

Subtitle C--Unified Carrier Registration Act of 2005

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the `Unified Carrier Registration Act of 2005'.

SEC. 4302. RELATIONSHIP TO OTHER LAWS.

Except as provided in section 14504 of title 49, United States Code, and sections 14504a and 14506 of title 49, United States Code, as added by this subtitle, this subtitle is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law.

SEC. 4303. INCLUSION OF MOTOR PRIVATE AND EXEMPT CARRIERS.

(a) Persons Registered To Provide Transportation or Service as a Motor Carrier or Motor Private Carrier- Section 13905 of title 49, United States Code, is amended--

- (1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and
- (2) by inserting after subsection (a) the following:

` (b) Person Registered With Secretary-

` (1) IN GENERAL- Except as provided in paragraph (2), any person having registered with the Secretary to provide transportation or service as a motor carrier or motor private carrier under this title, as in effect on January 1, 2005, but not having registered pursuant to section 13902(a), shall be treated, for purposes of this part, to be registered to provide such transportation or service for purposes of sections 13908 and 14504a.

` (2) EXCLUSIVELY INTRASTATE OPERATORS- Paragraph (1) does not apply to a motor carrier or motor private carrier (including a transporter of waste or recyclable materials) engaged exclusively in intrastate transportation operations.'

(b) Security Requirement- Section 13906(a) of such title is amended--

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and
(2) by inserting after paragraph (1) the following:
` (2) SECURITY REQUIREMENT- Not later than 120 days after the date of enactment of the Unified Carrier Registration Act of 2005, any person, other than a motor private carrier, registered with the Secretary to provide transportation or service as a motor carrier under section 13905(b) shall file with the Secretary a bond, insurance policy, or other type of security approved by the Secretary, in an amount not less than required by sections 31138 and 31139.'

(c) Termination of Transition Rule- Section 13902 of such title is amended--

(1) by adding at the end of subsection (d) the following:
` (3) TERMINATION- This subsection shall cease to be in effect on the transition termination date.'; and
(2) by redesignating subsection (f) as subsection (g), and inserting after subsection (e) the following:

` (f) Modification of Carrier Registration-

` (1) IN GENERAL- On and after the transition termination date, the Secretary--

` (A) may not register a motor carrier under this section as a motor common carrier or a motor contract carrier;
` (B) shall register applicants under this section as motor carriers; and
` (C) shall issue any motor carrier registered under this section after that date a motor carrier certificate of registration that specifies whether the holder of the certificate may provide transportation of persons, household goods, other property, or any combination thereof.

` (2) PRE-EXISTING CERTIFICATES AND PERMITS- The Secretary shall redesignate any motor carrier certificate or permit issued before the transition termination date as a motor carrier certificate of registration. On and after the transition termination date, any person holding a motor carrier certificate of registration redesignated under this paragraph may provide both contract carriage (as defined in section 13102(4)(B)) and transportation under terms and conditions meeting the requirements of section 13710(a)(1). The Secretary may not, pursuant to any

regulation or form issued before or after the transition termination date, make any distinction among holders of motor carrier certificates of registration on the basis of whether the holder would have been classified as a common carrier or as a contract carrier under--

- ` (A) subsection (d) of this section, as that section was in effect before the transition termination date; or
- ` (B) any other provision of this title that was in effect before the transition termination date.

` (3) TRANSITION TERMINATION DATE DEFINED- In this section, the term `transition termination date' means the first day of January occurring more than 12 months after the date of enactment of the Unified Carrier Registration Act of 2005.'

(d) Clerical Amendments-

(1) HEADING FOR SECTION 13906- Section 13906 of such title is amended by striking the section designation and heading and inserting the following:

` Sec. 13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders'.

(2) CHAPTER ANALYSIS- The analysis for chapter 139 of such title is amended by striking the item relating to section 13906 and inserting the following:

` 13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders.'

SEC. 4304. UNIFIED CARRIER REGISTRATION SYSTEM.

Section 13908 of title 49, United States Code, is amended to read as follows:

` Sec. 13908. Registration and other reforms

` (a) Establishment of Unified Carrier Registration System- The Secretary, in cooperation with the States, representatives of the motor carrier, motor private carrier, freight forwarder, and broker industries and after notice and opportunity for public comment, shall issue within 1 year after the date of enactment of the Unified Carrier Registration Act of 2005 regulations to

establish an online Federal registration system, to be named the 'Unified Carrier Registration System', to replace--

- ` (1) the current Department of Transportation identification number system, the single State registration system under section 14504;
- ` (2) the registration system contained in this chapter and the financial responsibility information system under section 13906; and
- ` (3) the service of process agent systems under sections 503 and 13304.

