

Motor Truck Transportation Business Act

(Act No. 83 of December 19, 1989)

Chapter I General Provisions

Chapter II Motor Truck Transportation Business

Chapter III Promotion of Optimization of Motor Truck Transportation Business
by Private Bodies

Chapter IV Designated Examining Body

Chapter V Miscellaneous Provisions

Chapter VI Penal Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to ensure the safety of transportation and the sound development of the motor truck transportation business through ensuring the fair and reasonable management of the motor truck transportation business and promoting voluntary activities of private bodies such as complying with this Act and measures based on this Act related to the motor truck transportation business, thereby contribute to the improvement of public welfare.

(Definitions)

Article 2 (1) The term "motor truck transportation business" as used in this Act means general motor truck transportation business, special motor truck transportation business, and light motor truck transportation business.

(2) The term "general motor truck transportation business" as used in this Act means the business of transporting freight for a fee using vehicles (excluding small vehicles with three wheels or more and motorcycles; hereinafter the same applies in the following paragraph and paragraph (7)) upon demand by other persons, other than special motor truck transportation business.

(3) The term "special motor truck transportation business" as used in this Act means the business of transporting freight for a fee using vehicles upon demand by specified persons.

(4) The term "light motor truck transportation business" as used in this Act means the business of transporting freight for a fee using vehicles (limited to small vehicles with three wheels or more and motorcycles) upon demands by other persons.

(5) The term "vehicles" as used in this Act means the vehicles listed in Article 2,

paragraph (2) of the Road Transport Vehicle Act (Act No. 185 of 1951).

- (6) The term "special group cargo motor trucking" as used in this Act means, among general motor truck transportation businesses, the business in which collected freight is assorted at offices and other workplaces (hereinafter simply referred to as "workplace" in this paragraph, Article 4, paragraph (2), and Article 6, item (iv)), is loaded and transported to others' workplaces, and assorted at the workplaces to be prepared for delivery, while the loading and transportation are periodically conducted between those workplaces.
- (7) The term "consigned motor truck transportation" as used in this Act means the transportation of freight conducted by those who manage the general motor truck transportation business or special motor truck transportation business by consigning transportation of the freight to other persons who manage the general motor truck transportation business or special motor truck transportation business (limited to the business pertaining to transportation of freight by vehicles).

Chapter II Motor Truck Transportation

(Permission for General Motor Truck Transportation Business)

Article 3 The persons who seek to manage the general motor truck transportation business must obtain a permission of the Minister of Land, Infrastructure, Transport and Tourism.

(Application for Permission)

Article 4 (1) The persons who seek to obtain the permission set forth in the preceding Article must submit an application form that states the following matters to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) name and address, and in the case of a corporation, the name of its representative; and
- (ii) name and location of the business office, and a business plan with the outline of the vehicles to be used for the business (hereinafter referred to as "service vehicles"), whether to conduct special group cargo motor trucking or not, whether to conduct consigned motor truck transportation or not, and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) a person who applies for the permission in the preceding Article and who falls under any of the following items must also enter the matters listed in those items into the business plan in addition to the matters listed in item (ii) of the preceding paragraph.

- (i) for conducting special group cargo motor trucking: locations of workplaces pertaining to the special group cargo motor trucking, outline of the loading

- and unloading facilities in the workplaces, business system of the service vehicles, number of operations, and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism; and
- (ii) for conducting consigned motor truck transportation: scope of services and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) Documents that state the business management system of the service vehicles and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism must be attached to the application form set forth in paragraph (1).

(Grounds for Disqualification)

Article 5 A person who falls under any of the following items may not be granted the permission under Article 3:

- (i) a person who has been sentenced to imprisonment with work or without work for one year or more, and for whom two years have not elapsed since the completion of the sentence or the date on which the person ceased to be subject to the sentence;
- (ii) a person whose permission for general motor truck transportation business or special motor truck transportation business has been rescinded and for whom two years have not elapsed since the rescission date (in the case it is a corporation that has been rescinded the permission, this includes a person who was an officer of the corporation (including those with the equivalent or superior authority or control regardless of the title; the same applies in item (iv)) within sixty days before the date of receipt of the notice for a hearing pertaining to the rescission (the date of receipt of the notice prescribed in Article 15, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993) (including the date deemed to be the date of the receipt as provided in paragraph (3) of the same Article)) and two years have not elapsed since the rescission date);
- (iii) a minor or an adult ward who does not have the same legal capacity as an adult concerning business and whose statutory agent falls under either of the preceding two items; or
- (iv) a corporation that has an officer who falls under any of the preceding three items.

(Criteria for Permission)

Article 6 The Minister of Land, Infrastructure, Transport and Tourism must not grant the permission under Article 3 unless the Minister finds that the application for the permission provided in the Article satisfies the following criteria:

- (i) the business plan is appropriate for ensuring the safety of transportation such as the prevention of overworked driving;
- (ii) beyond what is set forth in the preceding item, the business plan is appropriate for execution of its business;
- (iii) the applicant has the competency to appropriately execute the business; and
- (iv) for application pertaining to the special group cargo motor trucking, the applicant has an appropriate plan to maintain and manage the loading and unloading facilities at the workplaces, manage operations of the drivers of the service vehicles, and have an appropriate plan for the prevention of accidents such as the loss of the freight and other matters specially necessary to safely and securely conduct the special group cargo motor trucking.

(Emergency Adjustment Measures)

Article 7 (1) When the transportation supply capacity of general motor truck transportation business (hereinafter referred to as the "transportation supply capacity" in this Article) has become considerably excessive compared to the transportation demand in a specified area and the Minister of Land, Infrastructure, Transport and Tourism finds that further increasing the transportation supply capacity would cause the situation in which continuation of whole or part of the business concerning the part of the freight transportation that departs from or arrives at the specified area by the person who has been granted the permission under Article 3 (hereinafter referred to as "general motor truck transportation business operator") to become difficult, the Minister may designate the specified area as an emergency adjustment area for a specified period.

(2) When the transportation supply capacity (limited to business pertaining to the special group cargo motor trucking) has become considerably excessive compared to the transportation demand between specified areas and the Minister of Land, Infrastructure, Transport and Tourism finds that further increasing the transportation supply capacity would cause the situation in which continuation of the part of the business conducted by the general motor truck transportation business operator who specializes in the special group cargo motor trucking between the specified areas to become difficult and conducting appropriate special group cargo motor trucking between the specified areas to become considerably difficult, the Minister may designate section between the specified areas as an emergency adjustment section for a specified period.

(3) The designation under the provisions of the preceding two paragraphs is to be made by a public notice.

- (4) In granting the permission set forth in Article 3 when there is a designation of the emergency adjustment area as prescribed by the provisions of paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must grant the permission by limiting the scope of the business pertaining to the permission to the transportation of freight that does not depart from or arrive at the emergency adjustment area.
- (5) When there is an emergency adjustment section designation as prescribed by the provisions of paragraph (2) and the whole or part of the special group cargo motor trucking pertaining to the application for the permission under Article 3 is to be conducted in the emergency adjustment section, the Minister of Land, Infrastructure, Transport and Tourism must not grant the permission.
- (6) When there is an emergency adjustment area designation as prescribed by the provisions of paragraph (1) or an emergency adjustment section designation as prescribed by the provisions of paragraph (2), the general motor truck transportation business operator may not change the business plan prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism for increasing the transportation supply capacity in the emergency adjustment area or the transportation supply capacity pertaining to the special group cargo motor trucking in the emergency adjustment section.

