

Public Law 98-554
98th Congress

An Act

To provide for exemptions, based on safety concerns, from certain length and width limitations for commercial motor vehicles, and for other purposes.

Oct. 30, 1984

[S. 2217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

Tandem Truck
Safety Act of
1984.

SEC. 101. This title may be cited as the "Tandem Truck Safety Act of 1984".

49 USC app. 2301
note.

EXEMPTION FROM LENGTH REQUIREMENTS

SEC. 102. Section 411 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311) is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from one or both of such subsections.

"(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

"(A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section; and

"(B) serves the area in which such segment is located.

"(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

"(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) of this section or motor vehicle combinations described in subsection (c) of this section, the Secretary shall exempt such segment from one or both of such subsections. Before making such determination, the

Secretary shall consider any possible alternative route that serves the area in which such segment is located.

“(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

“(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.”.

EXEMPTION FROM WIDTH REQUIREMENTS

SEC. 103. Section 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e)(1) If the Governor of a State, after making the consultations specified in paragraph (2) of this subsection, determines that any specific segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Governor may notify the Secretary of such determination and request that the Secretary exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment.

“(2) Before making such notification, the Governor shall consult with units of local government within the State in which the specific segment of such System is located, as well as the Governor of any State adjacent to that State that might be directly affected by such exemption. As part of such consultations, consideration shall be given to any potential alternative route that—

“(A) can safely accommodate motor vehicles having the width set forth in subsection (a) of this section;

“(B) serves the area in which such segment is located.

“(3) The Governor shall transmit with such notification specific evidence of safety problems that supports such determination and the results of consultation regarding any alternative route under paragraph (2) of this subsection.

“(4)(A) If the Secretary determines, upon request by a Governor under paragraph (1) of this subsection or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating motor vehicles having the width set forth in subsection (a) of this section, the Secretary shall exempt such segment from such subsection for the purpose of allowing the State to impose a width limitation of less than 102 inches for vehicles (other than buses) on such segment. Before making such determination, the Secretary shall

consider any possible alternative route that serves the area in which such segment is located.

“(B) The Secretary shall make such determination within a period of 120 days after the date of receipt of notification from a Governor under paragraph (1) of this subsection or the date on which the Secretary initiates action under this paragraph, as the case may be, with respect to such segment. If the Secretary determines that such determination will not be made within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such determination.

“(C) The Secretary shall make such determination only after affording interested parties notice and the opportunity for comment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (a) of this section shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.”.

CONFORMING AMENDMENTS

SEC. 104. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(a)) is amended—

(1) by striking out “No” and inserting in lieu thereof “Except as provided in subsection (i) of this section, no”;

(2) by inserting “(other than a segment exempted under subsection (i) of this section)” after “Highways”; and

(3) by striking out “Secretary,” and inserting in lieu thereof “Secretary of Transportation (hereinafter in this part referred to as the ‘Secretary’)”.

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(c)) is amended by inserting “(other than a segment exempted under subsection (i) of this section)” after “Highways”.

(c) Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended by inserting “(other than any segment thereof which is exempted under section 411(i) or 416(e) of this title)” after “Highway System”.

(d) Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by striking out “No” and inserting in lieu thereof “Except as provided in subsection (e) of this section, no”; and

(2) by inserting “(other than a segment exempted under subsection (e) of this section)” after “Highways”.

(e) Section 416(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(d)) is amended—

(1) by inserting “(other than a segment exempted under subsection (e) of this section)” after “Highways”; and

(2) by striking out “, with traffic lanes designed to be a width of twelve feet or more”.

DESIGNATION OF HIGHWAYS SUBJECT TO WIDTH LIMITATION

SEC. 105. Section 416(a) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2316(a)) is amended—

(1) by inserting after “more” the second place it appears the following: “, or any other qualifying Federal-aid Primary

System highway designated by the Secretary if the Secretary determines that such designation is consistent with highway safety"; and

(2) by adding at the end of such section the following new sentence: "After the date of the enactment of this sentence, any Federal-aid highway (other than any Interstate highway) which was not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the Governor of the State in which the highway is located.".

REASONABLE ACCESS

SEC. 106. Section 412 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2312) is amended—

(1) by inserting "(a)" after "Sec. 412."; and

(2) by striking out the period at the end thereof and inserting in lieu thereof the following: "and for any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.

"(b) Nothing in this section shall be construed as preventing any State or local government from imposing any reasonable restriction, based on safety considerations, on any truck tractor-semitrailer combination in which the semitrailer has a length not to exceed 28½ feet and which generally operates as part of a vehicle combination described in section 411(c) of this Act.".

Ante, p. 2831.

Motor Carrier
Safety Act of
1984.

TITLE II

SHORT TITLE

49 USC app. 2501
note.

SEC. 201. This title may be cited as the "Motor Carrier Safety Act of 1984".