` (b) Role as Clearinghouse and Depository of Information- The Unified Carrier Registration System shall serve as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, motor private carriers, brokers, freight forwarders, and others required to register with the Department of Transportation, including information with respect to a carrier's safety rating, compliance with required levels of financial responsibility, and compliance with the provisions of section 14504a. The Secretary shall ensure that Federal agencies, States, representatives of the motor carrier industry, and the public have access to the Unified Carrier Registration System, including the records and information contained in the System.

` (c) Procedures for Correcting Information- Not later than 60 days after the effective date of this section, the Secretary shall prescribe regulations establishing procedures that enable a motor carrier to correct erroneous information contained in any part of the Unified Carrier Registration System.

` (d) Fee System- The Secretary shall establish, under section 9701 of title 31, a fee system for the Unified Carrier Registration System according to the following guidelines:

` (1) REGISTRATION AND FILING EVIDENCE OF FINANCIAL RESPONSIBILITY- The fee for new registrants shall as nearly as possible cover the costs of processing the registration but shall not exceed \$300.

` (2) EVIDENCE OF FINANCIAL RESPONSIBILITY- The fee for filing evidence of financial responsibility pursuant to this section shall not exceed \$10 per filing. No fee shall be charged for a filing for purposes of designating an agent for service of process or the filing of other information relating to financial responsibility.

` (3) ACCESS AND RETRIEVAL FEES-

` (A) IN GENERAL- Except as provided in subparagraph (B), the fee system shall include a

nominal fee for the access to or retrieval of information from the Unified Carrier Registration System to cover the costs of operating and upgrading the System, including the personnel costs incurred by the Department and the costs of administration of the unified carrier registration agreement.

` (B) EXCEPTIONS- There shall be no fee charged under this paragraph--

` (i) to any agency of the Federal Government or a State government or any political subdivision of any such government for the access to or retrieval of information and data from the Unified Carrier Registration System for its own use; or

` (ii) to any representative of a motor carrier, motor private carrier, leasing company, broker, or freight forwarder (as each is defined in section 14504a) for the access to or retrieval of the individual information related to such entity from the Unified Carrier Registration System for the individual use of such entity.

` (e) Application to Certain Intrastate Operations- Nothing in this section requires the registration of a motor carrier, a motor private carrier of property, or a transporter of waste or recyclable materials operating exclusively in intrastate transportation not otherwise required to register with the Secretary under another provision of this title.'.

SEC. 4305. REGISTRATION OF MOTOR CARRIERS BY STATES.

(a) Termination of Registration Provisions- Section 14504, and the item relating to such section in the analysis for chapter 145, of title 49, United States Code, are repealed effective on the first January 1st occurring more than 12 months after the date of enactment of this Act.

(b) Unified Carrier Registration System Plan and Agreement- Chapter 145 of title 49, United States Code, is amended by inserting after section 14504 the following:

` Sec. 14504a. Unified Carrier Registration System plan and agreement

` (a) Definitions- In this section and section 14506, the following definitions apply:

` (1) COMMERCIAL MOTOR VEHICLE-

` (A) IN GENERAL- Except as provided in subparagraph (B), the term `commercial motor vehicle' has the meaning such term has under section 31101.

` (B) EXCEPTION- With respect to a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier shall have the option to include, in addition to commercial motor vehicles as defined in subparagraph (A), any self-propelled vehicle used on the highway in commerce to transport passengers or property for compensation regardless of the gross vehicle weight rating of the vehicle or the number of passengers transported by such vehicle.

` (2) BASE-STATE-

` (A) IN GENERAL- Subject to subparagraph (B), the term `base-State' means, with respect to a unified carrier registration agreement, a State--

- ` (i) that is in compliance with the requirements of subsection (e); and
- ` (ii) in which the motor carrier, motor private carrier, broker, freight forwarder, or leasing company to which the agreement applies maintains its principal place of business.