(Business Plan)

Article 8 (1) The general motor truck transportation business operator must comply with the business plan in conducting business.

- (2) When the Minister of Land, Infrastructure, Transport and Tourism finds that a general motor truck transportation business operator is violating the provisions of the preceding paragraph, the Minister may order the general motor truck transportation business operator to comply with the business plan in conducting business.

Article 9 (1) A general motor truck transportation business operator must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism in changing the business plan (excluding those prescribed in the provision of paragraph (3)).

- (2) The provisions of Article 6 apply mutatis mutandis to the approval set forth in the preceding paragraph.
- (3) In changing the business plan prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism related to service vehicles, a general motor truck transportation business operator must notify the change in advance, and the change of minor matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism of the business plan without delay to the Minister of Land, Infrastructure, Transport and Tourism.

(Transportation Contract)

Article 10 (1) The general motor truck transportation business operator must establish the general conditions of the transportation contract and obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism. The same applies in changing the general conditions.

(2) In granting the approval set forth in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must grant the approval in accordance with the criteria listed in the following items:

(i) there is no risk of damaging the legitimate interests of the freight owner;
and

(ii) at least matters such as collection and accept of the fares and fees and the responsibilities of the general motor truck transportation business operator are clearly prescribed.

(3) When the Minister of Land, Infrastructure, Transport and Tourism establishes and publicly notifies the general conditions of the standard transportation contract (including the cases where the Minister changes the general conditions and publicly notifies the changed conditions), if the general motor truck transportation business operator establishes the general conditions of the transportation contract which is the same as the general conditions of the standard transportation contract, or changes the already established general conditions of the transportation contract to the general conditions of the standard transportation contract, the general conditions of the transportation contract is deemed to have been granted the approval under the provisions of paragraph (1).

(Display of Fares and Fees)

Article 11 A general motor truck transportation business operator must display the fares and fees (limited to those targeted at individuals (excluding those the operator is the party of transportation contract as their business or for their business)), the general conditions of the transportation contract and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism at its principal office and other offices in a way that is easily visible for the public.

Article 12 Deleted

Article 13 Deleted

Article 14 Deleted

(Improvement of Safety of Transportation)

Article 15 A general motor truck transportation business operator must be aware that ensuring the safety of transportation is most important and continuously endeavor to improve the safety of transportation.

(Safety Management Rules)

Article 16 (1) A general motor truck transportation business operator (excluding those whose business scale is smaller than the scale prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism; hereinafter the same applies in this Article) must establish safety management rules and notify the Minister of Land, Infrastructure, Transport and Tourism the rules as prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same shall apply when changing the rules.

(2) The safety management rules must prescribe the necessary rules pursuant to the provisions of Order of the Ministry of Land, Infrastructure Transport and Tourism related to the following matters which the general motor truck transportation business operator should comply with for ensuring the safety of transportation:

- (i) matters related to the business management policies for ensuring the safety of transportation;
- (ii) matters related to the implementation of the business activities for ensuring the safety of transportation and their management system;
- (iii) matters related to the implementation of the business activities for ensuring the safety of transportation and their management method; and
- (iv) matters related to the appointment of a general manager of safety (a person whom the general motor truck transportation business operator appoints from among those who are in a managerial position that participate in making important decisions for business management and has a certain experience in the general motor truck transportation business operations and other requirements prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism to conduct comprehensive management of the business activities related to the matters listed in the preceding three items; the same applies hereinafter)

(3) when the Minister of Land, Infrastructure, Transport and Tourism finds that the safety management rules do not conform with the provisions of the preceding paragraph, the Minister may order the general motor truck transportation business operator to change the rules.

(4) A general motor truck transportation business operator must appoint a general manager of safety.

(5) Upon appointment or dismissal of the general manager of safety, a general motor truck transportation business operator must notify the Minister of Land,

Infrastructure, Transport and Tourism to that effect without delay pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (6) A general motor truck transportation business operator must respect the opinions of the general manager of safety in performing their duties related to ensuring safety of transportation.
- (7) When the Minister of Land, Infrastructure, Transport and Tourism finds that a general manager of safety has neglected their duties and it is likely that the general manager of safety to continue performing their duties will considerably hinder the ensuring of safety of transportation, the Minister may order the general motor truck transportation business operator to dismiss the general manager of safety.

(Safety of Transportation)

Article 17 (1) A general motor truck transportation business operator must retain the number of service vehicles and the number of drivers and other employees required in accordance with the conditions of loading, unloading and other work, etc., associated with driving of service vehicles, prepare facilities where drivers of the service vehicles can utilize for rest or sleep, set appropriate working hours and driving hours of the drivers of the service vehicles and take other necessary measures to prevent overworked driving of the drivers of the service vehicles.

- (2) A general motor truck transportation business operator must not accept transportation of the load exceeding the maximum load of the service vehicles (hereinafter referred to as "overload transportation"), prepare the operation plan for the service vehicles with the presumption of overload transportation nor instruct overload transportation to the drivers of the service vehicles and other employees.
- (3) Beyond what is set forth in the preceding two paragraphs, a general motor truck transportation business operator must comply with the matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism in order to ensure the safety of transportation.
- (4) Drivers of the service vehicles and employees who are engaged in assisting the drivers must comply with the matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism to ensure the safety of transportation.

(Operation Manager)

Article 18 (1) A general motor truck transportation business operator must appoint an operation manager assigned from among those to whom the Qualification Certificate for Operation Manager is issued pursuant to the

provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism to conduct business activities related to ensuring the safety of transportation by service vehicles.

- (2) The scope of the duties of the operation manager set forth in the preceding paragraph is prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) Upon appointment of an operation manager pursuant to the provisions of paragraph (1), a general motor truck transportation business operator must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay. The same applies to the dismissal of an operation manager.

(Qualification Certificate for Operation Manager)

Article 19 (1) The Minister of Land, Infrastructure, Transport and Tourism is to issue the Qualification Certificate for Operation Manager to the person who falls under any of the following items:

- (i) a person who has passed the operation manager examination; and
- (ii) a person who has a certain business experience and meets other requirements prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism for ensuring the safety of transportation of service vehicles.

(2) Notwithstanding the provisions set forth in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism may refuse to issue the Qualification Certificate for Operation Manager to a person who falls under any of the following items:

- (i) a person who has been ordered to return the Qualification Certificate Operation Manager pursuant to the provisions of the following Article and for whom two years have not elapsed since the date on which the order was made; and
- (ii) a person who has violated this Act, orders based on this Act, or dispositions based on them, and has been sentenced to a fine or severer punishment pursuant to the provisions of this Act, and for whom two years have not elapsed since the completion of the sentence or the date on which the person ceased to be subject to the sentence.

(3) Procedural matters related to the issue of the Qualification Certificate for Operation Manager are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Return of Qualification Certificate for Operation Manager)

Article 20 If a person to whom the Qualification Certificate Operation Manager has been issued has violated this Act, orders based on this Act, or dispositions

based on them, the Minister of Land, Infrastructure, Transport and Tourism may order the return of the Qualification Certificate for Operation Manager.

