

ment interchange agreement” means the Uniform Intermodal Interchange and Facilities Access Agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment.

(3) **INTERMODAL EQUIPMENT PROVIDER.**—The term “intermodal equipment provider” means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.

(4) **INTERCHANGE.**—The term “interchange”—

(A) means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider; but

(B) does not include the leasing of equipment to a motor carrier for primary use in the motor carrier’s freight hauling operations.

(Added Pub. L. 109–59, title IV, § 4118(a), Aug. 10, 2005, 119 Stat. 1729; amended Pub. L. 110–244, title III, § 301(e), June 6, 2008, 122 Stat. 1616; Pub. L. 112–141, div. C, title II, § 32931(b), July 6, 2012, 126 Stat. 829.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(3)(E)(ii), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112–141, § 32931(b)(1), amended par. (1) generally. Prior to amendment, text read as follows: “Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.”

Subsec. (a)(4). Pub. L. 112–141, § 32931(b)(2), struck out par. (4). Text read as follows: “Not later than 120 days after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding for issuance of the regulations under this section.”

2008—Subsec. (a)(3)(E)(ii). Pub. L. 110–244 substituted “section” for “Act”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

SUBCHAPTER IV—MISCELLANEOUS

PRIOR PROVISIONS

A prior subchapter IV consisted of sections 31161 and 31162, prior to repeal by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

§ 31161. International cooperation

The Secretary of Transportation is authorized to use funds made available by section 31104(i) to

participate and cooperate in international activities to enhance motor carrier, commercial motor vehicle, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.

(Added Pub. L. 109–59, title IV, § 4119(a), Aug. 10, 2005, 119 Stat. 1733.)

PRIOR PROVISIONS

Prior sections 31161 and 31162 were repealed by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

Section 31161, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1013, related to procedures to ensure timely correction of safety violations.

Section 31162, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1014, related to compliance review priority.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.	
31301.	Definitions.
31302.	Commercial driver’s license requirement.
31303.	Notification requirements.
31304.	Employer responsibilities.
31305.	General driver fitness, testing, and training.
31306.	Alcohol and controlled substances testing.
31306a.	National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators. ¹
31307.	Minimum training requirements for operators of longer combination vehicles.
31308.	Commercial driver’s license.
31309.	Commercial driver’s license information system.
31310.	Disqualifications.
31311.	Requirements for State participation.
31312.	Decertification authority.
31313.	Grants for commercial driver’s license program implementation.
31314.	Withholding amounts for State noncompliance.
31315.	Waivers, exemptions, and pilot programs.
31316.	Limitation on statutory construction.
31317.	Procedure for prescribing regulations.

AMENDMENTS

2012—Pub. L. 112–141, div. C, title II, §§ 32304(d), 32402(b), 32604(b)(2), July 6, 2012, 126 Stat. 792, 802, 809, added items 31305, 31306a, and 31313 and struck out former items 31305 “General driver fitness and testing” and 31313 “Grants for commercial driver’s license program improvements”.

2005—Pub. L. 109–59, title IV, § 4124(b), Aug. 10, 2005, 119 Stat. 1738, added item 31313.

1999—Pub. L. 106–159, title II, § 203(b), Dec. 9, 1999, 113 Stat. 1762, added item 31312.

1998—Pub. L. 105–178, title IV, §§ 4007(b), 4011(b)(2), (f), June 9, 1998, 112 Stat. 403, 407, 408, substituted “Commercial driver’s license requirement” for “Limitation on the number of driver’s licenses” in item 31302 and “Waivers, exemptions, and pilot programs” for “Waiver authority” in item 31315 and struck out items 31312 “Grants for testing and ensuring the fitness of operators of commercial motor vehicles” and 31313 “Grants for issuing commercial drivers’ licenses and complying with State participation requirements”.

§ 31301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given the term “alcoholic beverage” in section 158(c) of title 23.

¹ So in original. Does not conform to section catchline.

(2) “commerce” means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) “commercial driver’s license” means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) “commercial motor vehicle” means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; or

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and

(iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) “driver’s license” means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) “employee” means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) “employer” means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) “felony” means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) “foreign commercial driver” means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.

(11) “hazardous material” has the same meaning given that term in section 5102 of this title.

(12) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(13) “serious traffic violation” means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies;

(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license;

(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver’s license on the date of the citation;

(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

(G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(14) “State” means a State of the United States and the District of Columbia.

(15) “United States” means the States of the United States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1014; Pub. L. 105–178, title IV, §4011(a), June 9, 1998, 112 Stat. 407; Pub. L. 106–159, title II, §201(a)(3), (c), Dec. 9, 1999, 113 Stat. 1759, 1760; Pub. L. 112–141, div. C, title II, §32203(a), July 6, 2012, 126 Stat. 784.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31301(1)	49 App.:2716(1), (13).	Oct. 27, 1986, Pub. L. 99–570, §12019(1)–(4), (6)–(15), 100 Stat. 3207–187, 3207–188.
31301(2)	49 App.:2716(3).	
31301(3)	49 App.:2716(4).	
31301(4)	49 App.:2716(6).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31301(5)	49 App.:2716(7).	Oct. 27, 1986, Pub. L. 99-570, §12019(5), 100 Stat. 3207-188; Apr. 2, 1987, Pub. L. 100-17, §133(c)(2), 101 Stat. 172; Dec. 18, 1991, Pub. L. 102-240, §4010, 105 Stat. 2156.
31301(6)	49 App.:2716(2).	
31301(7)	49 App.:2716(8).	
31301(8)	49 App.:2716(9).	
31301(9)	49 App.:2716(10).	
31301(10)	49 App.:2716(11).	
31301(11)	49 App.:2716(5).	
31301(12)	49 App.:2716(12).	
31301(13)	49 App.:2716(14).	
31301(14)	49 App.:2716(15).	

In clause (1), the text of 49 App.:2716(13) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (4)(A), the words “at least 26,001 pounds” are substituted for “26,001 or more pounds”, and the word “prescribes” is substituted for “determines appropriate”, for consistency in the revised title.

In clause (4)(B), the words “at least 16 passengers” are substituted for “more than 15 passengers” for consistency.

Clause (4)(C)(i) is substituted for “and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A))” to eliminate unnecessary words. In subclause (iii), the words “deny the application of this exception” are substituted for “waive the application of the preceding sentence” for clarity and because of the restatement.

In clause (11), the words “public streets, roads, or” are added for consistency in the revised title.

In clause (12)(C), the words “involving a fatality” are substituted for “arising in connection with a fatal traffic accident” to eliminate unnecessary words.

AMENDMENTS

2012—Pars. (10) to (15). Pub. L. 112-141 added par. (10) and redesignated former pars. (10) to (14) as (11) to (15), respectively.

1999—Par. (12)(C). Pub. L. 106-159, §201(a)(3), inserted “, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a fatality”.

Par. (12)(D) to (G). Pub. L. 106-159, §201(c), added subpars. (D) to (F) and redesignated former subpar. (D) as (G).

1998—Par. (4)(A). Pub. L. 105-178, §4011(a)(1), inserted “or gross vehicle weight” after “rating” first two places that term appears and “, whichever is greater,” after “26,001 pounds”.

Par. (4)(C)(ii). Pub. L. 105-178, §4011(a)(2), inserted “is” before “transporting” in two places and before “not otherwise regulated”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER'S LICENSES

Pub. L. 112-141, div. C, title II, §32308, July 6, 2012, 126 Stat. 794, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation], in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to as-

sess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces, who received safety training and operated qualifying motor vehicles during their service, in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

“(2) REQUIREMENTS.—The study under this subsection shall—

“(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

“(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

“(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

“(D) identify duplicative application costs;

“(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

“(F) include other factors that the Secretary determines to be appropriate to meet the requirements of the study.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the commencement of the study under subsection (a), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Financial Services of the House of Representatives that contains the findings and recommendations from the study.

“(2) ELEMENTS.—The report under paragraph (1) shall include—

“(A) findings related to the study requirements under subsection (a)(2);

“(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

“(C) a plan to implement the recommendations for which the Secretary has authority.

“(c) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and in cooperation with the States, shall implement the recommendations identified in subsection (b) and establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses.

“(d) ACCELERATED LICENSING PROCEDURES.—The procedures established under subsection (a) shall be designed to be applicable to any veteran who—

“(1) is attempting to acquire a commercial driver's license; and

“(2) obtained, during military service, documented driving experience that, in the determination of the Secretary, makes the use of accelerated licensing procedures appropriate.

“(e) DEFINITIONS.—In this section:

“(1) COMMERCIAL DRIVER'S LICENSE.—The term ‘commercial driver's license’ has the meaning given that term in section 31301 of title 49, United States Code.

“(2) STATE.—The term ‘State’ has the meaning given that term in section 31301 of title 49, United States Code.

“(3) VETERAN.—The term ‘veteran’ has the meaning given that term in section 101 of title 38, United States Code.”

EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this chapter with respect to certain

farm vehicles and individuals operating those vehicles, see section 32934 of Pub. L. 112-141, set out as a note under section 31136 of this title.

GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE
OPERATORS

Pub. L. 109-59, title IV, §4134, Aug. 10, 2005, 119 Stat. 1744, as amended by Pub. L. 111-147, title IV, §422(h), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(h), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(h), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(g), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(g), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(g), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §32603(g), July 6, 2012, 126 Stat. 808, provided that:

“(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish a grant program for persons to train operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicles.

“(b) FEDERAL SHARE.—The Federal share of the cost for which a grant is made under this section shall be 80 percent.

“(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 for each of fiscal years 2005 through 2014 to carry out this section.”

CDL TASK FORCE

Pub. L. 109-59, title IV, §4135, Aug. 10, 2005, 119 Stat. 1744, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall convene a task force to study and address current impediments and foreseeable challenges to the commercial driver's license program's effectiveness and measures needed to realize the full safety potential of the commercial driver's license program, including such issues as—

- “(1) State enforcement practices;
- “(2) operational procedures to detect and deter fraud;
- “(3) needed improvements for seamless information sharing between States;
- “(4) effective methods for accurately sharing electronic data between States;
- “(5) adequate proof of citizenship;
- “(6) updated technology; and
- “(7) timely notification from judicial bodies concerning traffic and criminal convictions of commercial driver's license holders.

“(b) MEMBERSHIP.—Members of the task force should include State motor vehicle administrators, organizations representing government agencies or officials, members of the Judicial Conference, representatives of the trucking industry, representatives of labor organizations, safety advocates, and other significant stakeholders.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary, on behalf of the task force, shall complete a report of the task forces [sic] findings and recommendations for legislative, regulatory, and enforcement changes to improve the commercial drivers [sic] license program and submit such the [sic] report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(d) FUNDING.—From the funds amounts made available by section 4101(c)(1) [119 Stat. 1715], \$200,000 shall be available for each of fiscal years 2006 and 2007 to carry out this section.”

EXEMPTIONS FROM REQUIREMENTS RELATING TO
COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to waiver of requirements of this chapter with respect to vehicles used for snow or ice removal, see section 229(a)(5) of Pub. L. 106-159, set out as a note under section 31136 of this title.

§ 31302. Commercial driver's license requirement

No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver's license at any time and may have only one learner's permit at any time.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1015; Pub. L. 105-178, title IV, §4011(b)(1), June 9, 1998, 112 Stat. 407; Pub. L. 109-59, title IV, §4122(1), Aug. 10, 2005, 119 Stat. 1734.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31302	49 App.:2701.	Oct. 27, 1986, Pub. L. 99-570, §12002, 100 Stat. 3207-170.

The words “Effective July 1, 1987” are omitted as executed. The words after “issued a driver's license” are omitted as expired.

AMENDMENTS

2005—Pub. L. 109-59 inserted “and may have only one learner's permit at any time” before period at end.

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as follows: “An individual operating a commercial motor vehicle may have only one driver's license at any time, except during the 10-day period beginning on the date the individual is issued a driver's license.”

§ 31303. Notification requirements

(a) VIOLATIONS.—An individual operating a commercial motor vehicle, having a driver's license issued by a State, and violating a State or local law on motor vehicle traffic control (except a parking violation) shall notify the individual's employer of the violation. If the violation occurred in a State other than the issuing State, the individual also shall notify a State official designated by the issuing State. The notifications required by this subsection shall be made not later than 30 days after the date the individual is found to have committed the violation.

(b) REVOCATIONS, SUSPENSIONS, AND CANCELLATIONS.—An employee who has a driver's license revoked, suspended, or canceled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the employee's employer of the action not later than 30 days after the date of the action.

(c) PREVIOUS EMPLOYMENT.—(1) Subject to paragraph (2) of this subsection, an individual applying for employment as an operator of a commercial motor vehicle shall notify the prospective employer, at the time of the application, of any previous employment as an operator of a commercial motor vehicle.

(2) The Secretary of Transportation shall prescribe by regulation the period for which notice of previous employment must be given under paragraph (1) of this subsection. However, the period may not be less than the 10-year period ending on the date of the application.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31303	49 App.:2702.	Oct. 27, 1986, Pub. L. 99-570, § 12003, 100 Stat. 3207-171.

In this section, the words “Effective July 1, 1987” are omitted as executed.

In subsection (c)(1), the words “operates a commercial motor vehicle and” and “with an employer” are omitted as surplus.

§ 31304. Employer responsibilities

(a) IN GENERAL.—An employer may not allow an employee to operate a commercial motor vehicle in the United States during a period that the employer knows or should reasonably know that the employee—

(1) has a driver’s license revoked, suspended, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or

(2) has more than one driver’s license (except as allowed under section 31302 of this title).

(b) DRIVER VIOLATION RECORDS.—

(1) PERIODIC REVIEW.—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver’s license or permit during such time period;

(B) by receiving occurrence-based reports of changes in the status of a driver’s record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

(C) by a combination of inquiries to States and reports from driver record notification systems.

(2) RECORD KEEPING.—A copy of the reports received under paragraph (1) shall be maintained in the driver’s qualification file.

(3) EXCEPTIONS TO RECORD REVIEW REQUIREMENT.—Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—

(A) if the employer obtains the driver’s identification number, type, and issuing State of the driver’s commercial motor vehicle license; or

(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

(4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED.—In this section, the term “driver record notification system” means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee’s driver’s license due to a conviction for a moving violation, a failure to appear, an accident, driver’s license suspension, driver’s license revocation, or any other action taken against the driving privilege.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 112-141, div. C, title II, §§ 32303(a), 32307, July 6, 2012, 126 Stat. 790, 794.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31304	49 App.:2703.	Oct. 27, 1986, Pub. L. 99-570, § 12004, 100 Stat. 3207-171.

In this section, before clause (1), the words “Effective July 1, 1987” are omitted as executed. The words “permit, or authorize” are omitted as surplus. Clause (2) is substituted for 49 App.:2703(2) to eliminate unnecessary words.

AMENDMENTS

2012—Pub. L. 112-141, § 32303(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (a). Pub. L. 112-141, § 32307, in introductory provisions, struck out “knowingly” before “allow an employee” and substituted “that the employer knows or should reasonably know that” for “in which”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS

Pub. L. 112-141, div. C, title II, § 32303(b), July 6, 2012, 126 Stat. 791, provided that: “Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.”

§ 31305. General driver fitness, testing, and training

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) shall prescribe minimum standards for written and driving tests of an individual operating a commercial motor vehicle;

(2) shall require an individual who operates or will operate a commercial motor vehicle to take a driving test in a vehicle representative of the type of vehicle the individual operates or will operate;

(3) shall prescribe minimum testing standards for the operation of a commercial motor vehicle and may prescribe different minimum testing standards for different classes of commercial motor vehicles;

(4) shall ensure that an individual taking the tests has a working knowledge of—

(A) regulations on the safe operation of a commercial motor vehicle prescribed by the Secretary and contained in title 49, Code of Federal Regulations; and

(B) safety systems of the vehicle;

(5) shall ensure that an individual who operates or will operate a commercial motor vehicle carrying a hazardous material—

(A) is qualified to operate the vehicle under regulations on motor vehicle transportation of hazardous material prescribed under chapter 51 of this title;

(B) has a working knowledge of—

- (i) those regulations;
- (ii) the handling of hazardous material;
- (iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and
- (iv) appropriate response procedures to follow in those emergencies; and

(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.

(6) shall establish minimum scores for passing the tests;

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; and

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual's possession when the individual is operating a commercial motor vehicle.

(b) REQUIREMENTS FOR OPERATING VEHICLES.—

(1) Except as provided in paragraph (2) of this subsection, an individual may operate a commercial motor vehicle only if the individual has passed written and driving tests that meet the minimum standards prescribed by the Secretary under subsection (a) of this section to operate the vehicle and has a commercial driver's license to operate the vehicle.

(2) The Secretary may prescribe regulations providing that an individual may operate a commercial motor vehicle for not more than 90 days if the individual—

(A) passes a driving test for operating a commercial motor vehicle that meets the minimum standards prescribed under subsection (a) of this section; and

(B) has a driver's license that is not suspended, revoked, or canceled.

(c) STANDARDS FOR TRAINING.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle—

(1) addressing the knowledge and skills that—

(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

(B) must be acquired before obtaining a commercial driver's license for the first time or upgrading from one class of commercial driver's license to another class;

(2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements;

(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 106-159, title II, §201(d), Dec. 9, 1999, 113 Stat. 1760; Pub. L. 107-56, title X, §1012(b), Oct. 26, 2001, 115 Stat. 397; Pub. L. 112-141, div. C, title II, §32304(a), (c), July 6, 2012, 126 Stat. 791, 792.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31305(a)	49 App.:2704(a).	Oct. 27, 1986, Pub. L. 99-570, §12005(a), (b), 100 Stat. 3207-171.
31305(b)	49 App.:2704(b).	

In this section, the word “Federal” is omitted as unnecessary.