` (B) DESIGNATION OF BASE-STATE- A motor carrier, motor private carrier, broker, freight forwarder, or leasing company may designate another State in which it maintains an office or operating facility to be its base-State in the event that--

- ` (i) the State in which the motor carrier, motor private carrier, broker, freight forwarder, or leasing company maintains its principal place of business is not in compliance with the requirements of subsection (e); or
- ` (ii) the motor carrier, motor private carrier, broker, freight forwarder, or leasing company does not have a principal place of business in the United States.

` (3) INTRASTATE FEE- The term `intrastate fee' means any fee, tax, or other type of assessment, including per vehicle fees and gross receipts taxes, imposed on a motor carrier or motor private carrier for the renewal of the intrastate authority or insurance filings of such carrier with a State.

` (4) LEASING COMPANY- The term `leasing company' means a lessor that is engaged in the business of leasing or renting for compensation motor vehicles without drivers to a motor carrier, motor private carrier, or freight forwarder.

` (5) MOTOR CARRIER- The term `motor carrier' includes all carriers that are otherwise exempt from this part under subchapter I of chapter 135 or exemption actions by the former Interstate Commerce Commission under this title.

` (6) PARTICIPATING STATE- The term `participating State' means a State that has complied with the requirements of subsection (e).

` (7) SSRS- The term `SSRS' means the single state registration system in effect on the date of enactment of this section.

` (8) UNIFIED CARRIER REGISTRATION AGREEMENT- The terms `unified carrier registration agreement' and `UCR agreement' mean the interstate agreement developed under the unified carrier registration plan governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies pursuant to this section.

` (9) UNIFIED CARRIER REGISTRATION PLAN- The terms `unified carrier registration plan' and `UCR plan' mean the organization of State, Federal, and industry representatives responsible for developing, implementing, and administering the unified carrier registration agreement.

` (10) VEHICLE REGISTRATION- The term `vehicle registration' means the registration of any commercial motor vehicle under the International Registration Plan (as defined in section 31701) or any other registration law or regulation of a jurisdiction.

` (b) Applicability of Provisions to Freight Forwarders- A freight forwarder that operates commercial motor vehicles and is not required to register as a carrier pursuant to section 13903(b)

shall be subject to the provisions of this section as if the freight forwarder is a motor carrier.

ˆ (c) Unreasonable Burden- For purposes of this section, it shall be considered an unreasonable burden upon interstate commerce for any State or any political subdivision of a State, or any political authority of two or more States--

ˆ (1) to enact, impose, or enforce any requirement or standards with respect to, or levy any fee or charge on, any motor carrier or motor private carrier providing transportation or service subject to jurisdiction under subchapter I of chapter 135 (in this section referred to as an ˆ interstate motor carrier' and an ˆ interstate motor private carrier', respectively) in connection with--

ˆ (A) the registration with the State of the interstate operations of the motor carrier or motor private carrier;

ˆ (B) the filing with the State of information relating to the financial responsibility of the a motor carrier or motor private carrier pursuant to sections 31138 or 31139;

ˆ (C) the filing with the State of the name of the local agent for service of process of the motor carrier or motor private carrier pursuant to sections 503 or 13304; or

ˆ (D) the annual renewal of the intrastate authority, or the insurance filings, of the motor carrier or motor private carrier, or other intrastate filing requirement necessary to operate within the State if the motor carrier or motor private carrier is--

ˆ (i) registered under section 13902 or section 13905(b); and

ˆ (ii) in compliance with the laws and regulations of the State authorizing the carrier to operate in the State in accordance with section 14501(c)(2)(A); except with respect to--

ˆ (I) intrastate service provided by motor carriers of passengers that is not subject to the preemption provisions of section 14501(a);

ˆ (II) motor carriers of property, motor private carriers, brokers, or freight forwarders, or their services or operations, that are described in

subparagraphs (B) and (C) of section 14501(c)(2).

` (III) the intrastate transportation of waste or recyclable materials by any carrier; or

` (2) to require any interstate motor carrier or motor private carrier that also performs intrastate operations to pay any fee or tax which a carrier engaged exclusively in interstate operations is exempt.

` (d) Unified Carrier Registration Plan-

` (1) BOARD OF DIRECTORS-

` (A) GOVERNANCE OF PLAN; ESTABLISHMENT- The unified carrier registration plan shall have a board of directors consisting of representatives of the Department of Transportation, participating States, and the motor carrier industry. The Secretary shall establish the board.