(Operation Manager Examination)

- Article 21 (1) The Minister of Land, Infrastructure, Transport and Tourism conducts the operation manager examination to test the knowledge and competency required for the duties of the operation manager.
- (2) A person who does not have the business experience prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism may not take the operation manager examination.
- (3) The examination subjects, application procedures and other details of the operation manager examination are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Duties of the Operation Manager)

- Article 22 (1) The operation manager must sincerely perform their duties.
- (2) A general motor truck transportation business operator must grant to the operation manager the authority required for performing the duties prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism under Article 18, paragraph (2).
- (3) A general motor truck transportation business operator must respect the advice given by the operation manager as their duties, and the drivers of service vehicles and other employees must comply with the instructions given by the operation manager as their duties.

(Prohibition of Acts that Hinder Ensuring Safety of Transportation)

Article 22-2 In conducting consigned motor truck transportation, a general motor truck transportation business operator must not perform an act that hinders the general motor truck transportation business operator who conducts the consigned motor truck transportation or the business operator to whom the permission in Article 35, paragraph (1) (hereinafter referred to as "special motor truck transportation business operator") is granted to ensure the safety of transportation through complying with the provisions of Article 15, Article 16, paragraph (1), paragraph (4) or paragraph (6), Article 17, paragraphs (1) through (3), Article 18, paragraph (1), or paragraph (2) or (3) of the preceding Article, or the safety management rules.

(Order to Ensure Safety of Transportation)

Article 23 When the Minister of Land, Infrastructure, Transport and Tourism finds that the safety of transportation is not ensured due to the fact that a general motor truck transportation business operator is not complying with the

provisions of Article 16, paragraph (1), paragraph (4) or paragraph (6), Article 17, paragraphs (1) through (3), Article 18, paragraph (1), Article 22, paragraph (2) or paragraph (3), the preceding Article, or the safety management rules, the Minister may order the general motor truck transportation business operator to secure the necessary number of drivers, improve the operation plan of service vehicles, grant necessary authority to the operation manager, discontinue the act that hinders ensuring of the safety of transportation for general motor truck transportation business operator who conducts the consigned motor truck transportation or special motor truck transportation business operator, comply with the safety management rules, and take other necessary measures to rectify the noncompliance.

(Report of Accidents)

Article 24 If a service vehicle has overturned, caught a fire, or caused a serious accident prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, a general motor truck transportation business operator must notify the Minister of Land, Infrastructure, Transport and Tourism the type of the accident, its cause and other matters prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism without delay.

(Publication of Information Related to Safety of Transportation by the Minister of Land, Infrastructure, Transport and Tourism)

Article 24-2 The Minister of Land, Infrastructure, Transport and Tourism is to compile the matters pertaining to the orders pursuant to the provisions of Article 23, matters pertaining to the notification prescribed in the preceding Article, and other information pertaining to the safety of transportation prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism each fiscal year and publicize those matters.

(Publication of Information Pertaining to Safety of Transportation by General Motor Truck Transportation Business Operators)

Article 24-3 A general motor truck transportation business operator must publicize the information related to the measures taken or are to be taken to ensure the safety of transportation and other information pertaining to the safety of transportation prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Prohibition of Acts that Disturb Public Convenience)

Article 25 (1) A general motor truck transportation business operator must not demand the freight owner to accept unjust transportation conditions or conduct

other acts that disturb public convenience.

- (2) A general motor truck transportation business operator must not engage in a competition that results in hindering the sound development of general motor truck transportation business.
- (3) A general motor truck transportation business operator must not unjustly treat certain freight owners in a discriminating manner.
- (4) When an act prescribed in the provisions of the preceding three paragraphs has been performed, the Minister of Land, Infrastructure, Transport and Tourism may order the general motor truck transportation business operator to suspend or change the act.

(Business Improvement Order)

Article 26 When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary to ensure appropriate and reasonable management of the general motor truck transportation business, the Minister may order the following matters to the general motor truck transportation business operator:

- (i) to change the business plan;
- (ii) to change the general conditions of the transportation contract;
- (iii) to take improvement measures for the vehicles and other transportation facilities;
- (iv) to conclude an insurance contract to secure the money necessary to compensate for the damage that occurs during freight transportation;
- (v) when it is found that the fares or fees are in fact disturbing the convenience of the users and other public conveniences, to change the fares or fees; and
- (vi) beyond what is set forth in the preceding items, when there are facts that the freight owner's convenience is disturbed or it is found that appropriate business operations are considerably hindered, to take necessary measures to improve business management.

(Prohibition of Use of the Name)

- Article 27 (1) A general motor truck transportation business operator must not allow other persons to use their name for general motor truck transportation business or special motor truck transportation business.
- (2) A general motor truck transportation business operator must not allow other persons to manage the general motor truck transportation business or special motor truck transportation business under their name by leasing the business or by any other methods.

Article 28 Deleted

(Consignment or Assignment of Management of Business Related to Safety of

Transportation)

Article 29 (1) Permission of the Minister of Land, Infrastructure, Transport and Tourism must be obtained for consignment or assignment of the management of operations of service vehicles and other management of business pertaining to the safety of transportation by the general motor truck transportation business prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism must grant the permission under the preceding paragraph unless the Minister finds that the consignee is not suitable for managing the business.

(Transfer and Acquisition of Business)

Article 30 (1) Transfer or acquisition of the general motor truck transportation business does not become effective without the approval of the Minister of Land, Infrastructure, Transport and Tourism.

(2) Merger or split of a corporation that is a general motor truck transportation business operator does not become effective without the approval of the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply to the case of merger between a corporation that is a general motor truck transportation business operator and a corporation that does not manage a general motor truck transportation business and the corporation that is a general motor truck transportation business operator survives, or the case of a split of a corporation that is a general motor truck transportation business operator and the general motor truck transportation business is not to be succeeded.

(3) The provisions of Article 5 and Article 6 apply mutatis mutandis to the approval under the preceding two paragraphs.

(4) The person to whom the general motor truck transportation business has been transferred with the approval under paragraph (1), the corporation that has survived after the merger when a general motor truck transportation business has merged or split, or the corporation that has succeeded to the general motor truck transportation business after split with the approval under paragraph (2) succeeds to the rights and obligations based on the permission under Article 3.

(Inheritance)

Article 31 (1) Upon the death of a general motor truck transportation business operator, if the heir (when there are two or more heirs, the heir who has been decided to succeed to the general motor truck transportation business upon consultation; the same applies hereinafter) seeks to continue to manage the general motor truck transportation business which the decedent had managed,

the heir must obtain an approval by the Minister of Land, Infrastructure, Transport and Tourism within sixty days after the death of the decedent.

- (2) When the heir has applied for the approval set forth in the preceding paragraph, the permission for the general motor truck transportation business which has been granted to the decedent is deemed to have been granted to the heir from the date of the death of the decedent until the receipt of the notice of approval or of refusal to approve.
- (3) The provisions of Article 5 and Article 6 apply *mutatis mutandis* to the approval under paragraph (1).
- (4) The person who has been granted the approval under paragraph (1) succeeds to the rights and obligations based on the permission under Article 3 pertaining to the decedent.