PURPOSES

49 USC app.
2501.

SEC. 202. The purposes of this title are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

FINDINGS

49 USC app.
2502.

SEC. 203. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 204. For purposes of this title, the term—

49 USC app.
2503.

(1) "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in interstate commerce to transport passengers or property—

(A) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds;

(B) if such vehicle is designed to transport more than 15 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) and are transported in a quantity requiring placarding under regulations issued by the Secretary under such Act;

(2) "employee" means—

(A) an operator of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; and

(D) any individual other than an employer;

who is employed by an employer and who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or any political subdivision of a State who is acting within the course of such employment;

(3) "employer" means any person engaged in a business affecting interstate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any State, or any political subdivision of a State;

(4) "interstate commerce" means trade, traffic, or transportation in the United States which is between a place in a State and a place outside of such State (including a place outside of the United States) or is between two places in a State through another State or a place outside of the United States;

(5) "intrastate commerce" means any trade, traffic, or transportation in any State which is not described in paragraph (4);

(6) "person" means any individual, partnership, association, corporation, business trust, and any other organized group of individuals;

(7) "regulation" includes any rule, standard, and order;

(8) "Safety Panel" means the Commercial Motor Vehicle Safety Regulatory Review Panel established under section 209 of this Act;

(9) "Secretary" means the Secretary of Transportation;

(10) "State" means a State of the United States and the District of Columbia and, for purposes of sections 206, 207, 208, 210, and 218, includes a political subdivision of a State;

(11) "State law" includes any law enacted or adopted by a political subdivision of a State;

(12) "State regulation" includes any regulation issued by a political subdivision of a State; and

(13) "United States" means the 50 States and the District of Columbia.

DUTIES

49 USC app.
2504.

SEC. 205. Each employer and employee shall comply with regulations pertaining to commercial motor vehicle safety issued by the Secretary under this title which are applicable to his or her own actions and conduct.

FEDERAL REGULATIONS

49 USC app.
2505.

SEC. 206. (a) Not later than 18 months after the date of the enactment of this Act, the Secretary shall issue regulations pertaining to commercial motor vehicle safety. Such regulation shall establish minimum Federal safety standards for commercial motor vehicles and shall, at a minimum, ensure that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon operators of commercial motor vehicles do not impair their ability to operate such vehicles safely;

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely; and

(4) the operation of commercial motor vehicles does not have deleterious effects on the physical condition of such operators.

(b) The Secretary shall not eliminate or modify any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading or operation (including routing regulations) of vehicles carrying materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act.

(c)(1) All regulations under this section shall be issued in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in this subsection shall apply to the issuance of such regulations.

(2) Before issuing such regulations, the Secretary shall, to the extent practicable and consistent with the purposes of this Act, consider (A) costs and benefits, and (B) State laws and regulations pertaining to commercial motor vehicle safety in order to minimize unnecessary preemption of such State laws and regulations under this Act.

(d) If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after the date of the enactment of this Act, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary shall transmit to the Congress current data regarding the information specified in the preceding sentence at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

(e) If the Secretary does not issue regulations pertaining to commercial motor vehicle safety in accordance with this section, regulations pertaining to commercial motor vehicle safety which the Secretary issued before such date of enactment and in effect on such

date of enactment shall, for purposes of this title, be deemed to be regulations issued by the Secretary under this section.

(f) After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. Under this subsection, the Secretary shall waive application of the regulations issued under this section with respect to schoolbuses, as defined in section 102(14) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(14)), unless the Secretary determines that making such regulations applicable to such schoolbuses is necessary for public safety taking into account all Federal and State laws applicable to such schoolbuses. Any waiver authorized under this subsection shall be published in the Federal Register, together with the reasons for such waiver.

(g) Any final agency action taken under this section shall be subject to judicial review under chapter 7 of title 5, United States Code.

(h) Section 3102 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

“(d) Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of such requirement.”.

5 USC 701 *et seq.*

SUBMISSION OF STATE REGULATIONS FOR REVIEW

SEC. 207. (a) Any State which enacts, adopts, issues, or has in effect any law or regulation pertaining to commercial motor vehicle safety and is interested in having in effect and enforcing such law or regulation after the last day of the 60-month period beginning on the date of the enactment of this Act shall, before the last day of the 6-month period beginning on such date of enactment, submit to the Secretary and the Safety Panel a copy of such law or regulation.

49 USC app.
2506.

(b) Any State which enacts, adopts, or issues any law or regulation pertaining to commercial motor vehicle safety after the last day of the 6-month period beginning on the date of the enactment of this Act shall (immediately after such enactment, adoption, or issuance) submit to the Secretary and the Safety Panel a copy of such law or regulation.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

(d) As soon as practicable but not later than such time as the Safety Panel may establish, any State which submits a law or regulation under this section to the Safety Panel—

(1) shall indicate, in writing, to the Safety Panel if such law or regulation—

(A) has the same effect as;

(B) is less stringent than; or

(C) additional to or more stringent than;

any regulation issued by the Secretary under section 6; and

(2) shall submit to the Safety Panel such other information as the Safety Panel or the Secretary may require to carry out the objectives of this title.

(e) If any State fails to submit any State law or regulation pertaining to commercial motor vehicle safety in accordance with this section, the Safety Panel shall analyze the laws and regulations of such State and determine which of such State's laws and regulations pertain to commercial motor vehicle safety.

REVIEW AND PREEMPTION OF STATE REGULATIONS

49 USC app.
2507.

SEC. 208. (a) After the last day of the 60-month period beginning on the date of the enactment of this Act, no State may have in effect or enforce with respect to commercial motor vehicles any State law or regulation pertaining to commercial motor vehicle safety which the Secretary finds under this section may not be in effect and enforced.

(b)(1) Not later than 18 months after the date of the enactment of this Act and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of such laws and regulations pertain to commercial motor vehicle safety.

