation is in compliance with section 13906(b).

(c) EXPERIENCE OR TRAINING REQUIREMENTS.—Each broker shall employ, as an officer, an individual who—

(1) has at least 3 years of relevant experience; or

(2) provides the Secretary with satisfactory evidence of the individual's knowledge of related rules, regulations, and industry practices.

(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—

(1) IN GENERAL.—A broker for transportation may not provide transportation as a motor carrier unless the broker has registered separately under this chapter to provide transportation as a motor carrier.

(2) LIMITATION.—This subsection does not apply to a motor carrier registered under this chapter or to an employee or agent of the motor carrier to the extent the transportation is to be provided entirely by the motor carrier, with other registered motor carriers, or with rail or water carriers.

(e) REGULATION TO PROTECT MOTOR CARRIERS AND SHIPPERS.—Regulations of the Secretary applicable to brokers registered under this section shall provide for the protection of motor carriers and shippers by motor vehicle.

(f) BOND AND INSURANCE.—The Secretary may impose on brokers for motor carriers of passengers such requirements for bonds or insurance or both as the Secretary determines are needed to protect passengers and carriers dealing with such brokers.

(g) UPDATE OF REGISTRATION.—The Secretary shall require a broker to update its registration under this section not later than 30 days after a change in the broker's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

(Added Pub. L. 104-88, title I, § 103, Dec. 29, 1995, 109 Stat. 884; amended Pub. L. 109-59, title IV, § 4142(c), Aug. 10, 2005, 119 Stat. 1747; Pub. L. 110-244, title III, § 305(e), June 6, 2008, 122 Stat. 1620; Pub. L. 112-141, div. C, title II, §§ 32107(c), 32916(b), July 6, 2012, 126 Stat. 782, 821.)

Editorial Notes**AMENDMENTS**

2012—Subsec. (a). Pub. L. 112-141, § 32916(b)(1), substituted “determines that the person—” for “finds that

the person is fit”, added par. (1), and inserted par. (2) designation and “is fit” before “, willing”.

Subsecs. (b), (c). Pub. L. 112-141, § 32916(b)(3), added subsecs. (b) and (c). Former subsecs. (b) and (c) redesignated (d) and (e), respectively.

Subsec. (d). Pub. L. 112-141, § 32916(b)(4), amended subsec. (d) generally. Prior to amendment, text read as follows:

“(1) IN GENERAL.—The broker may provide the transportation itself only if the broker also has been registered to provide the transportation as a motor carrier under this chapter.

“(2) LIMITATION.—This subsection does not apply to a motor carrier registered under this chapter or to an employee or agent of the motor carrier to the extent the transportation is to be provided entirely by the motor carrier, with other registered motor carriers, or with rail or water carriers.”

Pub. L. 112-141, § 32916(b)(2), redesignated subsec. (b) as (d). Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 112-141, § 32916(b)(5), amended subsec. (e) generally. Prior to amendment, text read as follows: “Regulations of the Secretary applicable to brokers registered under this section shall provide for the protection of shippers by motor vehicle.”

Pub. L. 112-141, § 32916(b)(2), redesignated subsec. (c) as (e). Former subsec. (e) redesignated (g).

Pub. L. 112-141, § 32107(c), added subsec. (e).

Subsecs. (f), (g). Pub. L. 112-141, § 32916(b)(2), redesignated subsecs. (d) and (e) as (f) and (g), respectively.

2008—Subsec. (a). Pub. L. 110-244 amended subsec. (a) generally. Prior to amendment, text read as follows:

“(1) HOUSEHOLD GOODS.—The Secretary shall register, subject to section 13906(b), a person to be a broker of household goods for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker of household goods for transportation and to comply with this part and applicable regulations of the Secretary.

“(2) OTHERS.—The Secretary may register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a broker (other than a broker of household goods) if the Secretary finds that such registration is needed for the protection of shippers and that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and Board.”

2005—Subsec. (a). Pub. L. 109-59, § 4142(c)(1), (3), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (a)(1). Pub. L. 109-59, § 4142(c)(2), which directed amendment of par. (1) by inserting “of household goods” after “broker”, was executed by making the insertion in two places to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2012 AMENDMENT**

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

§ 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.