(Suspension or Discontinuance of Business)

Article 32 Upon suspension or discontinuance of business, a general motor truck transportation business operator must notify the Minister of Land, Infrastructure, Transport and Tourism of the fact within thirty days from the date of suspension or discontinuance.

(Rescission of Permission)

Article 33 When a general motor truck transportation business operator falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may order suspension of the usage of the service vehicles and other transportation facilities or suspension of the whole or part of the business for a specified period not longer than six months, or rescind the permission under Article 3:

- (i) when the business operator has violated this Act or orders based on this Act or dispositions based on them, has violated the provisions of Article 83 or Article 95, or dispositions, permissions or conditions attached to the approvals pursuant to the provisions of Article 84, paragraph (1) of the Road Transportation Act (Act No. 183 of 1951); or
- (ii) when the business operator comes to fall under any of the items of Article 5.

Article 34 (1) Upon ordering suspension of usage of service vehicles or suspension of the business pursuant to the provisions of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism may order the return of the automobile inspection certificates of the service vehicles under the Road Transport Vehicle Act to the Minister of Land, Infrastructure, Transport and Tourism or after removing the vehicle registration plates and the seals of the service vehicles under the same Act, to have the Minister of Land, Infrastructure, Transport and Tourism retain the vehicle registration

plates.

- (2) Upon expiration of the suspension of the usage of service vehicles or suspension of business pursuant to the provisions of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism must return the automobile inspection certificates that had been returned pursuant to the provisions of the preceding paragraph or the vehicle registration plates that had been retained pursuant to the provisions of the same paragraph.
- (3) The person who was given back the vehicle registration plates pursuant to the provisions of the preceding paragraph (excluding those pertaining to the vehicles prescribed in the following paragraph) must attach the vehicle registration plates to the vehicles and have the seals of the Minister of Land, Infrastructure, Transport and Tourism affixed to the vehicles.
- (4) For the vehicle pertaining to the order pursuant to the provisions of paragraph (1) for which the registration has been temporarily cancelled based on the application under Article 16, paragraph (1) of the Road Transport Vehicle Act (including the cases the application is deemed to have been made pursuant to the provisions of Article 15-2, paragraph (5) of the same Act), the Minister of Land, Infrastructure, Transport and Tourism is not to notify the registration identification information under the main clause of Article 18-2, paragraph (1) of the same Act until the suspension of the usage of service vehicles or suspension of the business pursuant to the provisions of the preceding Article expires.

(Special Motor Truck Transportation Business)

- Article 35 (1) The person who seeks to manage the special motor truck transportation business must obtain a permission from the Minister of Land, Infrastructure, Transport and Tourism.
- (2) The person who seeks to obtain the permission set forth in the preceding paragraph must submit an application form that states the following matters to the Minister of Land, Infrastructure, Transport and Tourism:
 - (i) name and address and in the case of a corporation, the name of its representative;
 - (ii) name and address of the customer of the transportation business and in the case of a corporation, the name of its representative; and
 - (iii) name and location of the business office, outline of the service vehicles, whether to conduct consigned motor truck transportation or not, and the business plan related to the matters prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.
 - (3) The Minister of Land, Infrastructure, Transport and Tourism must not grant the permission under paragraph (1) unless the Minister finds that the business plan is appropriate for preventing overworked driving and ensuring the safety

of transportation.

- (4) The provisions of Article 4, paragraph (2) (limited to the part pertaining to item (ii)), Article 4, paragraph (3), and Article 5 apply mutatis mutandis to the permission under paragraph (1).
- (5) The provisions of Article 7, paragraph (4) apply mutatis mutandis to the application for the permission under paragraph (1) of this Article when the designation of an emergency adjustment area pursuant to the provisions of Article 7, paragraph (1) exists, and the provisions of paragraph (6) of the same Article apply mutatis mutandis to the special motor truck transportation business operator when the designation of the emergency adjustment area exists.
- (6) The provisions of Article 9, Article 15, Article 16, Article 17, paragraphs (1) through (3), Article 18, Article 22, paragraphs (2) and (3), Articles 22-2 through 24-3, Article 27, Article 32 and Article 33 apply mutatis mutandis to the special motor truck transportation business operator, the provisions of Article 17, paragraph (4) and Article 22, paragraph (3) apply mutatis mutandis to the drivers and employees of service vehicles of the special motor truck transportation business operator, the provisions in paragraph (1) of the same Article apply mutatis mutandis to the operation manager appointed by the special motor truck transportation business operator, the provision of Article 29 apply mutatis mutandis to the business activities pertaining to the safety of transportation by the special motor truck transportation business, and the provisions of the preceding Article apply mutatis mutandis to the service vehicles of the special motor truck transportation business operator. In these cases, the term "Article 6" in Article 9, paragraph (2) is deemed to be replaced with "Article 35, paragraph (3)."
- (7) When a transfer of a special motor truck transportation business or merger, split (limited to the cases the business is to be succeeded), or inheritance of the special motor truck transportation business operator has been made, the transferee of the business or the corporation that survives after the merger (excluding a corporation that is a special motor truck transportation business operator that survives after the merger between a corporation that is a special motor truck transportation business operator and a corporation that does not manage a special motor truck transportation business), the corporation established by merger, or the corporation or the heir that succeeded to the business by split succeeds to the rights and obligation based on the permission under paragraph (1).
- (8) The person who succeeded to the rights and obligations based on the permission under paragraph (1) pursuant to the provisions of the preceding paragraph must notify the Minister of Land, Infrastructure, Transport and Tourism of the fact within thirty days from the date of succession.

(Light Motor Truck Transportation Business)

Article 36 (1) A person who seeks to manage a light motor truck transportation business must notify the Minister of Land, Infrastructure, Transport and Tourism the name and location of the business office, outline of the service vehicles and other matters as prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies when the person who has made the notification (hereinafter referred to as "light motor truck transportation business operator") seeks to change the matters in the notification.

(2) The provisions of Article 15, Article 17, paragraphs (1) through (3), Article 23, Article 25, paragraph (1), and Article 33 (limited to the part pertaining to item (i)) apply mutatis mutandis to the light motor truck transportation business operators, the provisions of Article 17, paragraph (4) apply mutatis mutandis to the drivers of the service vehicles of the light motor truck transportation business operators and the employees who are engaged in assisting the drivers, and the provisions of Article 34 apply mutatis mutandis to the service vehicles of the light motor truck transportation business operators. In these cases, the phrase "the provisions of Article 16, paragraph (1), paragraph (4) or paragraph (6), Article 17, paragraphs (1) through (3), Article 18, paragraph (1), Article 22, paragraph (2) or paragraph (3), or of the preceding Article or the safety management rules" in Article 23 is deemed to be replaced with "provisions of Article 17, paragraphs (1) through (3) as applied mutatis mutandis pursuant to Article 36, paragraph (2)" and "or order suspension of the whole or part of the business or rescind the permission under Article 3" in Article 33 is deemed to be replaced with "or order suspension of the whole or part of the business."

(3) Upon the discontinuance of the business, transfer of the whole business, or succession of the whole business by split, the light motor truck transportation business operator must notify the Minister of Land, Infrastructure, Transport and Tourism of the fact without delay.