(2) Within 12 months after the date on which the Secretary issues any regulation under section 206 or within 12 months after the date on which a State law or regulation is determined under paragraph (1) to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel—

(A) shall determine if such law or regulation—

(i) has the same effect as;

(ii) is less stringent than; or

(iii) is additional to or more stringent than;

the regulation issued by the Secretary under section 206; and

(B) shall determine with respect to any State law or regulation which is determined under subparagraph (A) to be additional to or more stringent than the regulation issued by the Secretary under section 206 if—

(i) there is no safety benefit associated with such State law or regulation;

(ii) such State law or regulation is incompatible with the regulation issued by the Secretary under section 206; or

(iii) enforcement of such State law or regulation would be an undue burden on interstate commerce; and

(C) shall notify the Secretary of the determinations made under this subsection with respect to such State law or regulation.

(c)(1) The Secretary shall review each State law and regulation pertaining to commercial motor vehicle safety. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation under subsection (b), the Secretary (A) shall conduct a rulemaking proceeding to determine in accordance with the provisions of this subsection whether or not such law or regulation may be in effect and enforced with respect to commercial motor vehicles, and (B) shall issue a final rule in such rulemaking proceeding.

(2) If the Secretary finds that the State law or regulation has the same effect as a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(3) If the Secretary finds that the State law or regulation is less stringent than a regulation issued by the Secretary under section

Regulations.

206, the State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act.

(4) If the Secretary finds that the State law or regulation is additional to or more stringent than a regulation issued by the Secretary under section 206, the State law or regulation may be in effect and enforced with respect to commercial motor vehicles after the last day of the 60-month period beginning on the date of the enactment of this Act; except that if the Secretary finds that—

(A) there is no safety benefit associated with such State law or regulation;

(B) such State law or regulation is incompatible with the regulation issued by the Secretary under section 6; or

(C) enforcement of such State law or regulation would be an undue burden on interstate commerce;

such State law or regulation shall not have effect and be enforced with respect to commercial motor vehicles after the last day of such 60-month period.

(5)(A) In making any determination with respect to any State law or regulation under this subsection, the Secretary shall give great weight to the corresponding determination made by the Safety Panel with respect to such State law or regulation under subsection (b).

(B) In determining under paragraph (4) whether or not a law or regulation of a State will unduly burden interstate commerce, the Secretary may consider the effect upon interstate commerce of implementation of such law or regulation along with implementation of all similar laws and regulations of other States.

(d)(1) Any person (including any State) may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation may not be in effect and enforced under this section. The Secretary shall grant such waiver, as expeditiously as possible, if such person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles.

(2) The decision to grant or deny a petition for a waiver submitted under this subsection shall only be made after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

(e) The Secretary may consolidate rulemaking proceedings under this section if the Secretary determines that such consolidation will not adversely affect any party to any of such proceedings.

(f) Not later than 10 days after making a determination under subsection (c) that a State law or regulation may not be in effect and enforced, the Secretary shall notify, in writing, such State of such determination.

(g)(1) Not later than 60 days after the Secretary makes a determination under subsection (c) with respect to a State law or regulation or grants or denies a petition for a waiver under subsection (d), any person (including any State) adversely affected by such determination or the grant or denial of such petition may file, with the United States court of appeals for the District of Columbia or for the circuit in which such person resides or has his principal place of business a petition for judicial review of such determination or the grant or denial of such petition.

(2) Upon the filing of a petition under paragraph (1) of this subsection, the court shall have jurisdiction to review in accordance with chapter 7 of title 5, United States Code, such determination or

Courts, U.S.

5 USC 701 *et seq.*

the grant or denial of the petition for such waiver and to grant appropriate relief, including interim relief, as provided in such chapter.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such determination or the grant or denial of the petition for such waiver shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

(h) The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period referred to in section 207(a) and subsections (a) and (c) of this section.

(i) After the last day of the 48-month period beginning on the date of the enactment of this Act, the Secretary, on his or her own initiative or on petition of any interested person (including any State), may initiate a rulemaking proceeding to review under this section any State law or regulation pertaining to commercial motor vehicle safety.

COMMERCIAL MOTOR VEHICLE SAFETY REGULATORY REVIEW PANEL

49 USC app.
2508.

SEC. 209. (a) As soon as practicable after the date of enactment of this Act, the Secretary shall establish a panel to analyze and review State laws and regulations under sections 207 and 208 of this Act. The panel established under this section shall be known as the "Commercial Motor Vehicle Safety Regulatory Review Panel".

(b) The Safety Panel shall—

(1) carry out those duties designated to be carried out by the Safety Panel under sections 207 and 208 of this Act;

(2) conduct a study—

(A) to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued by the Secretary under section 206; and

(B) to determine other methods of furthering the objectives of this title; and

(3) make recommendations to the Secretary based on the results of such study.

(c) The Safety Panel shall be composed of 15 members as follows:

(1) The Secretary or his or her delegate.

(2) Seven individuals appointed by the Secretary from among persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(3) Seven individuals appointed by the Secretary from among persons who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of such appointments shall be made from names submitted by the Committee on

Commerce, Science, and Transportation of the Senate, and the other half of such appointments, from names submitted by the Committee on Public Works and Transportation of the House of Representatives. Each of such committees shall submit to the Secretary the names of twenty individuals qualified to serve on the Safety Panel.

