

§ 31315. Waiver authority

After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31315, 49 App.:2711, Oct. 27, 1986, Pub. L. 99-570, §12013, 100 Stat. 3207-186.

The words "Notwithstanding any other provision of this chapter" are omitted as surplus.

§ 31316. Limitation on statutory construction

This chapter does not affect the authority of the Secretary of Transportation to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or a lesser gross vehicle weight rating the Secretary decides is appropriate under section 31301(4)(A) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31316, 49 App.:2714, Oct. 27, 1986, Pub. L. 99-570, §12017, 100 Stat. 3207-187.

The words "This chapter does not affect" are substituted for "Nothing in this chapter shall be construed to diminish, limit, or otherwise affect" to eliminate unnecessary words.

§ 31317. Procedure for prescribing regulations

Regulations prescribed by the Secretary of Transportation to carry out this chapter (except section 31307) shall be prescribed under section 553 of title 5 without regard to sections 556 and 557 of title 5.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31317, 49 App.:2715, Oct. 27, 1986, Pub. L. 99-570, §12018, 100 Stat. 3207-187.

The text of 49 App.:2715(a) is omitted as surplus because of 49:322(a). The words "(except section 31307)" are added because the source provisions restated in this section do not apply to the source provisions restated in section 31307 of the revised title.

CHAPTER 315—MOTOR CARRIER SAFETY

Sec. 31501. Definitions.

Sec. 31502. Requirements for qualifications, hours of service, safety, and equipment standards. 31503. Research, investigation, and testing. 31504. Identification of motor vehicles.

HISTORICAL AND REVISION NOTES

Chapter 315 is a restatement of existing chapter 31 of title 49, United States Code, that is redesignated as chapter 315 by section 1(c) of the bill.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 104, 302, 501 of this title.

§ 31501. Definitions

In this chapter—

(1) "migrant worker" means an individual going to or from employment in agriculture as provided under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)) or section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) "motor carrier", "motor common carrier", "motor private carrier", "motor vehicle", and "United States" have the same meanings given those terms in section 10102 of this title.

(3) "motor carrier of migrant workers"—

(A) means a person (except a motor common carrier) providing transportation referred to in section 10521(a) of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

(B) does not include a migrant worker providing transportation for migrant workers and their immediate families.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2438, §3101; renumbered §31501 and amended Pub. L. 103-272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 103-429, §6(26), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES

PUB. L. 97-449

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows: 3101(1), 3101(2), 3101(3).

In clause (1), the words "going to or from" are substituted for "proceeding to or returning from" for clarity.

Clause (2) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the quoted definitions are found in the revision notes for section 10102 of the revised title.

In clause (3), the words "including any 'contract common carrier by motor vehicle'" are omitted as covered by the definition of "motor carrier". The words "referred to in section 10521(a) of this title" are substituted for "in interstate or foreign commerce" for clarity and consistency in the revised title. The word "except" is substituted for "but not including" for clarity. The words "at least" are substituted for "or more", and the words "but the term does not include" are substituted for "except", for consistency.

PUB. L. 103-429

This amends 49:31501(1) to correct an erroneous cross-reference.

AMENDMENTS

1994—Pub. L. 103-272 renumbered section 3101 of this title as this section and amended it generally, restating it without substantive change.

Par. (1). Pub. L. 103-429 substituted “section 3(f)” for “section 203(f)”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 501 of this title.

**§ 31502. Requirements for qualifications, hours of service, safety, and equipment standards**

(a) APPLICATION.—This section applies to transportation—

(1) described in sections 10521 and 10522 of this title; and

(2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) MOTOR CARRIER AND PRIVATE MOTOR CARRIER REQUIREMENTS.—The Secretary of Transportation may prescribe requirements for—

(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and

(2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) MIGRANT WORKER MOTOR CARRIER REQUIREMENTS.—The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker—

(1) at least 75 miles; and

(2) across the boundary of a State, territory, or possession of the United States.