(4) Upon the disappearance of a corporation that is a light motor truck transportation business operator by merger, the officers who executed the business must notify the Minister of Land, Infrastructure, Transport and Tourism of the fact within thirty days from the date of disappearance.

(5) Upon the death of a light motor truck transportation business operator, the heir must notify the Minister of Land, Infrastructure, Transport and Tourism of the fact within thirty days from the date of death.

(Special Provisions for Second Class Consigned Freight Transportation Business Operator)

Article 37 (1) The provisions of Articles 8 through 11, Articles 25 through 27 and

Article 32 and the provisions in Article 9, Article 27 and Article 32 as applied mutatis mutandis pursuant to Article 35, paragraph (6) do not apply to the second class motor truck transportation business under Article 2, paragraph (8) of the Consigned Freight Forwarding Business Act (Act No. 82 of 1989) (limited to the part pertaining to collection and delivery of the freight in the said paragraph (hereinafter referred to as "collection and delivery of freight" in this Article)) pertaining to the permission under Article 20 or Article 45, paragraph (1) of the same Act managed by the general motor truck transportation business operator or special motor truck transportation business operator.

- (2) The person to whom the permission under Article 20 or Article 45, paragraph (1) of the Consigned Freight Forwarding Business Act (hereinafter referred to as the "second class consigned transportation business permission") is granted and who falls under Article 23, item (v) of the same Act at the time of applying for the second class consigned transportation business permission (including the approval under Article 25, paragraph (1) or Article 46, paragraph (2) pertaining to the business; hereinafter the same applies in this Article) may conduct collection and delivery of freight without obtaining the permission under Article 3 or Article 35, paragraph (1).
- (3) The provisions of Article 15, Article 16, Article 17, paragraphs (1) through (3), Article 18, Article 22, paragraphs (2) and (3), Articles 22-2 through 24-3, Article 33 (limited to the part pertaining to item (i)), and Article 60, paragraph (1), paragraph (4), paragraph (6) and paragraph (7) apply mutatis mutandis to the person prescribed in the preceding paragraph pertaining to collection and delivery of freight without obtaining the permission under Article 3 or Article 35, paragraph (1) pursuant to the provisions of the preceding Article (excluding those who started collection and delivery of the freight with the permission under Article 3 or Article 35, paragraph (1) after having been granted the second class consigned transportation business permission; hereinafter referred as the "special second class consigned transportation business operator" in this paragraph and Article 39), the provisions of Article 17, paragraph (4) and Article 22, paragraph (3) apply mutatis mutandis to the drivers and employees of the service vehicles of the special second class consigned transportation business operator, the provisions of paragraph (1) of the same Article apply mutatis mutandis to the operation manager appointed by the special second class consigned transportation business operator, the provisions of Article 29 apply mutatis mutandis to the business activities pertaining to the safety of transportation during collection and delivery of freight conducted by the special second class consigned transportation business operator, and the provisions of Article 34 apply mutatis mutandis to the service vehicles of the special second class consigned transportation business operator.

In these cases, the term "may order the suspension of the whole or part of the business or rescind the permission under Article 3" in Article 33 is deemed to be replaced with "may order suspension of usage for the business."

Chapter III Promotion of Optimization of Motor Truck Transportation Business by Private Bodies

(Designation of Local Motor Truck Transportation Business Optimization Implementing Agency)

Article 38 (1) The Minister of Land, Infrastructure, Transport and Tourism may designate a general incorporated association or general incorporated foundation with the objective of contributing to establishment of order in motor truck transportation business, which the Minister finds to be capable of properly and reliably conducting the business prescribed in the following Article as the sole local motor truck transportation business optimization implementing agency (hereinafter referred to as "local implementing agency") within the area which the Minister has defined by taking into consideration of the jurisdictional districts of the Transport Administration Department and Transport Bureau Branches (hereinafter referred to simply as the "area" in this Chapter) upon application.

(2) Upon designation of the local implementing agency pursuant to the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must publicly notify the name, address, location of the office and the area pertaining to the designation of the local implementing agency.

(Business)

Article 39 The local implementing agency is to conduct the following business (hereinafter referred to as "local optimization business") in its area:

- (i) to instruct matters on the prevention of acts that hinder safety of transportation and those related to compliance with this Act or orders based on this Act to general motor truck transportation business operators, special motor truck transportation business operators, and light motor truck transportation business operators (hereinafter referred to as "motor truck transportation business operators");
- (ii) to conduct enlightenment activities for preventing those persons other than the motor truck transportation business operators (including the special second class consigned transportation business operators) from operating motor truck transportation business;
- (iii) beyond what is set forth in the preceding item, to conduct enlightenment activities and public relation activities that contribute to the establishment of order in motor truck transportation business;

- (iv) to handle complaints from the motor truck transportation business operators or freight owners related to motor truck transportation business; and
- (v) to cooperate in notifying the motor truck transportation business operators for ensuring the safety of transportation and other measures taken by the Minister of Land, Infrastructure, Transport and Tourism to enforce this Act and the Act on Advancement of Integration and Streamlining of Distribution Business (Act No. 85 of 2005).

(Resolution of Complaints)

- Article 39-2 (1) Upon requests for resolutions of complaints from motor truck transportation business operators or the freight owners, the local implementing agency must provide consultations, give necessary advice to those who requested for resolutions, investigate the situations pertaining to the complaints, and notify the motor truck transportation business operator who is the subject of the requests of the content of the complaints and demand prompt handling of the complaints.
- (2) When the local implementing agency finds it necessary in resolving complaints pertaining to the requests under the preceding paragraph, the agency may demand that the motor truck transportation business operator who is the subject of the requests to give an explanation in writing or orally, or submit materials.
 - (3) When the local implementing agency makes a demand pursuant to the provisions of the preceding paragraph, a motor truck transportation business operator must not refuse the demand without legitimate grounds.
 - (4) The local implementing agency must make the requests under paragraph (1), situations pertaining to the complaints, and the results of the resolutions known to the motor truck transportation business operator.

(Demand for Explanation or Submission of Materials)

- Article 39-3 (1) Beyond what is provided for in the preceding Article, the local implementing agency may demand that the motor truck transportation business operator give an explanation in writing or orally, or submit materials within the extent necessary for the implementation of the local optimization business.
- (2) When the local implementing agency makes a demand pursuant to the provisions of the preceding paragraph, the motor truck transportation business operator must not refuse the demand without legitimate grounds.

(Order for Improvement)

Article 40 When Minister of Land, Infrastructure, Transport and Tourism finds

it necessary to improve the implementation of local optimization business by the local implementing agency, the Minister may order the local implementing agency to take necessary measures for improvement.

(Rescission of Designation)

Article 41 (1) If a local implementing agency has violated the order pursuant to the provisions of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism may rescind the designation set forth in Article 38, paragraph (1).

(2) When the Minister of Land, Infrastructure, Transport and Tourism has rescinded the designation pursuant to the provisions of Article 38, paragraph (1), the Minister must issue a public notice to that effect.

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 42 The procedures for designation under Article 38, paragraph (1) and other matters necessary for the local implementing agency are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Designation of National Motor Truck Transportation Business Optimization Implementing Agency)

Article 43 The Minister of Land, Infrastructure, Transport and Tourism may designate a general incorporated association or general incorporated foundation with the objective of contributing to the establishment of order in motor truck transportation business as the sole national motor truck transportation business optimization implementing agency (hereinafter referred to as "national implementing agency") in Japan upon application when the Minister finds that the applicant is capable of properly and reliably conducting the business prescribed in the following Article.

