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[Laws in effect as of January 24, 2002]  
[Document not affected by Public Laws enacted between  
January 24, 2002 and December 19, 2002]  
[CITE: **49USC14123**]

TITLE 49--TRANSPORTATION

SUBTITLE IV--INTERSTATE TRANSPORTATION

PART B--MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT  
FORWARDERS

CHAPTER 141--OPERATIONS OF CARRIERS

SUBCHAPTER II--REPORTS AND RECORDS

Sec. 14123. Financial reporting

(a) Reports.--

(1) Annual reports.--The Secretary shall require Class I and Class II motor carriers to file with the Secretary annual financial and safety reports, the form and substance of which shall be prescribed by the Secretary; except that, at a minimum, such reports shall include balance sheets and income statements.

(2) Other reports.--The Secretary may require motor carriers, freight forwarders, brokers, lessors, and associations, or classes of them as the Secretary may prescribe, to file quarterly, periodic, or special reports with the Secretary and to respond to surveys concerning their operations.

(b) Matters To Be Covered.--In determining the matters to be covered by any reports to be filed under subsection (a), the Secretary shall consider--

- (1) safety needs;
- (2) the need to preserve confidential business information and trade secrets and prevent competitive harm;
- (3) private sector, academic, and public use of information in the reports; and
- (4) the public interest.

(c) Exemptions.--

(1) From filing.--The Secretary may exempt upon good cause shown any party from the financial reporting requirements of subsection (a). Any request for such exemption must demonstrate, at a minimum, that an exemption is required to avoid competitive harm and preserve confidential business information that is not otherwise publicly available.

(2) From public release.--

(A) In general.--The Secretary shall allow, upon request, a

filer of a report under subsection (a) that is not a publicly held corporation or that is not subject to financial reporting requirements of the Securities and Exchange Commission, an exemption from the public release of such report.

(B) Procedure.--After a request under subparagraph (A) and notice and opportunity for comment but in no event later than

90

days after the date of such request, the Secretary shall

approve

such request if the Secretary finds that the exemption

requested

is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under section 552(b)(4) of title 5.

(C) Use of data for internal dot purposes.--If an exemption is granted under this paragraph, nothing shall prevent the Secretary from using data from reports filed under this subsection for internal purposes of the Department of Transportation or including such data in aggregate industry statistics released for publication if such inclusion would not render the filer's data readily identifiable.

(D) Pending requests.--The Secretary shall not release publicly the report of a carrier making a request under subparagraph (A) while such request is pending.

(3) Period of exemptions.--Exemptions granted under this subsection shall be for 3-year periods.

(d) Streamlining and Simplification.--The Secretary shall streamline and simplify, to the maximum extent practicable, any reporting requirements the Secretary imposes under this section.

(Added Pub. L. 104-88, title I, Sec. 103, Dec. 29, 1995, 109 Stat. 893; amended Pub. L. 105-102, Sec. 2(11), Nov. 20, 1997, 111 Stat. 2205.)

#### Historical and Revision Notes

Pub. L. 105-102

This amends 49:14123(c)(2)(B) to correct a grammatical error.

#### Prior Provisions

Provisions similar to those in this section were contained in section 11145 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, Sec. 102(a).

#### Amendments

1997--Subsec. (c)(2)(B). Pub. L. 105-102 inserted ``in'' before ``no event''.

Section Referred to in Other Sections

This section is referred to in section 14303 of this title.