(d)(1) A vacancy in the Safety Panel shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(2) Eight members of the Safety Panel shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(3) The Chairman of the Safety Panel shall be the Secretary.

(4) The Safety Panel shall meet at the call of the Chairman or a majority of its members.

(5) Members of the Safety Panel shall be appointed for a term of seven years.

(6) Members of the Safety Panel shall serve without pay, except that they shall receive per diem and travel expenses in accordance with section 5703 of title 5, United States Code.

(e) Upon request of the Safety Panel, the Secretary shall detail such of the personnel of the Department of Transportation to the Safety Panel as may be necessary to assist the Safety Panel in carrying out its duties under this title.

(f) Upon request of the Safety Panel, the Secretary shall provide such office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary for the Safety Panel to carry out its duties under this title.

(g) The Safety Panel or any member authorized by the Safety Panel may, for the purpose of carrying out the duties of the Safety Panel under this title, hold such hearings, sit and act at such time and places, take such testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel under this title. Any member of the Safety Panel may administer oaths or affirmations to witnesses appearing before the Safety Panel or before such member.

(h) Subject to such rules as the Safety Panel may prescribe, the Chairman of the Safety Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

INSPECTION

SEC. 210. (a) Upon the instruction of a duly authorized State or Federal enforcement official, each commercial motor vehicle shall be required to pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations.

49 USC app.
2509.

(b) The Secretary shall, by rule, establish Federal standards for inspections of commercial motor vehicles and retention by employers of records of such inspections. Such standards shall provide for annual or more frequent inspections of commercial motor vehicles unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. For purposes of this title, such standards shall be deemed to be regulations issued by the Secretary under section 206.

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(c) Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to afford interested

Federal
Register,
publication.
Effective date.

49 USC app.
2302.

parties an opportunity to comment on such part 393 and the inspection and retention procedures established pursuant to subsection (b) of this section. Amendments to the regulations shall be issued and published in the Federal Register not later than one year after such rulemaking is initiated. The amended regulations shall become effective on the date on which they are published in the Federal Register.

(d)(1) Except as provided in paragraph (2), nothing in section 402 of the Surface Transportation Assistance Act of 1982 or section 208 or any other provision of this title shall be construed as—

(A) preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which the Secretary determines is as effective as the Federal standards established under subsection (b);

(C) preventing any State from having in effect and enforcing a program for inspection of commercial motor vehicles which meets the requirements for membership in the Commercial Vehicle Safety Alliance as such requirements were in effect on the date of the enactment of this Act; and

(D) requiring any State which has in effect and is enforcing a program described in subparagraph (B) or (C) to enforce any Federal standard established under subsection (b) or to adopt any provision pertaining to inspection of commercial motor vehicles in addition to such program in order to comply with such Federal standards.

(2) If, after notice and an opportunity for a hearing, the Secretary determines that any State which has in effect and is enforcing a program described in paragraph (1)(C) of this subsection is not enforcing such program in a manner which achieves the objectives of this section, and if, after making such determination, the Secretary provides such State with a six month period in which to improve the enforcement of such program to achieve the objectives of this section, the Federal standards established under subsection (b) shall preempt such program with respect to the inspection of commercial motor vehicles in such State and such program shall not be in effect and enforced with respect to such vehicles.

(e) A periodic inspection of a commercial motor vehicle in accordance with the Federal standards established under subsection (b) or in accordance with a program described in subparagraph (B) or (C) of subsection (d)(1) which is in effect and being enforced shall be recognized as adequate in every State for the period of such inspection. The provisions of this subsection shall not be deemed to prohibit a State from making random inspections of commercial motor vehicles.

(f) The Federal standards established under subsection (b) shall have no effect and shall not be enforced with respect to the inspection of commercial motor vehicles in any State which has in effect and is enforcing a program described in subparagraph (B) or (C) of subsection (d)(1) if the Secretary determines that such Federal standards not having effect and being enforced with respect to such inspection is in the public interest and consistent with public safety.

POWERS OF THE SECRETARY

SEC. 211. (a) The Secretary may conduct, directly or indirectly, such studies and such development, demonstration, and training activities as the Secretary considers appropriate to develop regulations authorized to be issued under section 206 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such regulations.

49 USC app.
2510.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpoenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing record-keeping and reporting requirements; and carrying out and contracting for studies, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or regulations issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302). The Secretary may delegate to a State which is receiving a grant under such section such functions respecting the enforcement (including investigations) of the provisions of this title and regulations issued under this title as the Secretary determines appropriate to carry out such provisions and regulations.

(c) To carry out the Secretary's inspection and investigation functions under subsection (b) of this section, the Secretary or the Secretary's agent shall, as appropriate, consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 212. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a substantial violation of any regulation issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

49 USC app.
2511.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within the Secretary's authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

Confidentiality.

PENALTIES

SEC. 213. (a) Section 507 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d), and any references thereto, as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) The Attorney General, at the request of the Secretary, may bring an action in an appropriate district court of the United States for equitable relief to redress a violation by any person of a provi-

Courts, U.S.

Ante, p. 2832.

sion of section 3102 of this title or the Motor Carrier Safety Act of 1984, or an order or regulation issued under such section or Act. Such district court shall have jurisdiction to determine any such action and may grant such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages."

