

Aviation Group Client Update

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FMCSA ISSUES FINAL RULE ON REVOCATION OF OPERATING AUTHORITY REGISTRATION, TECHNICAL AMENDMENTS

Earlier this week, the Federal Motor Carrier Safety Administration (FMCSA) published a [final rule](#) in the Federal Register that does two things: (1) repromulgates 49 CFR 385.13(e); and (2) repromulgates certain technical amendments.

The statutory requirement that FMCSA revoke the operating authority registration of a motor carrier that is prohibited from operating in interstate commerce for failure to comply with the safety fitness requirements, subject to certain statutory procedural requirements, has been repromulgated and codified at 49 CFR 385.13(e). FMCSA must revoke the carrier's operating authority registration if the FMCSA determines that the motor carrier is "unfit" based on its Safety Fitness Determinations. Unfit motor carriers are prohibited from operating in interstate commerce, and the Secretary of Transportation is required by statute to revoke their operating authority registration.

In addition, this final rule repromulgates several technical provisions and makes non-substantive administrative changes. These changes, initially adopted as part of the April 5, 2010 final rule entitled "Electronic On-Board Recorders for Hours-of-Service Compliance," are necessary for reasons unrelated to this final rule, the United States Court of Appeals for the Seventh Circuit invalidated the previous rule.

This final rule became effective on **May 14, 2012**. If you have any questions regarding FMCSA's final rule please contact our office.

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