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

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2438, § 3102; Pub. L. 98-554, title II, § 206(h), Oct. 30, 1984, 98 Stat. 2835; renumbered § 31502 and amended Pub. L. 103-272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1029.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3102(a) .....	(no source).	
3102(b)(1) ....	49:304(a)(1)-(2) (related to qualifications, hours of service, and safety).	Feb. 4, 1887, ch. 104, 24 Stat. 379. § 204(a)(1)-(2) (related to qualifications, hours of service, and safety), (3) (1st sentence); added Aug. 9, 1935, ch. 498, 49 Stat. 546.
3102(b)(2) ....	49:304(a)(3) (1st sentence). 49:1655(e)(6)(C).	Oct. 15, 1966, Pub. L. 89-670, § 6(e)(6)(C), 80 Stat. 939.
3102(c) .....	49:304(a)(3a) (1st sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379. § 204(a)(3a) (1st sentence); added Aug. 3, 1956, ch. 905, § 2, 70 Stat. 958.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49:1655(e)(6)(C).	

Throughout the chapter, the words “Secretary of Transportation” are substituted for “Interstate Commerce Commission” because 49:1655(e)(6)(B)-(D) transferred the authority of the Interstate Commerce Commission under the provisions restated in this chapter to the Secretary of Transportation.

Subsection (a) is included to maintain the jurisdictional scope of the source provisions from which subsections (b) and (c) of the revised section are taken. Subsections (b) and (c) are based on 49:304 which, as part of 49:ch. 8, is now restated as subchapter II of chapter 105 of the revised title. In addition, 49:303(a)(11) (last sentence) extended the jurisdictional scope of 49:304 as provided in subsection (a) of the revised section.

In subsection (b), before clause (1), the words “and to that end” are omitted as surplus. The word “prescribe” is substituted for “establish” for consistency. The word “reasonable” is omitted as surplus.

In subsection (b)(1), the words “as provided in this chapter” are omitted as unnecessary because of the restatement. The term “motor carrier” is substituted for “common carriers by motor vehicle” and “contract carriers by motor vehicle” because they are inclusive.

In subsection (b)(2), the words “when needed” are substituted for “if need therefor is found” to eliminate unnecessary words.

In subsection (c), the word “prescribe” is substituted for “establish” for consistency. The word “reasonable” is omitted as surplus. The words “for a total distance of” are omitted as unnecessary because of the restatement. The words “at least” are substituted for “more than” for consistency. The word “line” is omitted as surplus. The words “possession of the United States” are added for consistency in the revised title. The words “a foreign country” and “the District of Columbia” are omitted as unnecessary because a carrier crossing the boundary of a foreign country or the District of Columbia into or from the United States would necessarily cross the boundary of a State and be covered by the provision related to a State.

AMENDMENTS

1994—Pub. L. 103-272 renumbered section 3102 of this title as this section and amended it generally, restating it without substantive change.

1984—Subsec. (d). Pub. L. 98-554 added subsec. (d).

SAVINGS PROVISION

Pub. L. 100-690, title IX, § 9102(c), Nov. 18, 1988, 102 Stat. 4529, provided that: “The amendment made by subsection (a) [amending section 2505 of former Title 49, Transportation] shall not be construed as having any effect on the enactment of subsection (d) of section 3102 [now 31502] of title 49, United States Code, which subsection (d) was added to such section by section 206(h) of the Motor Carrier Safety Act of 1984 [Pub. L. 98-554] on October 30, 1984.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 507, 521, 526, 31504 of this title.

**§ 31503. Research, investigation, and testing**

(a) GENERAL AUTHORITY.—The Secretary of Transportation may investigate and report on the need for regulation by the United States Government of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter II of chapter 105 of this title and a motor private carrier. The Sec-

retary shall use the services of each department, agency, or instrumentality of the Government and each organization of motor carriers having special knowledge of a matter being investigated.

(b) USE OF SERVICES.—In carrying out this chapter, the Secretary may use the services of a department, agency, or instrumentality of the Government having special knowledge about safety, to conduct scientific and technical research, investigation, and testing when necessary to promote safety of operation and equipment of motor vehicles. The Secretary may reimburse the department, agency, or instrumentality for the services provided.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2439, § 3103; renumbered § 31503 and amended Pub. L. 103-272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1030.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3103(a) .....	49:325.  49:1655(e)(6)(B).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 226; added Aug. 9, 1935, ch. 498, 49 Stat. 566; Sept. 18, 1940, ch. 722, § 26(b), 54 Stat. 929. Oct. 15, 1966, Pub. L. 89-670, § 6(e)(6)(B), (C), 80 Stat. 939.
3103(b) .....	49:304(a)(5).  49:1655(e)(6)(C).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 204(a)(5); added Aug. 9, 1935, ch. 498, 49 Stat. 546.