In subsection (a), before clause (1), the words “Not later than July 15, 1988” are omitted as obsolete. In clause (3), the words “if the Secretary considers appropriate to carry out the objectives of this title” are omitted as unnecessary.

In subsection (b)(1), the words “taken and” are omitted as unnecessary. The text of 49 App.:2704(b)(3) is omitted as obsolete.

REFERENCES IN TEXT

The date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (c), is the date of enactment of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

AMENDMENTS

2012—Pub. L. 112-141, §32304(c), substituted “General driver fitness, testing, and training” for “General driver fitness and testing” in section catchline.

Subsec. (c). Pub. L. 112-141, §32304(a), added subsec. (c).

2001—Subsec. (a)(5)(C). Pub. L. 107-56 added subpar. (C).

1999—Subsec. (b)(1). Pub. L. 106-159 struck out “to operate the vehicle” after “written and driving tests” and inserted “to operate the vehicle and has a commercial driver's license to operate the vehicle” before period at end.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS

Pub. L. 113-45, §1, Oct. 15, 2013, 127 Stat. 557, provided that:

“(a) IN GENERAL.—The Secretary of Transportation may implement or enforce a requirement providing for the screening, testing, or treatment (including consideration of all possible treatment alternatives) of individuals operating commercial motor vehicles for sleep disorders only if the requirement is adopted pursuant to a rulemaking proceeding.

“(b) APPLICABILITY.—Subsection (a) shall not apply to a requirement that was in force before September 1, 2013.

“(c) SLEEP DISORDERS DEFINED.—In this section, the term ‘sleep disorders’ includes obstructive sleep apnea.”

OPERATION OF COMMERCIAL MOTOR VEHICLES BY INDIVIDUALS WHO USE INSULIN TO TREAT DIABETES MELLITUS

Pub. L. 109-59, title IV, § 4129, Aug. 10, 2005, 119 Stat. 1742, provided that:

“(a) REVISION OF FINAL RULE.—Not later than 90 days after the date of the enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall begin revising the final rule published in the Federal Register on September 3, 2003, relating to persons with diabetes, to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce. The revised final rule shall provide for the individual assessment of applicants who use insulin to treat their diabetes and who are, except for their use of insulin, otherwise qualified under the Federal motor carrier safety regulations. The revised final rule shall be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century [Pub. L. 105-178] (49 U.S.C. 31305 note) and shall conclude the rulemaking process in the Federal Motor Carrier Safety Administration docket relating to qualifications of drivers with diabetes.

“(b) NO PERIOD OF COMMERCIAL DRIVING WHILE USING INSULIN REQUIRED FOR QUALIFICATION.—After the earlier of the date of issuance of the revised final rule under subsection (a) or the 90th day following the date of enactment of this Act [Aug. 10, 2005], the Secretary may not require individuals with insulin-treated diabetes mellitus who are applying for an exemption from the physical qualification standards to have experience operating commercial motor vehicles while using insulin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

“(c) MINIMUM PERIOD OF INSULIN USE.—Subject to subsection (b), the Secretary shall require individuals with insulin-treated diabetes mellitus to have a minimum period of insulin use to demonstrate stable control of diabetes before operating a commercial motor vehicle in interstate commerce. Such demonstration shall be consistent with the findings reported in July 2000, by the expert medical panel established by the Secretary, in ‘A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate Commercial Motor Vehicles in Interstate Commerce as Directed by the Transportation Equity Act for the 21st Century’. For individuals who have been newly diagnosed with type 1 diabetes, the minimum period of insulin use may not exceed 2 months, unless directed by the treating physician. For individuals who have type 2 diabetes and are converting to insulin use, the minimum period of insulin use may not exceed 1 month, unless directed by the treating physician.

“(d) LIMITATIONS.—Insulin-treated individuals may not be held by the Secretary to a higher standard of physical qualification in order to operate a commercial motor vehicle in interstate commerce than other individuals applying to operate, or operating, a commercial motor vehicle in interstate commerce; except to the extent that limited operating, monitoring, and medical requirements are deemed medically necessary under regulations issued by the Secretary.”

CDL SCHOOL BUS ENDORSEMENT

Pub. L. 106-159, title II, § 214, Dec. 9, 1999, 113 Stat. 1766, provided that: “The Secretary shall conduct a rulemaking to establish a special commercial driver’s license endorsement for drivers of school buses. The endorsement shall, at a minimum—

- “(1) include a driving skills test in a school bus; and
- “(2) address proper safety procedures for—
 - “(A) loading and unloading children;
 - “(B) using emergency exits; and
 - “(C) traversing highway rail grade crossings.”

MEDICAL CERTIFICATE

Pub. L. 106-159, title II, § 215, Dec. 9, 1999, 113 Stat. 1767, provided that: “The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver’s licenses.”

INSULIN TREATED DIABETES MELLITUS

Pub. L. 105-178, title IV, § 4018, June 9, 1998, 112 Stat. 413, provided that:

“(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

“(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

“(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

“(2) evaluate the Department’s policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

“(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

“(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

“(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

“(6) consult with interested groups knowledgeable about diabetes and related issues.

“(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

“(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.”

PERFORMANCE-BASED CDL TESTING

Pub. L. 105-178, title IV, § 4019, June 9, 1998, 112 Stat. 414, provided that:

“(a) REVIEW.—Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to deter-

mine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

“(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.”

DRIVER FATIGUE

Pub. L. 105-178, title IV, § 4021, June 9, 1998, 112 Stat. 414, provided that:

“(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

“(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary [of Transportation] relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

“(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

“(A) the degree to which the technology will be cost efficient;

“(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

“(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

“(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act [112 Stat. 419].

“(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.”

§ 31306. Alcohol and controlled substances testing

(a) DEFINITION.—In this section and section 31306a, “controlled substance” means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

(b) TESTING PROGRAM FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES.—(1)(A) In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations that establish a program requiring motor carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of a controlled substance in violation of law or a United States Government regulation and to conduct reasonable suspicion, random, and post-accident testing of such operators for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit such motor carriers to conduct pre-employment testing of such employees for the use of alcohol.

(B) When the Secretary of Transportation considers it appropriate in the interest of safety, the Secretary may prescribe regulations for conducting periodic recurring testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(2) In prescribing regulations under this subsection, the Secretary of Transportation—

(A) shall require that post-accident testing of an operator of a commercial motor vehicle be conducted when loss of human life occurs in an accident involving a commercial motor vehicle; and

(B) may require that post-accident testing of such an operator be conducted when bodily injury or significant property damage occurs in any other serious accident involving a commercial motor vehicle.

(c) TESTING AND LABORATORY REQUIREMENTS.—In carrying out subsection (b) of this section, the Secretary of Transportation shall develop requirements that shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimens;

(2) for laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any amendments to those guidelines, including mandatory guidelines establishing—

(A) comprehensive standards for every aspect of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards requiring the use of the best available technology to ensure the complete reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimens collected for controlled substances testing;

(B) the minimum list of controlled substances for which individuals may be tested; and

(C) appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that a laboratory involved in testing under this section have the capability and facility, at the laboratory, of performing screening and confirmation tests;

(4) provide that any test indicating the use of alcohol or a controlled substance in violation of law or a Government regulation be confirmed by a scientifically recognized method of testing capable of providing quantitative information about alcohol or a controlled substance;

(5) provide that each specimen be subdivided, secured, and labeled in the presence of the tested individual and that a part of the specimen be retained in a secure manner to prevent the possibility of tampering, so that if the individual's confirmation test results are positive the individual has an opportunity to have the retained part tested by a 2d confirmation test done independently at another certified laboratory if the individual requests the 2d confirmation test not later than 3 days after being advised of the results of the first confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and

body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

(7) provide for the confidentiality of test results and medical information (except information about alcohol or a controlled substance) of employees, except that this clause does not prevent the use of test results for the orderly imposition of appropriate sanctions under this section; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(d) **TESTING AS PART OF MEDICAL EXAMINATION.**—The Secretary of Transportation may provide that testing under subsection (a) of this section for operators subject to subpart E of part 391 of title 49, Code of Federal Regulations, be conducted as part of the medical examination required under that subpart.

(e) **REHABILITATION.**—The Secretary of Transportation shall prescribe regulations establishing requirements for rehabilitation programs that provide for the identification and opportunity for treatment of operators of commercial motor vehicles who are found to have used alcohol or a controlled substance in violation of law or a Government regulation. The Secretary shall decide on the circumstances under which those operators shall be required to participate in a program. This section does not prevent a motor carrier from establishing a program under this section in cooperation with another motor carrier.

(f) **SANCTIONS.**—The Secretary of Transportation shall decide on appropriate sanctions for a commercial motor vehicle operator who is found, based on tests conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law or a Government regulation but who is not under the influence of alcohol or a controlled substance as provided in this chapter.