(Business)

Article 44 The national implementing agency is to conduct the following businesses (hereinafter referred to as "national optimization business"):

- (i) to formulate the basic guidelines for the smooth implementation of local optimization business;
- (ii) to conduct liaison, coordination, and instructions for the local optimization business;
- (iii) to conduct training to the persons engaged in the operations by the local implementing agency; and
- (iv) to conduct enlightenment activities and public relations activities for contributing to the establishment of order in motor truck transportation

business in two or more areas.

(Provisions to be Applied Mutatis Mutandis)

Article 45 The provisions of Article 38, paragraph (2) and Articles 40 through 42 apply mutatis mutandis to the national implementing agency. In this case, the term "location and the area pertaining to the designation" in Article 38, paragraph (2) is deemed to be replaced with "location", and the term "local optimization business" in Article 40 is deemed to be replaced with "national optimization business."

Chapter IV Designated Examining Body

(Designation of Designated Examining Body)

Article 46 (1) The Minister of Land, Infrastructure, Transport and Tourism may have a person the Minister designates (hereinafter referred to as "designated examining body") conduct the affairs related to implementation of the operation manager examination (hereinafter referred to as "examination affairs").

(2) Designation of the designated examining body is to be granted upon application by those who seek to implement the examination affairs.

(3) After designating a designated examining body, the Minister of Land, Infrastructure, Transport and Tourism is not to implement the examination affairs.

(Criteria for Designation)

Article 47 (1) The Minister of Land, Infrastructure, Transport and Tourism must not designate a designated examining body unless there is no other person that has been designated as a designated examining body and the Minister finds that the application under paragraph (2) of the preceding Article satisfies the following criteria:

(i) the plan related to the implementation of examination affairs such as officers, method of implementing examination affairs and other matters are appropriate for properly implementing the examination affairs; and

(ii) the applicant has basic accounting and technical competency to properly implement the plan related to the examination affairs under the preceding item; and

(iii) if conducting a service other than the examination affairs, there is no risk of causing unfairness to the examination affairs through conducting that service.

(2) When the person that has made an application under paragraph (2) of the preceding Article falls under any of the following items, the Minister of Land,

Infrastructure, Transport and Tourism must not designate the person as the designated examining body:

- (i) the person is not a general incorporated association or general incorporated foundation;
- (ii) the person has been sentenced to a fine or severer punishment pursuant to the provisions of this Act and for whom two years have not elapsed since the date of completion of the sentence or the date on which the person ceased to be subject to the sentence;
- (iii) the person has had the designation rescinded pursuant to the provisions of Article 57, paragraph (1) or paragraph (2) and for whom two years have not elapsed since the rescission date; or
- (iv) the person has an officer who falls under any of the following items:
 - (a) a person who falls under item (ii); or
 - (b) a person who has been dismissed by the order pursuant to the provisions of Article 50, paragraph (3) and for whom two years have not elapsed since the dismissal date.

(Public Notice of Designation)

- Article 48 (1) Upon designation of a designated examining body, the Minister of Land, Infrastructure, Transport and Tourism must publicly notify the name, address, location of the office for implementing examination affairs, and the commencement date of examination affairs of the designated examining body.
- (2) In changing the name, address, or the location of the office for implementing examination affairs, the designated examining body must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect.
- (3) Upon receiving a notification set forth in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notice to that effect.

(Examiners)

Article 49 In implementing the examination affairs, the designated examining body must have a person who satisfies the requirements prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism (hereinafter referred to as "examiner") implement the affairs related to the judgment on whether the applicant has the knowledge and competency required for an operation manager.

(Appointment and Dismissal of Officers)

Article 50 (1) Appointment and dismissal of the officers engaged in the examination affairs at the designated examining body will not become effective without obtaining approval from the Minister of Land, Infrastructure,

Transport and Tourism.

- (2) Upon appointment or dismissal of an examiner, the designated examining body must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay.
- (3) If an officer or examiner of the designated examining body has violated this Act, orders or dispositions based on this Act, or the rules on examination affairs under Article 52, paragraph (1), or performed a significantly inappropriate act related to examination affairs, the Minister of Land, Infrastructure, Transport and Tourism may order the designated examining body to dismiss the officer or examiner.

(Duty of Confidentiality)

- Article 51 (1) The officers or employees (including examiners) or those who have held those positions at the designated examining body must not divulge any secret they have learned in connection with the examination affairs.
- (2) With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, the officers and employees (including examiners) of the designated examining body that conduct the examination affairs are deemed to be personnel engaged in public service under laws and regulations.

(Rules on Examination Affairs)

- Article 52 (1) The designated examining body must establish rules on examination affairs that cover the matters related to the implementation of the examination affairs prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism and obtain an approval from the Minister of Land, Infrastructure, Transport and Tourism. The same applies when seeking to change the rules.
- (2) When the Minister of Land, Infrastructure, Transport and Tourism finds that the rules on examination affairs approved pursuant to the provisions of the preceding paragraph has become inappropriate for fair and proper implementation of the examination affairs, the Minister may order the designated examining body to change the rules.

(Business Plans)

- Article 53 (1) The designated examining body must prepare a business plan and a budget for revenue and expenditure pertaining to the examination affairs each business year and obtain an approval from the Minister of Land, Infrastructure, Transport and Tourism prior to the commencement of the business year (for the business year in which the designation was granted, without delay after the designation). The same applies when seeking to change them.

(2) The designated examining body must prepare a business report and a statement on settlement of accounts pertaining to the examination affairs each business year and submit them to the Minister of Land, Infrastructure, Transport and Tourism within three months after the end of the business year.

(Keeping of Books)

Article 54 The designated examining body must prepare books, state matters related to the examination affairs prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism in the books, and preserve them, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Supervision Order)

Article 55 When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary for the enforcement this Act, the Minister may issue an order required for supervision over the examination affairs to the designated examining body.

(Suspension or Discontinuance of Business)

Article 56 (1) The designated examining body must not suspend or discontinue the whole or part of the examination affairs without permission of the Minister of Land, Infrastructure, Transport and Tourism.

(2) Upon granting the permission set forth in the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notice to that effect.

(Rescission of Designation)

Article 57 (1) When the designated examining body comes to fall under any of the items (except item (iii)) of Article 47, paragraph (2), the Minister of Land, Infrastructure, Transport and Tourism must rescind the designation.

(2) When the designated examining body falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may rescind the designation or order the examining body to suspend whole or part of the examination affairs for a specified period:

(i) when the examining body has violated the provisions of this Chapter;

(ii) when it is found that the examining body no longer conforms to any of the items of Article 47, paragraph (1);

(iii) when the examining body has violated the order pursuant to the provisions of Article 50, paragraph (3), Article 52, paragraph (2), or Article 55;

(iv) when the examining body has conducted the examination affairs without complying with the rules on examination affairs that has been approved

pursuant to the provisions of Article 52, paragraph (1); or
(v) when the designation was obtained by wrongful means.