In subsection (a), the words “subject to subchapter II of chapter 105 of this title” are added for clarity. The word “services” is substituted for “assistance” for consistency. The words “department, agency, or instrumentality of the United States Government” are substituted for “departments or bureaus of the Government” for consistency.

In subsection (b), the words “In carrying out this chapter” are substituted for “For the purpose of carrying out the provisions pertaining to safety” to eliminate unnecessary words. The words “department . . . or instrumentality” are added for consistency. The word “reimburse” is substituted for “transfer . . . such funds” for consistency. The words “as may be necessary and available to make this provision effective” are omitted as unnecessary because of the restatement.

AMENDMENTS

1994—Pub. L. 103-272 renumbered section 3103 of this title as this section and amended it generally, restating it without substantive change.

§ 31504. Identification of motor vehicles

(a) GENERAL AUTHORITY.—The Secretary of Transportation may—

- (1) issue and require the display of an identification plate on a motor vehicle used in transportation provided by a motor private carrier and a motor carrier of migrant workers subject to section 31502(c) of this title, except a motor contract carrier; and
- (2) require each of those motor private carriers and motor carriers of migrant workers to pay the reasonable cost of the plate.

(b) LIMITATION.—A motor private carrier or a motor carrier of migrant workers may use an identification plate only as authorized by the Secretary.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2439, § 3104; renumbered § 31504 and amended Pub. L. 103-272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1030.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3104(a) .....	49:304(a)(3) (last sentence) (related to “Sec. 324”).  49:304(a)(3a) (last sentence) (related to “Sec. 324”).  49:1655(e)(6)(D) (related to “Sec. 324”).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 204(a)(3) (last sentence) (related to “Sec. 224”); added Aug. 9, 1935, ch. 498, 49 Stat. 546. Feb. 4, 1887, ch. 104, 24 Stat. 379, § 204(a)(3a) (last sentence) (related to “Sec. 224”); added Aug. 3, 1956, ch. 905, § 2, 70 Stat. 958. Oct. 15, 1966, Pub. L. 89-670, § 6(e)(6)(D) (related to “Sec. 224”), 80 Stat. 940.
3104(b) .....	49:304(a)(3) (last sentence) (related to “Sec. 324”). 49:304(a)(3a) (last sentence) (related to “Sec. 324”). 49:1655(e)(6)(D) (related to “Sec. 324”).	

The section is included to reflect the text of former 49:324 (related to motor private carriers and motor carriers of migrant workers) which is incorporated in the revised title by cross-reference.

AMENDMENTS

1994—Pub. L. 103-272 renumbered section 3104 of this title as this section and amended it generally, restating it without substantive change.

CHAPTER 317—PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT

- Sec. 31701. Definitions.
- 31702. Working group.
- 31703. Grants.
- 31704. Vehicle registration.
- 31705. Fuel use tax.
- 31706. Enforcement.
- 31707. Limitations on statutory construction.
- 31708. Authorization of appropriations.

§ 31701. Definitions

In this chapter—

(1) “commercial motor vehicle”, with respect to—

- (A) the International Registration Plan, has the same meaning given the term “apportionable vehicle” under the Plan; and
- (B) the International Fuel Tax Agreement, has the same meaning given the term “qualified motor vehicle” under the Agreement.

(2) “fuel use tax” means a tax imposed on or measured by the consumption of fuel in a motor vehicle.

(3) “International Fuel Tax Agreement” means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers, developed under the auspices of the National Governors’ Association.

(4) “International Registration Plan” means the interstate agreement on apportioning vehicle registration fees paid by motor carriers, developed by the American Association of Motor Vehicle Administrators.

(5) “Regional Fuel Tax Agreement” means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers in the States of Maine, Vermont, and New Hampshire.