(b) Section 521(b) of title 49, United States Code, is amended to read as follows:

49 USC 3102.

"(b)(1) If the Secretary finds that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984, or a violation of a regulation issued under such section or Act, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

"(2) Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of a recordkeeping requirement issued by the Secretary pursuant to section 3102 of this title or the Motor Carrier Safety Act of 1984 shall be liable to the United States for a civil penalty not to exceed \$500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single violation shall not exceed \$2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, the Secretary may assess a civil penalty not to exceed \$1,000 for each offense; except that the maximum fine for each such pattern of safety violations shall not exceed \$10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, the Secretary may assess a civil penalty not to exceed \$10,000 for each offense. Notwithstanding any other provision of this section, except for recordkeeping violations, no civil penalty shall be assessed under this section against an employee for a violation unless the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed \$1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

"(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice

in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of section 3102 of this title or the Motor Carrier Safety Act of 1984, as the case may be.

"(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

49 USC 3102.
Ante, p. 2832.
Courts, U.S.

"(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of section 3102 of this title or the Motor Carrier Safety Act of 1984 or a regulation issued under such section or Act, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

"(B) In this paragraph, 'imminent hazard' means any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

"(6) Any person who knowingly and willfully violates any provision of section 3102 of this title, the Motor Carrier Safety Act of 1984, or a regulation issued under such section or Act shall, upon conviction, be subject for each offense for a fine not to exceed \$25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be liable, upon conviction, for a fine not to exceed \$2,500.

"(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

Regulations.

"(8) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

Courts, U.S.

"(9) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

"(10) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

18 USC app.

"(11) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(12) The provisions of this subsection shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation promulgated by the Secretary under such Act.

Ante, p. 2833.

"(13) As used in this subsection, the terms 'commercial motor vehicle', 'employee', 'employer', and 'State' have the meaning such terms have under section 4 of the Motor Carrier Safety Act of 1984."

(c) Section 526 of title 49, United States Code, is amended—

(1) by inserting after "chapter" the first place it appears the following: "section 3102 of this title, or the Motor Carrier Safety Act of 1984"; and

(2) by inserting after "chapter" the second and third places it appears the following: "or such section or Act".

Study.
49 USC 521 note.

(d) The Secretary shall conduct a study of the effectiveness of the civil and criminal penalties established by the amendments made by this section in deterring violations of the commercial motor vehicle safety regulations issued under this title and in effectively prosecuting such violations when they occur. Such study shall examine the effectiveness of penalties in effect before the date of enactment of this Act in comparison to the penalties established by the amendments made by this title. Such study shall also investigate the need for, and make recommendations concerning, increased fine levels for civil and criminal penalties, and the need for additional categories of civil and criminal penalties to deter further, and prosecute effectively, violations of such commercial motor vehicle safety regulations. The Secretary shall submit to Congress a report on the findings of this study, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

Report.

LITIGATION AUTHORITY

49 USC
app. 2313.

SEC. 214. Section 413 of Surface Transportation Assistance Act of 1982 (49 U.S.C. 2313) is amended by striking "The Secretary, or, on" and inserting in lieu thereof "On".

CERTIFICATION OF SAFETY FITNESS

Regulations.
49 USC app.
2512.

SEC. 215. (a) The Secretary, in cooperation with the Interstate Commerce Commission, shall by rule, after notice and opportunity for comment, establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under sections 10922 and 10923 of title 49, United States Code. Such procedure shall include—

(1) specific initial and continuing requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making fitness determinations.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the procedure established under subsection (a) of this section.

(c) The rules adopted under this section shall supersede all Federal rules regarding safety fitness and safety rating of motor carriers in effect on the date of enactment of this Act.

(d) Notwithstanding any other provision of law, the Interstate Commerce Commission (1) shall find any applicant for authority to operate as a motor carrier to be unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section, and (2) shall deny such application.

HEAVY TRUCK STUDY

SEC. 216. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. Such study shall include an examination of the handling, braking, stability, and crashworthiness of heavy trucks, and an examination of the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. Not later than September 30, 1986, the Secretary shall submit to the Congress a report on the findings of such study.

49 USC app.
2513.

Report.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to conduct the study required under subsection (a) of this section.

Appropriation
authorization.

TRUCK OCCUPANT PROTECTION

SEC. 217. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck-occupant safety. Such study shall also include potential performance standards, if any, to be met by truck manufacturers. In carrying out such study, the Secretary shall consult with truck manufacturers, employee representatives, truck operators, and other interested parties. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than two years after the date of the enactment of this Act.

Study.
49 USC app.
2514.

Report.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by subsection (a) of this section.

Appropriation
authorization.

STUDY OF SAFETY PERFORMANCE OF COMMERCIAL MOTOR VEHICLES

SEC. 218. (a) The Secretary shall conduct a study of the safety performance of commercial motor vehicles. The study shall examine the effectiveness of individual State regulations governing the operations of such vehicles in promoting safety. Such study shall also investigate the need to subject such operations, in whole or in part, to the commercial motor vehicle safety regulations issued under this title. The Secretary shall submit to Congress a report on the find-

49 USC app.
2515.

Report.

ings of the investigation and study conducted under this subsection not later than two years after the date of the enactment of this Act.

(b) For purposes of this subsection, the term "commercial motor vehicle" means any self-propelled or towed vehicle used on highways in intrastate commerce to transport passengers or property if such vehicle is described in subparagraph (A), (B), or (C) of section 204(1) of this Act.