` (B) COMPOSITION- The board shall consist of 15 directors appointed by the Secretary as follows:

` (i) FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION- One director from each of the Federal Motor Carrier Safety Administration's 4 service areas (as those areas were defined by the Federal Motor Carrier Safety Administration on January 1, 2005) from among the chief administrative officers of the State agencies responsible for overseeing the administration of the UCR agreement.

` (ii) STATE AGENCIES- Five directors from the professional staffs of State agencies responsible for overseeing the administration of the UCR agreement in their respective States. Nominees for these 5 directorships shall be submitted to the Secretary by the national association of professional employees of the State agencies responsible for overseeing the administration of the UCR agreement in their respective States.

` (iii) MOTOR CARRIER INDUSTRY- Five directors from the motor carrier industry. At least 1 of the appointees under this clause shall be a representative of a national trade association representing the general motor

carrier of property industry. At least 1 of the appointees under this clause shall represent a motor carrier that falls within the smallest fleet fee bracket.

` (iv) DEPARTMENT OF TRANSPORTATION- The Deputy Administrator of the Federal Motor Carrier Safety Administration, or such other presidential appointee from the Department, as the Secretary may appoint.

` (C) CHAIRPERSON AND VICE-CHAIRPERSON- The Secretary shall designate 1 director as chairperson and 1 director as vice-chairperson of the board. The chairperson and vice-chairperson shall serve in such capacity for the term of their appointment as directors.

` (D) TERMS-

` (i) INITIAL TERMS- In appointing the initial board, the Secretary shall designate 5 of the appointed directors for initial terms of 3 years, 5 of the appointed directors for initial terms of 2 years, and 5 of the appointed directors for initial terms of 1 year.

` (ii) THEREAFTER- After the initial term, all directors shall be appointed for terms of 3 years; except that the term of the Deputy Administrator or other individual designated by the Secretary under subparagraph (B)(iv) shall be at the discretion of the Secretary.

` (iii) SUCCESSION- A director may be appointed to succeed himself or herself.

` (iv) END OF SERVICE- A director may continue to serve on the board until his or her successor is appointed.

` (2) RULES AND REGULATIONS GOVERNING THE UCR AGREEMENT- The board of directors shall issue rules and regulations to govern the UCR agreement. The rules and regulations shall--

` (A) prescribe uniform forms and formats, for--

` (i) the annual submission of the information required by a base-State of a motor carrier, motor private carrier, leasing company, broker, or freight forwarder;

` (ii) the transmission of information by a participating State to the Unified Carrier Registration System;

` (iii) the payment of excess fees by a State to the designated depository and the distribution of fees by the depository to those States so entitled; and

` (iv) the providing of notice by a motor carrier, motor private carrier, broker, freight forwarder, or leasing company to the board of the intent of such entity to change its base-State, and the procedures for a State to object to such a change under subparagraph (C);

` (B) provide for the administration of the unified carrier registration agreement, including procedures for amending the agreement and obtaining clarification of any provision of the Agreement;

` (C) provide procedures for dispute resolution under the agreement that provide due process for all involved parties; and

` (D) designate a depository.

` (3) COMPENSATION AND EXPENSES-

` (A) IN GENERAL- Except for the representative of the Department appointed under paragraph (1)(B)(iv), no director shall receive any compensation or other benefits from the Federal Government for serving on the board or be considered a Federal employee as a result of such service.

` (B) EXPENSES- All directors shall be reimbursed for expenses they incur attending meetings of the board. In addition, the board may approve the reimbursement of expenses incurred by members of any subcommittee or task force appointed under paragraph (5) for carrying out the duties of the subcommittee or task force. The reimbursement of expenses to directors and subcommittee and task force members shall be under subchapter II of chapter 57 of title 5, United States Code, governing reimbursement of expenses for travel by Federal employees.

` (4) MEETINGS-

` (A) IN GENERAL- The board shall meet at least once per year. Additional meetings may be called, as

needed, by the chairperson of the board, a majority of the directors, or the Secretary.

` (B) QUORUM- A majority of directors shall constitute a quorum.

` (C) VOTING- Approval of any matter before the board shall require the approval of a majority of all directors present at the meeting.

` (D) OPEN MEETINGS- Meetings of the board and any subcommittees or task forces appointed under paragraph (5) shall be subject to the provisions of section 552b of title 5.