(g) **EFFECT ON STATE AND LOCAL GOVERNMENT REGULATIONS.**—A State or local government may not prescribe or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this section. However, a regulation prescribed under this section may not be construed to preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(h) **INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.**—In prescribing regulations under this section, the Secretary of Transportation—

(1) shall establish only requirements that are consistent with international obligations of the United States; and

(2) shall consider applicable laws and regulations of foreign countries.

(i) **OTHER REGULATIONS ALLOWED.**—This section does not prevent the Secretary of Transportation from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by commercial motor vehicle employees.

(j) **APPLICATION OF PENALTIES.**—This section does not supersede a penalty applicable to an operator of a commercial motor vehicle under this chapter or another law.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1017; Pub. L. 104–59, title III, § 342(c), Nov. 28, 1995, 109 Stat. 609; Pub. L. 112–141, div. C, title II, § 32402(a)(1), July 6, 2012, 126 Stat. 795.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31306(a)	49 App.:2717(g).	Oct. 27, 1986, Pub. L. 99–570, 100 Stat. 3207–170, § 12020; added Oct. 28, 1991, Pub. L. 102–143, § 5(a)(1), 105 Stat. 959.
31306(b)(1) ..	49 App.:2717(a).	
31306(b)(2) ..	49 App.:2717(b)(1).	
31306(c)	49 App.:2717(d).	
31306(d)	49 App.:2717(b)(2).	
31306(e)	49 App.:2717(c).	
31306(f)	49 App.:2717(f)(2).	
31306(g)	49 App.:2717(e)(1).	
31306(h)	49 App.:2717(e)(3).	
31306(i)	49 App.:2717(e)(2).	
31306(j)	49 App.:2717(f)(1).	

In subsection (b)(2)(B), the words “may require” are substituted for “as determined by the Secretary” for clarity and to eliminate unnecessary words.

In subsection (c)(2), before subclause (A), the word “subsequent” is omitted as surplus.

In subsection (c)(3), the words “of any individual” are omitted as surplus.

In subsection (c)(4), the words “by any individual” are omitted as surplus.

In subsection (c)(5), the word “tested” is substituted for “assayed” for consistency. The words “2d confirmation test” are substituted for “independent test” for clarity and consistency.

In subsection (c)(6), the word “Secretary” is substituted for “Department” for consistency in the revised title and with other titles of the Code.

In subsection (d), the words “The Secretary of Transportation may provide” are substituted for “Nothing in subsection (a) of this section shall preclude the Secretary from providing” for clarity and to eliminate unnecessary words.

In subsection (g), the words “rule” and “ordinance” are omitted as being included in “law, regulation, standard, or order”. The words “whether the provisions apply specifically to commercial motor vehicle employees, or to the general public” are omitted as surplus.

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–141 inserted “and section 31306a” after “this section”.

1995—Subsec. (b)(1)(A). Pub. L. 104–59 added subpar. (A) and struck out former subpar. (A) which read as follows: “In the interest of commercial motor vehicle safety, the Secretary of Transportation shall prescribe regulations not later than October 28, 1992, that establish a program requiring motor carriers to conduct pre-employment, reasonable suspicion, random, and post-accident testing of operators of commercial motor vehicles for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

DRUG TEST RESULTS STUDY

Pub. L. 106–159, title II, § 226, Dec. 9, 1999, 113 Stat. 1771, provided that:

“(a) **IN GENERAL.**—The Secretary shall conduct a study of the feasibility and merits of—

“(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver’s commercial driver’s license; and

“(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver’s commercial driver’s license on whether the State has on record any verified positive controlled substances test on such driver.

“(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

“(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

“(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

“(3) whether a process should be established to allow drivers—

“(A) to correct errors in their records; and

“(B) to expunge information from their records after a reasonable period of time.

“(c) REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.”

POST-ACCIDENT ALCOHOL TESTING

Pub. L. 105-178, title IV, § 4020, June 9, 1998, 112 Stat. 414, provided that:

“(a) STUDY.—The Secretary [of Transportation] shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

“(b) REPORT.—Not later than 18 months after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.”

§ 31306a. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Safe Roads Act of 2012, the Secretary of Transportation shall establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.

(2) PURPOSES.—The purposes of the clearinghouse shall be—

(A) to improve compliance with the Department of Transportation’s alcohol and controlled substances testing program applicable to commercial motor vehicle operators; and

(B) to enhance the safety of our United States roadways by reducing accident and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles.

(3) CONTENTS.—The clearinghouse shall function as a repository for records relating to the

positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(4) ELECTRONIC EXCHANGE OF RECORDS.—The Secretary shall ensure that records can be electronically submitted to, and requested from, the clearinghouse by authorized users.

(5) AUTHORIZED OPERATOR.—The Secretary may authorize a qualified private entity to operate and maintain the clearinghouse and to collect fees on behalf of the Secretary under subsection (e). The entity shall operate and maintain the clearinghouse and permit access to driver information and records from the clearinghouse in accordance with this section.

(b) DESIGN OF CLEARINGHOUSE.—

(1) USE OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION RECOMMENDATIONS.—In establishing the clearinghouse, the Secretary shall consider—

(A) the findings and recommendations contained in the Federal Motor Carrier Safety Administration’s March 2004 report to Congress required under section 226 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31306 note); and

(B) the findings and recommendations contained in the Government Accountability Office’s May 2008 report to Congress entitled “Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road.”.

(2) DEVELOPMENT OF SECURE PROCESSES.—In establishing the clearinghouse, the Secretary shall develop a secure process for—

(A) administering and managing the clearinghouse in compliance with applicable Federal security standards;

(B) registering and authenticating authorized users of the clearinghouse;

(C) registering and authenticating persons required to report to the clearinghouse under subsection (g);

(D) preventing the unauthorized access of information from the clearinghouse;

(E) storing and transmitting data;

(F) persons required to report to the clearinghouse under subsection (g) to timely and accurately submit electronic data to the clearinghouse;

(G) generating timely and accurate reports from the clearinghouse in response to requests for information by authorized users; and

(H) updating an individual’s record upon completion of the return-to-duty process described in title 49, Code of Federal Regulations.

(3) EMPLOYER ALERT OF POSITIVE TEST RESULT.—In establishing the clearinghouse, the Secretary shall develop a secure method for electronically notifying an employer of each additional positive test result or other non-compliance—

(A) for an employee, that is entered into the clearinghouse during the 7-day period

immediately following an employer's inquiry about the employee; and

(B) for an employee who is listed as having multiple employers.

(4) ARCHIVE CAPABILITY.—In establishing the clearinghouse, the Secretary shall develop a process for archiving all clearinghouse records for the purposes of auditing and evaluating the timeliness, accuracy, and completeness of data in the clearinghouse.

(5) FUTURE NEEDS.—

(A) INTEROPERABILITY WITH OTHER DATA SYSTEMS.—In establishing the clearinghouse, the Secretary shall consider—

(i) the existing data systems containing regulatory and safety data for commercial motor vehicle operators;

(ii) the efficacy of using or combining clearinghouse data with 1 or more of such systems; and

(iii) the potential interoperability of the clearinghouse with such systems.

(B) SPECIFIC CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall determine—

(i) the clearinghouse's capability for interoperability with—

(I) the National Driver Register established under section 30302;

(II) the Commercial Driver's License Information System established under section 31309;

(III) the Motor Carrier Management Information System for preemployment screening services under section 31150; and

(IV) other data systems, as appropriate; and

(ii) any change to the administration of the current testing program, such as forms, that is necessary to collect data for the clearinghouse.

(c) STANDARD FORMATS.—The Secretary shall develop standard formats to be used—

(1) by an authorized user of the clearinghouse to—

(A) request a record from the clearinghouse; and

(B) obtain the consent of an individual who is the subject of a request from the clearinghouse, if applicable; and

(2) to notify an individual that a positive alcohol or controlled substances test result, refusing to test, and a violation of any of the prohibitions under subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.

(d) PRIVACY.—A release of information from the clearinghouse shall—

(1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);

(2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

(3) not be made to any person or entity unless expressly authorized or required by law.

(e) FEES.—

(1) AUTHORITY TO COLLECT FEES.—Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.

(2) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.

(3) LIMITATION.—The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.

(f) EMPLOYER REQUIREMENTS.—

(1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE.—The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

(2) APPLICABILITY OF EXISTING REQUIREMENTS.—Each employer and service agent shall continue to comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

(3) EMPLOYMENT PROHIBITIONS.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall utilize the clearinghouse to determine whether any employment prohibitions exist and shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 3-year period—

(A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations—

(i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or

(ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;

(B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or

(ii) refused to take an alcohol or controlled substance test and completed the required return-to-duty process under title 49, Code of Federal Regulations; and

(C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(4) ANNUAL REVIEW.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall request and review a commercial motor vehicle operator's record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.

(g) REPORTING OF RECORDS.—

(1) IN GENERAL.—Beginning 30 days after the date that the clearinghouse is established

under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to the Secretary any record generated after the clearinghouse is initiated of an individual who—

(A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;

(B) tests positive for alcohol or a controlled substance in violation of the regulations; or

(C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(2) INCLUSION OF RECORDS IN CLEARINGHOUSE.—The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).