STUDY OF SAFETY-RELATED DEVICES

49 USC app.
2516.

SEC. 219. (a) The Secretary shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. The Secretary shall submit to the Congress a report containing the findings of this study not later than 18 months after the date of the enactment of this Act.

Report.

Appropriation
authorization.

(b) There are authorized to be appropriated for fiscal years 1986 and 1987 such sums as may be necessary to undertake the study required by this section.

SAFETY STUDY; FEDERAL COORDINATION

49 USC app.
2517.

SEC. 220. (a) The Secretary, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, shall undertake a study of significant health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. The findings of such study shall be submitted to the Congress within one year after the date of the enactment of this Act.

(b) The Secretary shall coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to assure maximum coordination and to avoid overlap and the imposition of undue burdens on persons subject to regulations under this title.

RELATIONSHIP TO OTHER LAW

49 USC app.
2518.

SEC. 221. Except as provided in section 206(b), the provisions of this title and the regulations issued under this title shall not affect any provision of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1812) or any regulation issued by the Secretary under such Act.

AMENDMENT TO THE MOTOR CARRIER ACT OF 1980

SEC. 222. (a) Section 30(b)(3) of the Motor Carrier Act of 1980 (49 U.S.C. 10927 note) is amended—

(1) by striking out “and” at the end of clause (A); and
(2) by striking out the period at the end of such section and inserting in lieu thereof the following: “, and (C) in the case of any farm vehicle transporting any such material or substance in interstate commerce other than in bulk, the Secretary, by regulation, may reduce such amount if the Secretary finds that such reduction will not adversely affect public safety.”.

(b) Section 30(g) of such Act is amended by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively, and inserting before paragraph (2), as so redesignated, the following new paragraph:

49 USC 10927
note.

“(1) ‘farm vehicle’ means any vehicle which (A) is designed or adapted and used exclusively for agricultural purposes, (B) is operated by a motor private carrier (as such term is defined under section 10102 of title 49, United States Code), and (C) is only incidentally operated on highways;”.

SPLASH AND SPRAY SUPPRESSANT DEVICES

SEC. 223. Section 414(b) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2314(b)) is amended—

49 USC app.
2314.

(1) in paragraph (2) by striking out “two years after the date of the enactment of this title,” and inserting in lieu thereof “one year after the date on which the standards are established under paragraph (1) of this subsection;” and

(2) in paragraph (3) by striking out “five years after the date of the enactment of this title,” and inserting in lieu thereof “four years after the date on which the standards are established under paragraph (1) of this subsection;”.

FOREIGN BUS CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

SEC. 224. Section 18(d) of the Bus Regulatory Reform Act of 1982 (49 U.S.C. 10927 note) is amended—

(1) by striking out “(d) Financial” and inserting in lieu thereof “(d)(1) Subject to paragraph (2) of this subsection, financial”; and

(2) by adding at the end thereof the following new paragraph:
“(2)(A) Any person domiciled in any contiguous foreign country who provides transportation by motor vehicle to which any of the minimal levels of financial responsibility established under this section apply shall have evidence of such financial responsibility in such motor vehicle at any time such person is providing such transportation.

“(B) The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not evidence of financial responsibility required to be in such vehicle by subparagraph (A) of this paragraph.”.

EXTENSION OF MORATORIUM ON CERTIFICATION OF FOREIGN MOTOR CARRIERS

SEC. 225. (a) Section 10922(l)(1) of title 49, United States Code, is amended by striking out “two-year” each place it appears and inserting in lieu thereof “four-year”.

(b) The second sentence of such section is amended by inserting after "such moratorium" the following: "or impose such a moratorium".

(c) The amendments made by this section shall take effect on September 19, 1984.

Effective date.
49 USC 10922
note.

CERTIFICATES OF REGISTRATION FOR FOREIGN MOTOR CARRIERS

SEC. 226. (a)(1) Subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following new section:

49 USC 10530.

"§ 10530. Certificates of registration for certain foreign carriers

"(a) In this section—

"(1) 'registrable year' means the six-month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter.

"(2) 'foreign motor carrier' means a motor carrier of property—

49 USC 10922.

"(A) which does not hold a certificate issued under section 10922 of this title or a permit issued under section 10923 of this title; and

49 USC 10923.

"(B)(i) which is domiciled in any contiguous foreign country; or

"(ii) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

"(3) 'foreign motor private carrier' means a motor private carrier—

"(A) which is domiciled in any contiguous foreign country; or

"(B) which is owned or controlled by persons of any contiguous foreign country and is not domiciled in the United States.

49 USC 10526.

"(4) 'exempt items' means items described in paragraphs (4), (6), (11), (12), (13), and (15) of section 10526(a) of this subchapter and items transported under paragraph (5) of such section.

49 USC 10521.

"(5) 'interstate transportation' means transportation described in section 10521(a) of this subchapter and transportation in the United States exempt from the jurisdiction of the Commission under section 10526(b)(1) of this subchapter.

"(b)(1) Except as provided in this section, no foreign motor carrier may provide interstate transportation of exempt items in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

"(2) Except as provided in this section, no foreign motor private carrier may provide interstate transportation of property (including exempt items) in any registrable year unless the Commission has issued to the carrier a certificate of registration under this section authorizing the carrier to provide such transportation in such year.