` (5) SUBCOMMITTEES-

` (A) INDUSTRY ADVISORY SUBCOMMITTEE- The chairperson shall appoint an industry advisory subcommittee. The industry advisory subcommittee shall consider any matter before the board and make recommendations to the board.

` (B) OTHER SUBCOMMITTEES- The chairperson shall appoint an audit subcommittee, a dispute resolution subcommittee, and any additional subcommittees and task forces that the board determines to be necessary.

` (C) MEMBERSHIP- The chairperson of each subcommittee shall be a director. The other members of subcommittees and task forces may be directors or nondirectors.

` (D) REPRESENTATION ON SUBCOMMITTEES- Except for the industry advisory subcommittee (the membership of which shall consist solely of representatives of entities subject to the fee requirements of subsection (f)), each subcommittee and task force shall include representatives of the participating States and the motor carrier industry.

` (6) DELEGATION OF AUTHORITY- The board may contract with any person or any agency of a State to perform administrative functions required under the unified carrier registration agreement, but may not delegate its decision or policy-making responsibilities.

` (7) DETERMINATION OF FEES-

` (A) RECOMMENDATION BY BOARD- The board shall recommend to the Secretary the initial annual fees to be assessed carriers, leasing companies, brokers, and freight forwarders under the unified carrier registration agreement. In making its

recommendation to the Secretary for the level of fees to be assessed in any agreement year, and in setting the fee level, the board and the Secretary shall consider--

- ` (i) the administrative costs associated with the unified carrier registration plan and the agreement;
- ` (ii) whether the revenues generated in the previous year and any surplus or shortage from that or prior years enable the participating States to achieve the revenue levels set by the board; and
- ` (iii) the provisions governing fees under subsection (f)(1).

` (B) SETTING FEES- The Secretary shall set the initial annual fees for the next agreement year and any subsequent adjustment of those fees--

- ` (i) within 90 days after receiving the board's recommendation under subparagraph (A); and
- ` (ii) after notice and opportunity for public comment.

` (8) LIABILITY PROTECTIONS FOR DIRECTORS- No individual appointed to serve on the board shall be liable to any other director or to any other party for harm, either economic or non-economic, caused by an act or omission of the individual arising from the individual's service on the board if--

- ` (A) the individual was acting within the scope of his or her responsibilities as a director; and
- ` (B) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the right or safety of the party harmed by the individual.

` (9) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT- The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the unified carrier registration plan, the board, or its committees.

` (10) CERTAIN FEES NOT AFFECTED- This section does not limit the amount of money a State may charge for vehicle registration or the amount of any fuel use tax a State may impose pursuant to the International Fuel Tax Agreement (as defined in section 31701).

` (e) State Participation-

˘ (1) STATE PLAN- No State shall be eligible to participate in the unified carrier registration plan or to receive any revenues derived under the UCR agreement, unless the State submits to the Secretary, not later than 3 years after the date of enactment of the Unified Carrier Registration Act of 2005, a plan--

˘ (A) identifying the State agency that has or will have the legal authority, resources, and qualified personnel necessary to administer the agreement in accordance with the rules and regulations promulgated by the board of directors; and

˘ (B) demonstrating that an amount at least equal to the revenue derived by the State from the unified carrier registration agreement shall be used for motor carrier safety programs, enforcement, or the administration of the UCR plan and UCR agreement.

˘ (2) AMENDED PLANS- A State that submits a plan under this subsection may change the agency designated in the plan by filing an amended plan with the Secretary and the chairperson of the board of directors.

˘ (3) WITHDRAWAL OF PLAN- If a State withdraws, or notifies the Secretary that it is withdrawing, the plan it submitted under this subsection, the State may no longer participate in the unified carrier registration agreement or receive any portion of the revenues derived under the agreement. The Secretary shall notify the chairperson upon receiving notice from a State that it is withdrawing its plan or withdrawing from the agreement, or both.

˘ (4) TERMINATION OF ELIGIBILITY- If a State fails to submit a plan to the Secretary in accordance with paragraph (1) or withdraws its plan under paragraph (3), the State may not submit or resubmit a plan or participate in the agreement.

˘ (5) PROVISION OF PLAN TO CHAIRPERSON- The Secretary shall provide a copy of each plan submitted under this subsection to the chairperson of the board of directors not later than 10 days after date of submission of the plan.