- (3) When the Minister of Land, Infrastructure, Transport and Tourism has rescinded the designation pursuant to the provisions of paragraph (1) or the preceding paragraph, or has ordered to suspend whole or part of the examination affairs pursuant to the provisions of the same paragraph, the Minister must issue a public notice to that effect.

(Implementation of Examination Affairs by the Minister of Land,
Infrastructure, Transport and Tourism)

Article 58 (1) If the designated examining body has suspended whole or part of the examination affairs by the permission pursuant to the provisions of Article 56, paragraph (1), if the Minister of Land, Infrastructure, Transport and Tourism has ordered suspension of whole or part of the examination affairs pursuant to the provisions of paragraph (2) of the preceding Article, or when implementation of whole or part of the examination affairs has become difficult for the designated examining body due to an act of God or other unavoidable grounds, the Minister of Land, Infrastructure, Transport and Tourism is to implement whole or part of the examination affairs when the Minister finds necessary, notwithstanding the provisions of Article 46, paragraph (3).

(2) If the Minister of Land, Infrastructure, Transport and Tourism has decided to implement the examination affairs pursuant to the provisions of the preceding paragraph, or not to implement the examination affairs implemented pursuant to the provisions of the same paragraph, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notice to that effect in advance.

(3) If the Minister of Land, Infrastructure, Transport and Tourism has decided to implement the examination affairs pursuant to the provisions of paragraph (1), and has given permission to discontinue the examination affairs pursuant to the provisions of Article 56, paragraph (1) or has rescinded the designation pursuant to the provisions of paragraph (1) or paragraph (2) of the preceding Article, the transfer of the examination affairs and other necessary matters are prescribed by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter V Miscellaneous Provisions

(Conditions for Permissions)

Article 59 (1) Permissions or approvals prescribed in this Act may be attached with conditions or the due date, which may be changed.

(2) The conditions or due date under the preceding paragraph must be limited to the minimum necessary to ensure the reliable implementation of matters

pertaining to the permissions or approvals, and must not impose unreasonable obligations to those who receive the permissions or approvals.

(Collection of Reports and On-site Inspection)

Article 60 (1) The Minister of Land, Infrastructure, Transport and Tourism may order a motor truck transportation business operator to report on its business within the limit necessary for the enforcement of this Act pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The Minister of Land, Infrastructure, Transport and Tourism may order the local implementing agency and national implementing agency (hereinafter referred to as "local implementing agency, etc.") to report on their business within the limit necessary for the enforcement of this Act.

(3) The Minister of Land, Infrastructure, Transport and Tourism may order the designated examining body to report on the examination affairs within the limit necessary for the enforcement of this Act.

(4) The Minister of Land, Infrastructure, Transport and Tourism may have its officer enter the offices and other workplaces of motor truck transportation business operators to inspect the conditions of its business or accounting or facilities for business, books, documents and other objects or ask questions to the persons concerned within the limit necessary for the enforcement of this Act.

(5) The Minister of Land, Infrastructure, Transport and Tourism may have its officer enter the offices of the local implementing agency, etc. or the designated examining body to inspect the conditions of the business or the books, documents and other objects or ask questions to the persons concerned within the limit necessary for the enforcement of this Act.

(6) The officer who conducts the on-site inspection pursuant to the provisions of the preceding two paragraphs must carry their identification card and present it when requested by the persons concerned.

(7) The authorities pursuant to the provisions of paragraphs (4) and (5) must not be construed as approved for criminal investigations.

(Basic Policy on Collection of Reports or Implementation of On-site Inspection pertaining to the Safety Management Rules)

Article 60-2 The Minister of Land, Infrastructure, Transport and Tourism is to decide the basic policy for properly conducting the inspection pertaining to the safety management rules (limited to the part pertaining to Article 16, paragraph (2), item (i) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3))) among the collection of reports pursuant to the provisions of paragraph (1) in the preceding Article and

on-site inspections prescribed in paragraph (4) of the same Article.

(Charges)

- Article 61 (1) The person who seeks to take the operation manager examination or to be granted the issuance or reissuance of the Qualification Certificate for Operation Manager must pay the charges prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the actual cost to the State (for those who seeks to take the examination conducted by the designated examining body, the designated examining body).
- (2) The charges paid to the designated examining body pursuant to the provisions of the preceding paragraph are to be the income of the designated examining body.

(Request for Administrative Review on the Disposition to the Designated examining body)

- Article 62 The persons who have an objection to the disposition to the designated examining body pursuant to the provisions of this Act may request for administrative review to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

(Standard Fares and Standard Fees)

- Article 63 (1) If the fares and fees of the general motor truck transportation business are likely to significantly soar or drop by the imbalance between the supplied transportation capacity and the transportation demand or by fluctuation of prices and other economic conditions in a certain area (between specific areas for fares and fees pertaining to the special group cargo motor trucking; hereinafter the same applies in this paragraph), when the Minister of Land, Infrastructure, Transport and Tourism finds it particularly necessary in maintaining the public convenience or ensuring sound management of the general motor truck transportation business operator in the specific area, the Minister may designate the specific area and determine the standard fares and standard fees for a specified period based on the appropriate cost and appropriate profit under efficient management of the general motor truck transportation business.
- (2) Upon establishing the standard fares and standard fees pursuant to the provisions of the preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must issue a public notice without delay.

(Recommendation to Freight Owners)

- Article 64 (1) When the Minister of Land, Infrastructure, Transport and Tourism issues an order pursuant to the provisions of Article 23 (including as applied

mutatis mutandis pursuant to Article 35, paragraph (6)) because a general motor truck transportation business operator or special motor truck transportation business operator (hereinafter referred to as "general motor truck transportation business operator, etc.") has violated the provisions of Article 17, paragraphs (1) through (3) (including the cases where it is applied mutatis mutandis pursuant to paragraph (6) of Article 35) or makes a disposition pursuant to the provisions of Article 33 (including as applied mutatis mutandis pursuant to Article 35, paragraph (6)) or because the general motor truck transportation business operator, etc., has come to fall under Article 33, item (i) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6)), when it is apparent that the violation pertaining to the order or the disposition was committed as instructed by the freight owner and other violations result mainly from the acts of the freight owner, and it is found that the prevention of recurrence of the violations is difficult merely by the order or disposition to the general motor truck transportation business operator, etc., the Minister may recommend the freight owner to take appropriate measures to prevent recurrence of the violation.

- (2) Upon issuance of recommendation pursuant to the provisions of preceding paragraph, the Minister of Land, Infrastructure, Transport and Tourism must hear the opinion of the minister who has administrative jurisdiction over the business conducted by the freight owner who is subject to the recommendation.

(Transitional Measures)

Article 65 Upon establishing, amending or repealing an order based on the provisions of this Act, required transitional measures (including transitional measures related to penal provisions) may be decided within the scope to be judged as reasonably necessary for the establishment, amendment or repeal by the order.

(Delegation of Authority)

Article 66 (1) The authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be delegated to the Director of the Regional Transport Bureau pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) The authority delegated to the Director of the Regional Transport Bureau pursuant to the provisions of the preceding paragraph may be delegated to the Chief of Transport Administration Department or Branch Manager of the Transport Bureau Branch pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Consulting the Transport Council)

Article 67 In regard to the designation of the emergency adjustment area pursuant to the provisions of Article 7, paragraph (1), the designation of the emergency adjustment section pursuant to the provisions of paragraph (2) of the same Article, the formulation of the basic policy pursuant to the provisions of Article 60-2, and the establishment of standard fares and standard fees pursuant to the provisions of Article 63, in paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism must consult the Transport Council.