49 USC 10321.

5 USC 551.

"(c) Without regard to subchapter II of chapter 103 of this title and subchapter II of chapter 5 of title 5, the Commission shall issue a certificate of registration to any foreign motor carrier authorizing the carrier to provide interstate transportation of exempt items in any registrable year, and to any foreign motor private carrier

authorizing the carrier to provide interstate transportation of property (including exempt items) in any registrable year, if—

“(1) the Commission finds that the carrier is fit, willing, and able—

“(A) to provide the transportation to be authorized by the certificate; and

“(B) to comply with this subtitle and regulations of the Commission; and

“(2) the carrier demonstrates to the satisfaction of the Commission that the carrier has paid (or will pay in a timely manner) all taxes imposed by section 4481 of the Internal Revenue Code of 1954 on any motor vehicle which such carrier operated in the United States in the most recent taxable period (as such term is defined under section 4482(c) of such Code) ending before the first day of such registrable year.

26 USC 4481.

26 USC 4482.

“(d) A foreign motor carrier and a foreign motor private carrier must file an application with the Commission for a certificate of registration under this section to provide interstate transportation. The Commission may approve any part of the application or deny the application. The application must—

“(1) be under oath;

“(2) contain such information as the Commission may require by regulation; and

“(3) be filed with the Commission at such times as the Commission may require by regulation.

“(e) The requirement that foreign motor carriers and foreign motor private carriers issued certificates of registration under this section be fit, willing, and able means—

“(1) safety fitness; and

“(2) proof of minimum financial responsibility—

“(A) under section 30 of the Motor Carrier Act of 1980, in the case of a foreign motor carrier or foreign motor private carrier which provides transportation in the United States of an item referred to in subsection (b)(1) of such section; and

Ante, p. 2846.

“(B) under the laws of the State or States in which the carrier is operating, in the case of a foreign motor private carrier which provides interstate transportation in the United States of property (other than an item referred to in such subsection).

“(f) Each certificate of registration issued under this section shall specify the transportation to be provided under the certificate.

“(g)(1) Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section shall have a copy of such certificate in such motor vehicle at any time such vehicle is being used to provide such transportation.

“(2) The Commission, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration required to be in such vehicle by paragraph (1) of this subsection.

“(h) When a certificate of registration is issued under this section, the Commission may prescribe such conditions on the transportation to be provided under the certificate as may be necessary to carry out the objectives of this section.

“(i)(1) Subject to paragraph (3) of this subsection, this section shall not apply with respect to any contiguous foreign country with

respect to which a moratorium is not in effect under section 10922(1) of this title on the effective date of this section.

President of U.S.

"(2) The President of the United States may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies, in writing, the Congress of such waiver before the date on which such waiver is to take effect. In any case in which the requirements of this section apply with respect to a contiguous foreign country which substantially prohibits grants of authority to persons from the United States to provide transportation by motor vehicle for compensation in such foreign country, such waiver shall not take effect before the 60th day following the date on which the Congress is notified of such waiver.

"(3) The President of the United States may, by order, make the requirements of this section applicable with respect to any contiguous foreign country if—

"(A) the President determines that making such requirements so applicable is in the national interest; and

"(B) the President—

"(i) notifies, in writing, the Congress of the issuance of such order; and

"(ii) has published a copy of such order in the Federal Register;

Federal
Register,
publication.

at least 30 days before such order takes effect."

(2) The analysis for subchapter II of chapter 105 of title 49, United States Code, is amended by adding at the end thereof the following:

"10530. Certificates of registration for certain foreign carriers."

(b)(1) The first sentence of section 10922(1)(1) of title 49, United States Code, is amended—

(A) by striking out "or any permit" and inserting in lieu thereof "any permit"; and

(B) by inserting after "contract carrier," the following: "or any certificate of registration under section 10530 of this title to any motor carrier of property or motor private carrier,".

49 USC 10922

(2) Section 10922(1)(2) of such title is amended by inserting "(A)" after "(2)" and by adding at the end thereof the following new subparagraph:

"(B)(i) Subject to the provisions of this subparagraph, during a moratorium imposed under paragraph (1) of this subsection with respect to any contiguous foreign country or political subdivision thereof, the Commission may issue certificates of registration under section 10530 of this subtitle to motor carriers of property and motor private carriers domiciled in such country or political subdivision and to motor carriers of property and motor private carriers owned or controlled by persons of such country or political subdivision.

Ante, p. 2848.

"(ii) Subject to clause (iv) of this subparagraph, if the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision or is a motor carrier of property owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of exempt items in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the

United States that is adjacent to, and commercially a part of, the municipality or municipalities.

“(iii) Subject to clause (v) of this subsection, if the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision or is a motor private carrier owned or controlled by persons of the foreign country or political subdivision, such certificate may only authorize such carrier to provide transportation of property (including exempt items) in a municipality in the United States which is adjacent to the foreign country or political subdivision, in contiguous municipalities in the United States any one of which is adjacent to the foreign country or political subdivision, or in a zone in the United States that is adjacent to, and commercially a part of, the municipality or municipalities.

“(iv) If the person to be issued the certificate of registration during the moratorium is a motor carrier of property domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of exempt items.

“(v) If the person to be issued the certificate of registration during the moratorium is a motor private carrier domiciled in the foreign country or political subdivision and owned or controlled by persons of the United States, such certificate may only authorize such carrier to provide interstate transportation of property (including exempt items).

“(vi) In this subparagraph, the terms ‘exempt items’ and ‘interstate transportation’ have the meanings such terms have under section 10530(a) of this title.”.