˘ (f) Contents of Unified Carrier Registration Agreement- The unified carrier registration agreement shall provide the following:

˘ (1) FEES- (A) Fees charged--

˘ (i) to a motor carrier, motor private carrier, or freight forwarder in connection with the filing of proof of financial responsibility under the UCR

agreement shall be based on the number of commercial motor vehicles owned or operated by the motor carrier, motor private carrier, or freight forwarder; and

` (ii) to a broker or leasing company in connection with such a filing shall be equal to the smallest fee charged to a motor carrier, motor private carrier, and freight forwarder or under this paragraph.

` (B) The fees shall be determined by the Secretary based upon the recommendation of the board under subsection (d)(7).

` (C) The board shall develop for purposes of charging fees no more than 6 and no less than 4 brackets of carriers (including motor private carriers) based on the size of fleet.

` (D) The fee scale shall be progressive in the amount of the fee.

` (E) The board may ask the Secretary to adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees--

` (i) are insufficient to provide the revenues to which the States are entitled under this section; or

` (ii) exceed those revenues.

` (2) DETERMINATION OF OWNERSHIP OR OPERATION- For purposes of this subsection, a commercial motor vehicle is owned or operated by a motor carrier, motor private carrier, or freight forwarder if the vehicle is registered under Federal law or State law, or both, in the name of the motor carrier, motor private carrier, or freight forwarder or is controlled by the motor carrier, motor private carrier, or freight forwarder under a long term lease during a vehicle registration year.

` (3) CALCULATION OF NUMBER OF COMMERCIAL MOTOR VEHICLES OWNED OR OPERATED- The number of commercial motor vehicles owned or operated by a motor carrier, motor private carrier, or freight forwarder for purposes of paragraph (1) shall be based either on the number of commercial motor vehicles the motor carrier, motor private carrier, or freight forwarder has indicated it operates on its most recently filed MCS-150 or the total number of such vehicles it owned or operated for the 12-month period ending on June 30 of the year immediately prior to the registration year of the Unified Carrier Registration System. A motor carrier may include in the

calculation of its fleet size for purposes of paragraph (1) any commercial motor vehicle. Motor carriers and motor private carriers in the calculation of their fleet size for purposes of paragraph (1) may elect not to include commercial motor vehicles used exclusively in the intrastate transportation of property, waste, or recyclable material.

` (4) PAYMENT OF FEES- Motor carriers, motor private carriers, leasing companies, brokers, and freight forwarders shall pay all fees required under this section to their base-State pursuant to the UCR Agreement.

` (g) Payment of Fees- Revenues derived under the UCR Agreement shall be allocated to participating States as follows:

` (1) A State that participated in the SSRS in the last registration year under the SSRS ending before the date of enactment of the Unified Carrier Registration Act of 2005 and complies with subsection (e) is entitled to receive under this section a portion of the revenues generated under the UCR agreement equivalent to the revenues it received under the SSRS in such last registration year, as long as the State continues to comply with subsection (e).

` (2) A State that collected intrastate registration fees from interstate motor carriers, interstate motor private carriers, or interstate exempt carriers and complies with subsection (e) is entitled to receive under this section an additional portion of the revenues generated under the UCR agreement equivalent to the revenues it received from such carriers in the last calendar year ending before the date of enactment of the Unified Carrier Registration Act of 2005, as long as the State continues to comply with subsection (e).

` (3) States that comply with subsection (e) but did not participate in SSRS during such last registration year shall be entitled under this section to an annual allotment not to exceed \$500,000 from the revenues generated under the UCR agreement, as long as the State continues to comply with the provisions of subsection (e).

` (4) The amount of revenues generated under the UCR agreement to which a State is entitled under this section shall be calculated by the board and approved by the Secretary.

` (h) Distribution of UCR Agreement Revenues-

` (1) ELIGIBILITY- Each State that is in compliance with subsection (e) shall be entitled under this section to a

portion of the revenues derived from the UCR Agreement in accordance with subsection (g).

` (2) ENTITLEMENT TO REVENUES- A State that is in compliance with subsection (e) may retain an amount of the gross revenues it collects from motor carriers, motor private carriers, brokers, freight forwarders and leasing companies under the UCR agreement equivalent to the portion of revenues to which the State is entitled under subsection (g). All revenues a participating State collects in excess of the amount to which the State is so entitled shall be forwarded to the depository designated by the board under subsection (d)(2)(D).