(3) MODIFICATIONS AND DELETIONS.—If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.

(4) NOTIFICATION.—The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when—

(A) a record relating to the individual is received by the clearinghouse;

(B) a record in the clearinghouse relating to the individual is modified or deleted, and include in the notification the reason for the modification or deletion; or

(C) a record in the clearinghouse relating to the individual is released to an employer and specify the reason for the release.

(5) DATA QUALITY AND SECURITY STANDARDS FOR REPORTING AND RELEASING.—The Secretary may establish additional requirements, as appropriate, to ensure that—

(A) the submission of records to the clearinghouse is timely and accurate;

(B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section; and

(C) an individual with a record in the clearinghouse has a cause of action for any inappropriate use of information included in the clearinghouse.

(6) RETENTION OF RECORDS.—The Secretary shall—

(A) retain a record submitted to the clearinghouse for a 5-year period beginning on the date the record is submitted;

(B) remove the record from the clearinghouse at the end of the 5-year period, unless the individual fails to meet a return-to-duty or follow-up requirement under title 49, Code of Federal Regulations; and

(C) retain a record after the end of the 5-year period in a separate location for archiving and auditing purposes.

(h) AUTHORIZED USERS.—

(1) EMPLOYERS.—The Secretary shall establish a process for an employer, or an employer's designated agent, to request and receive an individual's record from the clearinghouse.

(A) CONSENT.—An employer may not access an individual's record from the clearinghouse unless the employer—

(i) obtains the prior written or electronic consent of the individual for access to the record; and

(ii) submits proof of the individual's consent to the Secretary.

(B) ACCESS TO RECORDS.—After receiving a request from an employer for an individual's record under subparagraph (A), the Secretary shall grant access to the individual's record to the employer as expeditiously as practicable.

(C) RETENTION OF RECORD REQUESTS.—The Secretary shall require an employer to retain for a 3-year period—

(i) a record of each request made by the employer for records from the clearinghouse; and

(ii) the information received pursuant to the request.

(D) USE OF RECORDS.—An employer may use an individual's record received from the clearinghouse only to assess and evaluate whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.

(E) PROTECTION OF PRIVACY OF INDIVIDUALS.—An employer that receives an individual's record from the clearinghouse under subparagraph (B) shall—

(i) protect the privacy of the individual and the confidentiality of the record; and

(ii) ensure that information contained in the record is not divulged to a person or entity that is not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.

(2) STATE LICENSING AUTHORITIES.—The Secretary shall establish a process for the chief commercial driver's licensing official of a State to request and receive an individual's record from the clearinghouse if the individual is applying for a commercial driver's license from the State.

(A) CONSENT.—The Secretary may grant access to an individual's record in the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver's license shall be deemed to consent to such access by obtaining a commercial driver's license.

(B) PROTECTION OF PRIVACY OF INDIVIDUALS.—A chief commercial driver's licensing official of a State that receives an individual's record from the clearinghouse under this paragraph shall—

(i) protect the privacy of the individual and the confidentiality of the record; and

(ii) ensure that the information in the record is not divulged to any person that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle.

(i) NATIONAL TRANSPORTATION SAFETY BOARD.—The Secretary shall establish a process

for the National Transportation Safety Board to request and receive an individual's record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.

(j) ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall establish a process for an individual to request and receive information from the clearinghouse—

(A) to determine whether the clearinghouse contains a record pertaining to the individual;

(B) to verify the accuracy of a record;

(C) to update an individual's record, including completing the return-to-duty process described in title 49, Code of Federal Regulations; and

(D) to determine whether the clearinghouse received requests for the individual's information.

(2) DISPUTE PROCEDURE.—The Secretary shall establish a procedure, including an appeal process, for an individual to dispute and remedy an administrative error in the individual's record.

(k) PENALTIES.—

(1) IN GENERAL.—An employer, employee, medical review officer, or service agent who violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.

(2) VIOLATION OF PRIVACY.—The Secretary shall establish civil and criminal penalties, consistent with paragraph (1), for an authorized user who violates paragraph (1) or (2) of subsection (h).

(l) COMPATIBILITY OF STATE AND LOCAL LAWS.—

(1) PREEMPTION.—Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe related to a commercial driver's license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, that is inconsistent with this section or a regulation issued pursuant to this section is preempted.

(2) APPLICABILITY.—The preemption under paragraph (1) shall include—

(A) the reporting of valid positive results from alcohol screening tests and drug tests;

(B) the refusal to provide a specimen for an alcohol screening test or drug test; and

(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(3) EXCEPTION.—A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe shall not be preempted under this subsection to the extent it relates to an action taken with respect to a commercial motor vehicle operator's commercial driver's license or driving record as a result of the driver's—

(A) verified positive alcohol or drug test result;

(B) refusal to provide a specimen for the test; or

(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(m) DEFINITIONS.—In this section—

(1) AUTHORIZED USER.—The term “authorized user” means an employer, State licensing authority, or other person granted access to the clearinghouse under subsection (h).

(2) CHIEF COMMERCIAL DRIVER'S LICENSING OFFICIAL.—The term “chief commercial driver's licensing official” means the official in a State who is authorized to—

(A) maintain a record about commercial driver's licenses issued by the State; and

(B) take action on commercial driver's licenses issued by the State.

(3) CLEARINGHOUSE.—The term “clearinghouse” means the clearinghouse established under subsection (a).

(4) COMMERCIAL MOTOR VEHICLE OPERATOR.—The term “commercial motor vehicle operator” means an individual who—

(A) possesses a valid commercial driver's license issued in accordance with section 31308; and

(B) is subject to controlled substances and alcohol testing under title 49, Code of Federal Regulations.

(5) EMPLOYER.—The term “employer” means a person or entity employing, or seeking to employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.

(6) MEDICAL REVIEW OFFICER.—The term “medical review officer” means a licensed physician who is responsible for—

(A) receiving and reviewing a laboratory result generated under the testing program;

(B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and

(C) interpreting the results of a controlled substances test.

(7) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(8) SERVICE AGENT.—The term “service agent” means a person or entity, other than an employee of the employer, who provides services to employers or employees under the testing program.

(9) TESTING PROGRAM.—The term “testing program” means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.

(Added Pub. L. 112-141, div. C, title II, § 32402(a)(2), July 6, 2012, 126 Stat. 795.)

REFERENCES IN TEXT

The date of enactment of the Safe Roads Act of 2012, referred to in subsec. (a)(1), is the date of enactment of subtitle D of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

Section 226 of the Motor Carrier Safety Improvement Act of 1999, referred to in subsec. (b)(1)(A), is section 226 of Pub. L. 106-159, which is set out as a note under section 31306 of this title.

The Privacy Act of 1974, referred to in subsec. (d)(1), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, which en-

acted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 552a of Title 5 and Tables.

The Fair Credit Reporting Act, referred to in subsec. (d)(2), is title VI of Pub. L. 90–321, as added by Pub. L. 91–508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1127, which is classified generally to subchapter III (§ 1681 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 31307. Minimum training requirements for operators of longer combination vehicles

(a) DEFINITION.—In this section, “longer combination vehicle” means a vehicle consisting of a truck tractor and more than one trailer or semitrailer that operates on the Dwight D. Eisenhower System of Interstate and Defense Highways with a gross vehicle weight of more than 80,000 pounds.

(b) REQUIREMENTS.—The Secretary shall maintain regulations establishing minimum training requirements for operators of longer combination vehicles. The training shall include certification of an operator’s proficiency by an instructor who has met the requirements established by the Secretary.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 112–141, div. C, title II, § 32931(c), July 6, 2012, 126 Stat. 829.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31307(a)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4007(f), 105 Stat. 2153.
31307(b)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, § 4007(b), 105 Stat. 2152.

In subsection (a), the words “a vehicle consisting” are substituted for “any combination” for clarity. The words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “National System of Interstate and Defense Highways” because of the Act of October 15, 1990 (Public Law 101–427, 104 Stat. 927).

In subsection (b), the words “Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding” are omitted as executed.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–141, which directed substitution of “The Secretary shall maintain” for “Not later than December 18, 1994, the Secretary shall prescribe”, was executed by making the substitution for “Not later than December 18, 1994, the Secretary of Transportation shall prescribe”, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 31308. Commercial driver’s license

After consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers’ licenses and learner’s permits by the States and for information to be contained on each of the licenses and permits. The standards shall require at a minimum that—

(1) an individual issued a commercial driver’s license—

(A) pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); and

(B) present certification of completion of driver training that meets the requirements established by the Secretary under section 31305(c);

(2) before a commercial driver’s license learner’s permit may be issued to an individual, the individual must pass a written test, that complies with the minimum standards prescribed by the Secretary under section 31305(a), on the operation of the commercial motor vehicle that the individual will be operating under the permit;

(3) the license or learner’s permit be tamperproof to the maximum extent practicable and each license or learner’s permit issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication; and

(4) the license or learner’s permit contain—

(A) the name and address of the individual issued the license or learner’s permit and a physical description of the individual;

(B) the social security account number or other number or information the Secretary decides is appropriate to identify the individual;

(C) the class or type of commercial motor vehicle the individual is authorized to operate under the license or learner’s permit;

(D) the name of the State that issued the license or learner’s permit; and

(E) the dates between which the license or learner’s permit is valid.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105–178, title IV, § 4011(c)(1), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title IV, § 4122(2), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110–244, title III, § 301(g), June 6, 2008, 122 Stat. 1616; Pub. L. 112–141, div. C, title II, § 32304(b), July 6, 2012, 126 Stat. 791.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31308	49 App.:2705.	Oct. 27, 1986, Pub. L. 99–570, § 12006, 100 Stat. 3207–175.