Article 68 Deleted

(Delegation to Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 69 Beyond what is provided for in this Act, the procedures required for enforcement of this Act and other matters are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter VI Penal Provisions

Article 70 A person who falls under any of the following items is punished by imprisonment with work for not more than three years or a fine of not more than three million yen or cumulative imposition thereof:

- (i) a person who has managed a general motor truck transportation business in violation of the provisions of Article 3;
- (ii) a person who has had another person use their name for the general motor truck transportation business or special motor truck transportation business in violation of Article 27, paragraph (1);
- (iii) a person who has had another person manage the general motor truck transportation business or special motor truck transportation business in that person's name in violation of Article 27, paragraph (2);
- (iv) a person who has had another person use their name for general motor truck transportation business or special motor truck transportation business in that person's name in violation of Article 27, paragraph (1) as applied mutatis mutandis pursuant to Article 35, paragraph (6); or
- (v) a person who has had another person manage the general motor truck transportation business or special motor truck transportation business in that person's name in violation of Article 27, paragraph (2) as applied mutatis mutandis pursuant to Article 35, paragraph (6).

Article 71 A person who falls under any of the following items is punished by imprisonment with work for not more than one year or a fine of not more than one million five hundred thousand yen or cumulative imposition thereof:

- (i) a person who has violated the order to suspend usage of the transportation facilities or suspend business pursuant to the provisions of Article 33 (including as applied mutatis mutandis pursuant to Article 35, paragraph (6), Article 36, paragraph (2), and Article 37, paragraph (3)); or
- (ii) a person who has managed a special motor truck transportation business in violation of Article 35, paragraph (1).

Article 72 A person who falls under any of the following items is punished by imprisonment with work for not more than one year or a fine of not more than one million five hundred thousand yen.

- (i) a person who has divulged any secret learned with respect to their duties; or
- (ii) when the designated examining body has violated the order to suspend the business pursuant to the provisions of Article 57, paragraph (2), an officer or employee of the designated examining body who has performed the violation.

Article 73 A person who falls under any of the following items is punished by a fine of not more than one million five hundred thousand yen:

- (i) a person who has failed to appoint an operation manager in violation of the provisions of Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)); or
- (ii) a person who has consigned or has been consigned the business without the permission pursuant to the provisions of Article 29, paragraph (1) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)).

Article 74 A person who, in violation of the provisions of Article 9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6)) has changed the business plan is be punished by a fine of not more than one million yen.

Article 75 If a person falls under any of the following items, an officer or employee of the designated examining body who has committed the violation is punished by a fine of not more than one million yen:

- (i) a person who has failed to prepare books, has not made entries in the books, or has made false entries in the books or has failed to preserve the books in violation of the provisions of Article 54;
- (ii) a person who has discontinued the entire examination affairs in violation of the provisions of Article 56, paragraph (1);
- (iii) a person who has failed to make the report pursuant to the provisions of Article 60, paragraph (3), or has made a false report; or

(iv) a person who has refused, obstructed or evaded the inspection pursuant to the provisions of Article 60, paragraph (5), or has failed to make a statement to a question or has made a false statement.

Article 76 A person who falls under any of the following items is punished by a fine of not more than one million yen:

- (i) a person who has violated an order pursuant to the provisions of Article 8, paragraph (2), Article 16, paragraph (3) or paragraph (7) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)), Article 23 (including as applied mutatis mutandis pursuant to Article 35, paragraph (6), Article 36, paragraph (2), and Article 37, paragraph (3)), Article 25, Article 26, paragraph (4), or Article 34, paragraph (1) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6), Article 36, paragraph (2), and Article 37, paragraph (3));
- (ii) a person who has changed the business plan related to service vehicles without giving a notification pursuant to the provisions of Article 9, paragraph (3) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6));
- (iii) Deleted;
- (iv) a person who has concluded a transportation contract without the approval pursuant to the provisions of Article 10, paragraph (1), or without complying with the general conditions of the transportation contract to which approval has been granted;
- (v) a person who has conducted business without giving a notification pursuant to the provisions of Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)) or without complying with the notified safety management rules (limited to the parts pertaining to Article 16, paragraph (2), items (ii) and (iii) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)));
- (vi) a person who has failed to appoint a general manager of safety in violation of the provisions of Article 16, paragraph (4) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) or Article 37, paragraph (3));
- (vii) a person who has failed to give a notification pursuant to the provisions of Article 16, paragraph (5) or Article 18, paragraph (3) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)), or has given a false notification;
- (viii) a person who has violated the provisions of Article 34, paragraph (3) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6), Article 36, paragraph (2), and Article 37, paragraph (3));
- (ix) a person who has managed the light motor truck transportation business in

- violation of the provisions of Article 36, paragraph (1);
- (x) a person who has failed to make a report pursuant to the provisions of Article 60, paragraph (1) (including as applied mutatis mutandis pursuant to Article 37, paragraph (3)), or has made a false report; or
 - (xi) a person who has refused, obstructed or evaded the inspection pursuant to the provisions of Article 60, paragraph (4) (including as applied mutatis mutandis pursuant to Article 37, paragraph (3)) , or has failed to make a statement to questions or made a false statement.

Article 77 When a person falls under any of the following items, an officer or employee of the local implementing agency or national implementing agency who has committed the violation is punished by a fine of not more than one million yen:

- (i) a person who has failed to make a report pursuant to the provisions of Article 60, paragraph (2), or has made a false report; or
- (ii) a person who has refused, obstructed or evaded the inspection pursuant to the provisions of Article 60, paragraph (5), or failed to make a statement to a question or made a false statement.

Article 78 If a representative of a corporation, an agent, an employee or other worker of a corporation or an individual has committed a violation under Article 70, Article 71, Article 73, Article 74 or Article 76 with regard to the business of the corporation or individual, not only the offender is punished but also the corporation or individual is punished by the fine prescribed in the respective Articles.

Article 79 A person who falls under any of the following items is punished by a civil fine of not more than five hundred thousand yen:

- (i) a person who has failed to notify changes to the business plan related to minor matters in violation of Article 9, paragraph (3) (including as applied mutatis mutandis pursuant to Article 35, paragraph (6));
- (ii) a person who has failed to make a display pursuant to the provisions of Article 11, or has made a false display;
- (iii) a person who has failed to return the Qualification Certificate for Operation Manager in violation of the order pursuant to the provisions of Article 20, without legitimate grounds;
- (iv) a person who has failed to make a report pursuant to the provisions of Article 24 (including as applied mutatis mutandis pursuant to Article 35, paragraph (6) and Article 37, paragraph (3)), or has made a false report;
- (v) a person who has failed to make a public announcement pursuant to the provisions of Article 24-3 (including as applied mutatis mutandis pursuant to

- Article 35, paragraph (6) and Article 37, paragraph (3)), or has made a false public announcement; or
- (vi) a person who has violated the provisions of Article 32 (including as applied mutatis mutandis pursuant to Article 35, paragraph (6)), Article 35, paragraph (8), or Article 36, paragraphs (3) through (5).