` (3) DISTRIBUTION OF FUNDS FROM DEPOSITORY- The excess funds deposited in the depository shall be distributed by the board of directors as follows:

` (A) On a pro rata basis to each participating State that did not collect revenues under the UCR agreement equivalent to the amount such State is entitled under subsection (g), except that the sum of the gross revenues collected under the UCR agreement by a participating State and the amount distributed to it from the depository shall not exceed the amount to which the State is entitled under subsection (g).

` (B) After all distributions under subparagraph (A) have been made, to pay the administrative costs of the UCR plan and the UCR agreement.

` (4) RETENTION OF CERTAIN EXCESS FUNDS- Any excess funds held by the depository after distributions and payments under paragraphs (3)(A) and (3)(B) shall be retained in the depository, and the fees charged under the UCR agreement to motor carriers, motor private carriers, leasing companies, freight forwarders, and brokers for the next fee year shall be reduced by the Secretary accordingly.

` (i) Enforcement-

` (1) CIVIL ACTIONS- Upon request by the Secretary, the Attorney General may bring a civil action in the United States district court described in paragraph (2) to enforce an order issued to require compliance with this section and with the terms of the UCR agreement.

` (2) VENUE- An action under this section may be brought only in a United States district court in the State in which compliance with the order is required.

^ (3) RELIEF- Subject to section 1341 of title 28, the court, on a proper showing shall issue a temporary restraining order or a preliminary or permanent injunction requiring that the State or any person comply with this section.

^ (4) ENFORCEMENT BY STATES- Nothing in this section--

^ (A) prohibits a participating State from issuing citations and imposing reasonable fines and penalties pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to--

^ (i) submit information documents as required under subsection (d)(2); or

^ (ii) pay the fees required under subsection (f); or

^ (B) authorizes a State to require a motor carrier, motor private carrier, or freight forwarder to display as evidence of compliance any form of identification in excess of those permitted under section 14506 on or in a commercial motor vehicle.

^ (j) Application to Intrastate Carriers- Notwithstanding any other provision of this section, a State may elect to apply the provisions of the UCR agreement to motor carriers and motor private carriers and freight forwarders subject to its jurisdiction that operate solely in intrastate commerce within the borders of the State.'

(c) Clerical Amendment- The analysis for such chapter is amended by inserting after the item relating to section 14504 the following:

^ 14504a. Unified Carrier Registration System plan and agreement.'

SEC. 4306. IDENTIFICATION OF VEHICLES.

(a) In General- Chapter 145 of title 49, United States Code; is amended by adding at the end the following:

^ Sec. 14506. Identification of vehicles

^ (a) Restriction on Requirements- No State, political subdivision of a State, interstate agency, or other political agency of two or more States may enact or enforce any law, rule, regulation standard, or other provision having the force and effect of law

that requires a motor carrier, motor private carrier, freight forwarder, or leasing company to display any form of identification on or in a commercial motor vehicle (as defined in section 14504a), other than forms of identification required by the Secretary of Transportation under section 390.21 of title 49, Code of Federal Regulations.

` (b) Exception- Notwithstanding subsection (a), a State may continue to require display of credentials that are required--

- ` (1) under the International Registration Plan under section 31704;
- ` (2) under the International Fuel Tax Agreement under section 31705;
- ` (3) under a State law regarding motor vehicle license plates or other displays that the Secretary determines are appropriate;
- ` (4) in connection with Federal requirements for hazardous materials transportation under section 5103; or
- ` (5) in connection with the Federal vehicle inspection standards under section 31136.'

(b) Clerical Amendment- The analysis for such chapter is amended by inserting after the item relating to section 14505 the following:

- ` 14506. Identification of vehicles.'

SEC. 4307. USE OF UCR AGREEMENT REVENUES AS MATCHING FUNDS.

(a) In General- Section 31103(a) of title 49, United States Code, is amended--

- (1) by striking ` 31102(b)(1)(D)' inserting ` 31102(b)(1)(E)'; and
- (2) by inserting ` Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States.' after ` United States Government.'

(b) Technical Correction- Sections 31102(b)(3) of such title is amended by striking ` paragraph (1)(D)' and inserting ` paragraph (1)(E)'.

SEC. 4308. REGULATIONS.

The Secretary may issue such regulations as the Secretary determines are necessary to carry out this subtitle and the amendments made by this subtitle.