The words “Not later than July 15, 1988” are omitted as obsolete.

AMENDMENTS

2012—Par. (1). Pub. L. 112–141 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “an individual issued a commercial driver’s license pass

written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title;”.

2008—Pub. L. 110-244 amended Pub. L. 109-59, § 4122(2)(A). See 2005 Amendment note below.

2005—Pub. L. 109-59, § 4122(2)(B), substituted “the licenses and permits” for “the licenses” in introductory provisions.

Pub. L. 109-59, § 4122(2)(A), as amended by Pub. L. 110-244, inserted “and learner’s permits” after “licenses” in introductory provisions.

Par. (2). Pub. L. 109-59, § 4122(2)(D), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 109-59, § 4122(2)(C), (E), redesignated pars. (2) and (3) as (3) and (4), respectively, and inserted “or learner’s permit” after “license” wherever appearing.

1998—Par. (2). Pub. L. 105-178 inserted before semicolon “and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-244 effective as of the date of enactment of Pub. L. 109-59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109-59 as of that date, and provisions of Pub. L. 109-59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110-244 to be treated as not enacted, see section 121(b) of Pub. L. 110-244, set out as a note under section 101 of Title 23, Highways.

DEADLINE FOR ISSUANCE OF REGULATIONS

Pub. L. 105-178, title IV, § 4011(c)(2), June 9, 1998, 112 Stat. 407, provided that: “Not later than 180 days after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall issue regulations to carry out the amendment made by paragraph (1) [amending this section].”

§ 31309. Commercial driver’s license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall maintain an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators of commercial motor vehicles. The system shall be coordinated with activities carried out under section 31106. The Secretary shall consult with the States in carrying out this section.

(b) CONTENTS.—(1) At a minimum, the information system under this section shall include for each operator of a commercial motor vehicle—

(A) information the Secretary considers appropriate to ensure identification of the operator;

(B) the name, address, and physical description of the operator;

(C) the social security account number of the operator or other number or information the Secretary considers appropriate to identify the operator;

(D) the name of the State that issued the license or learner’s permit to the operator;

(E) the dates between which the license or learner’s permit is valid; and

(F) whether the operator had a commercial motor vehicle driver’s license or learner’s permit revoked, suspended, or canceled by a State, lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver’s license or learner’s permit under section 31308(3).

(c) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with the policy developed under section 31106(e).

(d) FEE SYSTEM.—The Secretary may establish a fee system for using the information system. Fees collected under this subsection in a fiscal year shall equal as nearly as possible the costs of operating the information system in that fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (except the Mass Transit Account).

(e) MODERNIZATION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall develop and publish a comprehensive national plan to modernize the information system under this section that—

(A) complies with applicable Federal information technology security standards;

(B) provides for the electronic exchange of all information including the posting of convictions;

(C) contains self auditing features to ensure that data is being posted correctly and consistently by the States;

(D) integrates the commercial driver’s license and the medical certificate; and

(E) provides a schedule for modernization of the system.

(2) CONSULTATION.—The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary.

(3) STATE FUNDING OF FUTURE EFFORTS.—The plan shall specify that States will fund future efforts to modernize the commercial driver’s information system.

(4) DEADLINE FOR STATE PARTICIPATION.—

(A) IN GENERAL.—The plan shall specify—

(i) a date by which all States shall be operating commercial driver’s license information systems that are compatible with the modernized information system under this section; and

(ii) that States must use the systems to receive and submit conviction and disqualification data.

(B) FACTORS TO CONSIDER.—In establishing the date under subparagraph (A), the Secretary shall consider the following:

(i) Availability and cost of technology and equipment needed to comply with subparagraph (A).

(ii) Time necessary to install, and test the operation of, such technology and equipment.

(5) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) and modernize the information system under this section to meet the requirements of the plan.

(f) FUNDING.—At the Secretary's discretion, a State may use, subject to section 31313(a), the funds made available to the State under section 31313 to modernize its commercial driver's license information system to be compatible with the modernized information system under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105–178, title IV, §4011(d), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title IV, §§4122(2)(E), 4123(a), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110–244, title III, §301(h), June 6, 2008, 122 Stat. 1616; Pub. L. 112–141, div. C, title II, §§32305(a), 32933(e), July 6, 2012, 126 Stat. 792, 830.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31309(a)	49 App.:2706(a).	Oct. 27, 1986, Pub. L. 99–570, §12007, 100 Stat. 3207–175.
31309(b)	49 App.:2706(b).	
31309(c)	49 App.:2706(c).	
31309(d)(1) ..	49 App.:2706(d).	
31309(d)(2) ..	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100–690, §9105(a), 102 Stat. 4530.
31309(e)	49 App.:2706(e).	
31309(f)	49 App.:2706(f), (g).	
	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100–690, §9105(b), 102 Stat. 4530.

In subsection (a), the words “Not later than January 1, 1989” are omitted as obsolete. The words “shall consult with” are substituted for “consult” for clarity.

In subsection (b), the text of 49 App.:2706(b)(1) is omitted as executed. The words “utilizing such system” are omitted as surplus.

In subsection (f), the text of 49 App.:2706(g) and section 9105(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4530) is omitted as obsolete.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2012—Subsec. (b)(2). Pub. L. 112–141, §32933(e), substituted “section 31308(3)” for “section 31308(2)”.

Subsec. (e)(4)(A). Pub. L. 112–141, §32305(a)(1), amended subpar. (A) generally. Prior to amendment, text read as follows: “The Secretary shall establish in the plan a date by which all States must be operating commercial driver's license information systems that are compatible with the modernized information system under this section.”

Subsec. (f). Pub. L. 112–141, §32305(a)(2), substituted “use, subject to section 31313(a),” for “use”.

2008—Subsec. (f). Pub. L. 110–244 substituted “31313” for “31318”.

2005—Subsec. (b)(1)(D) to (F), (2). Pub. L. 109–59, §4122(2)(E), inserted “or learner's permit” after “license”.

Subsecs. (e), (f). Pub. L. 109–59, §4123(a), added subsecs. (e) and (f).

1998—Subsec. (a). Pub. L. 105–178, §4011(d)(1), (2), substituted “maintain an information system” for “make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section, an information system” and inserted “The system shall be coordinated with activities carried out under section 31106.” before “The Secretary shall consult”.

Subsec. (b). Pub. L. 105–178, §4011(d)(3), (8), redesignated subsec. (d) as (b) and struck out heading and text

of former subsec. (b). Text read as follows: “If the Secretary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.”

Subsec. (c). Pub. L. 105–178, §4011(d)(3), (8), redesignated subsec. (e) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “If the Secretary does not make an agreement under subsection (b) of this section, the Secretary shall establish an information system about the driving status and licensing of operators of commercial motor vehicles as provided in this section.”

Subsec. (d). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsec. (d)(2). Pub. L. 105–178, §4011(d)(4), added par. (2) and struck out former par. (2) which read as follows: “Not later than December 31, 1990, the Secretary shall prescribe regulations on minimum uniform standards for a biometric identification system to ensure the identification of operators of commercial motor vehicles.”

Subsec. (e). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (e) as (c).

Pub. L. 105–178, §4011(d)(5), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows:

“(1) On request of a State, the Secretary or the operator of the information system, as the case may be, may make available to the State information in the information system under this section.

“(2) On request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to the employee information in the information system about the employee.

“(3) On request of an employer or prospective employer of an employee and after notification to the employee, the Secretary or the operator of the information system, as the case may be, may make available to the employer or prospective employer information in the information system about the employee.

“(4) On the request of the Secretary, the operator of the information system shall make available to the Secretary information about the driving status and licensing of operators of commercial motor vehicles (including information required by subsection (d)(1) of this section).”

Subsec. (f). Pub. L. 105–178, §4011(d)(8), redesignated subsec. (f) as (d).

Pub. L. 105–178, §4011(d)(6), (7), substituted “The Secretary may establish” for “If the Secretary establishes an information system under this section, the Secretary shall establish”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

GRANTS FOR MODERNIZATION OF COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEMS

Pub. L. 109–59, title IV, §4123(c)–(e), Aug. 10, 2005, 119 Stat. 1735, 1736, as amended by Pub. L. 111–147, title IV, §422(f), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(f), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112–5, title II, §202(f), Mar. 4, 2011, 125 Stat. 17, provided that:

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary [of Transportation] may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize the commercial driver's license

information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code, if the State is in substantial compliance with the requirements of section 31311 of such title and this section, as determined by the Secretary.