Ante, p. 2848.

(c)(1) Section 10322(a) of title 49, United States Code, is amended by inserting “10530,” after “10525(c),”.

(2) The first sentence of section 10927(a)(1) of such title is amended—

49 USC 10927.

(A) by inserting “and a certificate of registration to a motor carrier or motor private carrier under section 10530 of this title” after “10923 of this title”;

(B) by striking out “or section 18” and inserting in lieu thereof “section 18”; and

(C) by inserting before the period at the end of such sentence “, or the laws of the State or States in which the carrier is operating, in the case of a motor private carrier”.

(3) Section 10927(a)(2) of such title is amended by inserting “and a foreign motor private carrier (as such term is defined under section 10530(a)(3) of this title)” after “A motor carrier”.

(4) Section 11701 of such title is amended—

49 USC 11701.

(A) in subsection (a) by inserting after the second sentence the following new sentence: “If the Commission finds that a motor private carrier is violating section 10530 of this subtitle, the Commission shall take appropriate action to compel compliance with such section.”; and

Ante, p. 2848.

(B) by striking out the period at the end of the first sentence in subsection (b) and inserting in lieu thereof “or a motor carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title.”.

(5) Section 11702(a)(4) of such title is amended by inserting before the semicolon at the end thereof the following: “or by a motor

49 USC 11702.

carrier or motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title”.

49 USC 11901

(6) Section 11901(g) of such title is amended—

(A) by inserting “or transportation provided under a certificate of registration issued under section 10530 of this title” after “chapter 105 of this title”;

(B) by striking out “, or (4)” and inserting in lieu thereof “, (4)”; and

(C) by inserting “or (5) does not comply with section 10530 of this title,” before “is liable to”.

49 USC 11914.

(7) Section 11914(b) of such title is amended—

(A) by striking out “this title,” and inserting in lieu thereof “this title”; and

(B) by inserting after “1966,” the following: “or a condition of a certificate of registration issued under section 10530 of this title.”

Effective date.
49 USC 10530
note.

(d) The amendments made by this section shall take effect May 1, 1985, except that the Interstate Commerce Commission may issue before such date such regulations as may be necessary to carry out the amendments made by this section beginning on such date.

TECHNICAL AMENDMENTS

SEC. 227. (a)(1) Section 11901 of title 49, United States Code, is amended—

(A) in subsection (g) by striking out “(h)” and inserting in lieu thereof “(i)”;

(B) by redesignating the subsection beginning “(h)(1) Any person required” and subsections (i), (j), and (k), and any references thereto, as subsections (i), (j), (k), and (l), respectively;

(C) in subsection (j)(1), as redesignated by subparagraph (A), by inserting “of” after “paragraph (3)”; and

(D) in subsection (l)(2), as redesignated by subparagraph (A), by striking out “(i)(1), or (j)” and inserting in lieu thereof “(i), (j)(1), or (k)”.

49 USC 10934.

(2) Section 10934(c) of such title is amended by striking out “11901(j)” each place it appears and inserting in lieu thereof “11901(k)”.

49 USC 11348.

(3) Section 11348(a) of such title is amended by striking out “(k)(1)” and inserting in lieu thereof “(l)(1)”.

(4) Section 2342(5) of title 28, United States Code, is amended by striking out “11901(i)(2)” and inserting in lieu thereof “11901(j)(2)”.

(b)(1) Chapter 107 of title 49, United States Code, is amended by redesignating the second section 10734, and any references thereto, as section 10735.

(2) The analysis for such chapter is amended by striking out “10734. Household” and inserting in lieu thereof “10735. Household”.

(c) Section 10526(a) of title 49, United States Code, is amended by redesignating the second paragraph (14), and any references thereto, as paragraph (15).

EMPLOYEE PROTECTION

49 USC app.
2301.

SEC. 228. (a) Paragraph (2) of section 401 of the Surface Transportation Assistance Act of 1982 is amended by striking out “, nor does” and all that follows through the semicolon at the end of such paragraph and inserting in lieu thereof a semicolon.

(b) The amendment made by subsection (a) shall take effect on the last day of the two year period beginning on the date of the enactment of this Act.

Effective date.
49 USC app. 2301
note.

(c) The Secretary, in consultation with the Secretary of Labor, shall conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 should be amended to provide protection to individuals employed by a commercial motor carrier engaged in the transportation of passengers. Not later than twelve months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of such study.

Study.
49 USC app. 2301
note.

Report.

LIMITATION ON AUTHORITY

SEC. 229. (a) Nothing in this title confers authority on the Secretary to (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations; except that the Secretary may establish or maintain such Federal regulations to the extent that the subject matter of such regulations is, on the date of the enactment of this Act, regulated under parts 390 to 399 of title 49 of the Code of Federal Regulations.

49 USC app.
2519.

(b) Nothing in this title confers authority on the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

OVERSIGHT

SEC. 230. The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first five years following the date of enactment of this Act, to ensure that this Act is being implemented according to congressional intent and the purposes of this title.

49 USC app.
2520.

Approved October 30, 1984.

LEGISLATIVE HISTORY—S. 2217:

SENATE REPORT No. 98-505 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 130 (1984):

Oct. 2, considered and passed Senate.

Oct. 11, considered and passed House, amended; Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 44 (1984):

Oct. 30, Presidential statement.