“(2) CRITERIA.—The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.

“(3) USE OF GRANT.—A State may use a grant under this subsection only to implement improvements that are consistent with the modernization plan developed by the Secretary.

“(4) GOVERNMENT SHARE.—A grant under this subsection to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in modernizing the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code. In determining these costs, the Secretary shall include in-kind contributions of the State.

“(d) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

“(1) \$5,000,000 for fiscal year 2006;

“(2) \$7,000,000 for fiscal year 2007;

“(3) \$8,000,000 for fiscal year 2008;

“(4) \$8,000,000 for fiscal year 2009;

“(5) \$8,000,000 for fiscal year 2010; and

“(6) \$8,000,000 for fiscal year 2011.

“(e) CONTRACT AUTHORITY AND AVAILABILITY.—

“(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (d) shall remain available until expended.

“(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (d) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (d) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.”

IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

Pub. L. 105-178, title IV, § 4022, June 9, 1998, 112 Stat. 415, provided that:

“(a) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

“(2) PURPOSE.—The purpose of the program shall be to—

“(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

“(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

“(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

“(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

“(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under

section 31309 of title 49, United States Code, to take into account the results of the pilot program.”

§ 31310. Disqualifications

(a) BLOOD ALCOHOL CONCENTRATION LEVEL.—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol is .04 percent.

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section);

(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) If the vehicle involved in a violation referred to in paragraph (1) of this subsection is transporting hazardous material required to be placarded under section 5103 of this title, the Secretary shall disqualify the individual for at least 3 years.

(c) SECOND AND MULTIPLE VIOLATIONS.—(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

(A) committing more than one violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes;

(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or

(F) committing any combination of single violations or use described in subparagraphs (A) through (E).

(2) The Secretary may prescribe regulations establishing guidelines (including conditions) under which a disqualification for life under paragraph (1) of this subsection may be reduced to a period of not less than 10 years.

(d) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) SERIOUS TRAFFIC VIOLATIONS.—(1) The Secretary shall disqualify from operating a commercial motor vehicle for at least 60 days an individual who, in a 3-year period, commits 2 serious traffic violations involving a commercial motor vehicle operated by the individual.

(2) The Secretary shall disqualify from operating a commercial motor vehicle for at least 120 days an individual who, in a 3-year period, commits 3 serious traffic violations involving a commercial motor vehicle operated by the individual.

(f) EMERGENCY DISQUALIFICATION.—

(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 521 or section 5102).

(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 521 or section 5102).

(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

(1) ISSUANCE OF REGULATIONS.—The Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of—

(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual's license; or

(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle.

The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.

(h) STATE DISQUALIFICATION.—Notwithstanding subsections (b) through (g) of this section, the Secretary does not have to disqualify an individual from operating a commercial motor vehicle if the State that issued the individual a license authorizing the operation has disqualified the individual from operating a commercial motor vehicle under subsections (b) through (g). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.

(i) OUT-OF-SERVICE ORDERS.—(1)(A) To enforce section 392.5 of title 49, Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5. An individual may not violate an out-of-service order issued under those regulations.

(B) The Secretary shall prescribe regulations establishing and enforcing requirements for reporting out-of-service orders issued under regulations prescribed under subparagraph (A) of this paragraph. Regulations prescribed under this subparagraph shall require at least that an operator of a commercial motor vehicle who is issued an out-of-service order to report the issuance to the individual's employer and to the State that issued the operator a driver's license.

(2) The Secretary shall prescribe regulations establishing sanctions and penalties related to violations of out-of-service orders by individuals operating commercial motor vehicles. The regulations shall require at least that—

(A) an operator of a commercial motor vehicle found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 180 days and liable for a civil penalty of at least \$2,500;

(B) an operator of a commercial motor vehicle found to have committed a 2d violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 2 years and not more than 5 years and liable for a civil penalty of at least \$5,000;

(C) an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be liable for a civil penalty of not more than \$25,000; and

(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.

(j) GRADE-CROSSING VIOLATIONS.—

(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than \$10,000.

(k) **FOREIGN COMMERCIAL DRIVERS.**—A foreign commercial driver shall be subject to disqualification under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1022; Pub. L. 104–88, title IV, §403(a), Dec. 29, 1995, 109 Stat. 956; Pub. L. 106–159, title II, §201(a)(1), (2), (b), Dec. 9, 1999, 113 Stat. 1758, 1759; Pub. L. 109–59, title IV, §4102(b), Aug. 10, 2005, 119 Stat. 1715; Pub. L. 112–141, div. C, title II, §§32204, 32507, 32931(d), July 6, 2012, 126 Stat. 785, 804, 829.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31310(a)	49 App.:2707(f).	Oct. 27, 1986, Pub. L. 99–570, §12008, 100 Stat. 3207–177.
31310(b)	49 App.:2707(a)(1).	
31310(c)	49 App.:2707(a)(2).	
31310(d)	49 App.:2707(b).	
31310(e)	49 App.:2707(c).	
31310(f)	49 App.:2707(e).	
31310(g)(1) ..	49 App.:2707(d).	
31310(g)(2) ..	49 App.:2718.	Oct. 27, 1986, Pub. L. 99–570, 100 Stat. 3207–170, §12020; added Dec. 18, 1991, Pub. L. 102–240, §4009(a), 105 Stat. 2156.

In subsection (a), the text of 49 App.:2707(f)(1)–(4) (words before 2d comma) is omitted as executed and obsolete. The words “and section 2708 of the Appendix” are omitted as surplus.

In subsection (b)(2), the words “involved in a violation” are substituted for “operated or used in connection with the violation or the commission of the felony” to eliminate unnecessary words. The words “by the Secretary” are omitted as surplus.

Subsection (c)(1)(D) is substituted for 49 App.:2707(a)(2)(A)(iv) for clarity and to eliminate unnecessary words.

In subsection (g)(1)(A), the words “Not later than 1 year after October 27, 1986” are omitted as obsolete.

In subsection (g)(2), before clause (A), the words “Not later than December 18, 1992, the Secretary shall prescribe regulations” are substituted for “The Secretary shall issue regulations” and 49 App.:2718(c) to eliminate executed words. The word “individuals” is substituted for “persons” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (C), the words “permits, authorizes” are omitted as being included in “allows”.

AMENDMENTS

2012—Subsec. (f). Pub. L. 112–141, §32507, inserted “section 521 or” before “section 5102” in pars. (1) and (2).

Subsec. (g)(1). Pub. L. 112–141, §32931(d), which directed substitution of “The” for “Not later than 1 year after the date of enactment of this Act, the”, was executed by making the substitution for “Not later than 1 year after the date of the enactment of this Act, the”, to reflect the probable intent of Congress.

Subsec. (k). Pub. L. 112–141, §32204, added subsec. (k). 2005—Subsec. (i)(2). Pub. L. 109–59, §4102(b)(1), substituted “The Secretary” for “Not later than December 18, 1992, the Secretary” in introductory provisions.

Subsec. (i)(2)(A). Pub. L. 109–59, §4102(b)(2), substituted “180 days” for “90 days” and “\$2,500” for “\$1,000”.

Subsec. (i)(2)(B). Pub. L. 109–59, §4102(b)(3), substituted “2 years” for “one year” and “\$5,000;” for “\$1,000; and”.

Subsec. (i)(2)(C). Pub. L. 109–59, §4102(b)(4), substituted “\$25,000; and” for “\$10,000.”

Subsec. (i)(2)(D). Pub. L. 109–59, §4102(b)(5), added subpar. (D).

1999—Subsec. (b)(1)(D), (E). Pub. L. 106–159, §201(a)(1), added subpars. (D) and (E).

Subsec. (c)(1)(D), (E). Pub. L. 106–159, §201(a)(2)(A), (C), added subpars. (D) and (E). Former subpar. (D) redesignated (F).

Subsec. (c)(1)(F). Pub. L. 106–159, §201(a)(2)(B), (D), redesignated subpar. (D) as (F) and substituted “subparagraphs (A) through (E)” for “clauses (A)–(C) of this paragraph”.

Subsecs. (f), (g). Pub. L. 106–159, §201(b)(2), added subsecs. (f) and (g). Former subsecs. (f) and (g) redesignated (h) and (i), respectively.

Subsec. (h). Pub. L. 106–159, §201(b)(1), (3), redesignated subsec. (f) as (h) and substituted “(b) through (g)” for “(b)–(e)” in two places. Former subsec. (h) redesignated (j).

Subsecs. (i), (j). Pub. L. 106–159, §201(b)(1), redesignated subsecs. (g) and (h) as (i) and (j), respectively.

1995—Subsec. (h). Pub. L. 104–88 added subsec. (h).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

REGULATIONS

Pub. L. 104–88, title IV, §403(b), Dec. 29, 1995, 109 Stat. 956, provided that: “The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act [Dec. 29, 1995].”

§31311. Requirements for State participation

(a) **GENERAL.**—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section 31305(a) of this title.

(2) The State may issue a commercial driver's license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section 31310(a) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver's license containing the information described in section 31308(3) of this title.¹

(5) Not later than the time period prescribed by the Secretary by regulation, the State shall

¹ See References in Text note below.

notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver's license to an individual or renewing such a license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver's license, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver's license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension, or cancellation, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded.

(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

(A) has a commercial driver's license issued by another State; or

(B) is operating a commercial vehicle without a commercial driver's license and has a driver's license issued by another State,

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.

(10)(A) The State may not issue a commercial driver's license to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

(i) the individual is disqualified from operating a commercial motor vehicle; or

(ii) the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

(i) operates or will operate a commercial motor vehicle; and

(ii) is not domiciled in a State that issues commercial driver's licenses.

(C) The State may issue a commercial driver's license to an individual who—

(i) operates or will operate a commercial motor vehicle;

(ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and

(iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State.

(13) The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

(A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;

(B) the license is not revoked, suspended, or canceled; and

(C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section 31310.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

(i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);

(ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or

(iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as² 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each

² So in original. Probably should be "section".

violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

(21) By the date established by the Secretary under section 31309(e)(4), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section 31309.

(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

(A) for a driver holding a foreign commercial driver's license—

(i) each conviction relating to the operation of a commercial motor vehicle; and

(ii) each conviction relating to the operation of a non-commercial motor vehicle; and

(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license, each conviction relating to the operation of a commercial motor vehicle.

(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for the exclusive electronic exchange of driver history record information on the system the Secretary maintains under section 31309, including the posting of convictions, withdrawals, and disqualifications.

(24) Before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a.

(25) Not later than 5 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner's certificate, from a certified medical examiner, for each holder of a commercial driver's license issued by the State who operates or intends to operate in interstate commerce.

(b) STATE SATISFACTION OF REQUIREMENTS.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

(d) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM PLAN.—

(1) IN GENERAL.—A State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

(2) CONTENTS.—A plan submitted by a State under paragraph (1) shall identify—

(A) the actions that the State will take to address any deficiencies in the State's commercial driver's license program, as identified by the Secretary in the most recent audit of the program; and

(B) other actions that the State will take to comply with the requirements under subsection (a).

(3) PRIORITY.—

(A) IMPLEMENTATION SCHEDULE.—A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize actions to address any deficiencies highlighted by the Secretary as critical in the most recent audit of the program.

(B) DEADLINE FOR COMPLIANCE WITH REQUIREMENTS.—A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the requirements of subsection (a) not later than September 30, 2015.

(4) APPROVAL AND DISAPPROVAL.—The Secretary shall—

(A) review each plan submitted under paragraph (1);

(B)(i) approve a plan if the Secretary determines that the plan meets the requirements under this subsection and promotes the goals of this chapter; and

(ii) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

(5) **MODIFICATION OF DISAPPROVED PLANS.**—If the Secretary disapproves a plan under paragraph (4), the Secretary shall—

(A) provide a written explanation of the disapproval to the State; and

(B) allow the State to modify the plan and resubmit it for approval.

(6) **PLAN UPDATES.**—The Secretary may require a State to review and update a plan, as appropriate.

(e) **ANNUAL COMPARISON OF STATE LEVELS OF COMPLIANCE.**—The Secretary shall annually—

(1) compare the relative levels of compliance by States with the requirements under subsection (a); and

(2) make the results of the comparison available to the public.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1023; Pub. L. 104–88, title IV, §403(c), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105–178, title IV, §4011(e), June 9, 1998, 112 Stat. 408; Pub. L. 106–159, title II, §202, Dec. 9, 1999, 113 Stat. 1760; Pub. L. 109–59, title IV, §4123(b), Aug. 10, 2005, 119 Stat. 1735; Pub. L. 112–141, div. C, title II, §§32203(b), 32302(d), 32305(b), July 6, 2012, 126 Stat. 784, 790, 792; Pub. L. 112–196, §2, Oct. 19, 2012, 126 Stat. 1459.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31311	49 App.:2708.	Oct. 27, 1986, Pub. L. 99–570, §12009, 100 Stat. 3207–179; Dec. 18, 1991, Pub. L. 102–240, §4009(b), 105 Stat. 2156.

Subsection (a)(15) is substituted for 49 App.:2708(a)(15)–(19) for consistency with section 31310(b)–(e) of the revised title and to avoid repeating the language restated in section 31310(b)–(e).

In subsection (b), the words “in accordance with the requirements of such subsection” are omitted as surplus.

REFERENCES IN TEXT

Par. (3) of section 31308 of this title, referred to in subsec. (a)(4), was redesignated par. (4) by Pub. L. 109–59, title IV, §4122(2)(C), Aug. 10, 2005, 119 Stat. 1734.

The date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (a)(23), (25), is the date of enactment of title II of div. C of Pub. L. 112–141, which was approved July 6, 2012.

AMENDMENTS

2012—Subsec. (a)(5). Pub. L. 112–141, §32305(b)(1)(A), substituted “Not later than the time period prescribed by the Secretary by regulation,” for “At least 60 days before issuing a commercial driver’s license (or a shorter period the Secretary prescribes by regulation).”

Subsec. (a)(12). Pub. L. 112–196 amended par. (12) generally. Prior to amendment, par. (12) read as follows: “The State may issue a commercial driver’s license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver’s license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers’ licenses.”

Subsec. (a)(22). Pub. L. 112–141, §32203(b), added par. (22).

Subsec. (a)(23), (24). Pub. L. 112–141, §32305(b)(1)(B), added pars. (23) and (24).

Subsec. (a)(25). Pub. L. 112–141, §32302(d), added par. (25).

Subsecs. (d), (e). Pub. L. 112–141, §32305(b)(2), added subsecs. (d) and (e).

2005—Subsec. (a)(15). Pub. L. 109–59, §4123(b)(1), substituted “(i)(1)(A) and (i)(2)” for “(g)(1)(A), and (g)(2)”.

Subsec. (a)(17). Pub. L. 109–59, §4123(b)(2), substituted “as 31310(j)” for “section 31310(h)”.

Subsec. (a)(21). Pub. L. 109–59, §4123(b)(3), added par. (21).

1999—Subsec. (a)(6). Pub. L. 106–159, §202(a), inserted “or renewing such a license” after “to an individual” and struck out “commercial” after “has issued a”.

Subsec. (a)(8). Pub. L. 106–159, §202(b), inserted “, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded” before the period at end.

Subsec. (a)(9). Pub. L. 106–159, §202(c), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a driver’s license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violation not later than 10 days after the date the individual is found to have committed the violation.”

Subsec. (a)(10). Pub. L. 106–159, §202(d), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (a)(13). Pub. L. 106–159, §202(e), inserted “consistent with this chapter that” after “penalties”, substituted “vehicle.” for “vehicle when the individual—”, and struck out pars. (A) to (C) which read as follows:

“(A) does not have a commercial driver’s license;

“(B) has a driver’s license revoked, suspended, or canceled; or

“(C) is disqualified from operating a commercial motor vehicle.”

Subsec. (a)(18) to (20). Pub. L. 106–159, §202(f)–(h), added pars. (18) to (20).

1998—Subsec. (a)(15). Pub. L. 105–178, §4011(e)(1), substituted “subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310” for “section 31310(b)–(e) of this title”.

Subsec. (a)(17), (18). Pub. L. 105–178, §4011(e)(2), (3), redesignated par. (18) as (17) and struck out former par. (17) which read as follows: “The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(g)(1)(A) and (2) of this title.”

1995—Subsec. (a)(18). Pub. L. 104–88 added par. (18).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

Pub. L. 106–159, title II, §221, Dec. 9, 1999, 113 Stat. 1769, provided that:

“(a) **DEVELOPMENT.**—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

“(b) **STATUS REPORT.**—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.”

§ 31312. Decertification authority

(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

- (1) prohibit that State from carrying out licensing procedures under this chapter; and
- (2) prohibit that State from issuing any commercial driver's licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver's license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the non-resident licensing requirements of the issuing State.

(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(Added Pub. L. 106-159, title II, § 203(a), Dec. 9, 1999, 113 Stat. 1762.)

PRIOR PROVISIONS

A prior section 31312, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1025, related to grants for testing and ensuring the fitness of operators of commercial motor vehicles, prior to repeal by Pub. L. 105-178, title IV, § 4011(f), June 9, 1998, 112 Stat. 408.

§ 31313. Grants for commercial driver's license program implementation

(a) COMMERCIAL DRIVER'S LICENSE PROGRAM IMPROVEMENT GRANTS.—

(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant to a State in a fiscal year—

(A) to comply with the requirements of section 31311;

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of this section and section 31311, to improve its implementation of its commercial driver's license program, including expenses—

- (i) for computer hardware and software;
- (ii) for publications, testing, personnel, training, and quality control;
- (iii) for commercial driver's license program coordinators;

(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator's commercial driver's license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012.

(2) PROHIBITIONS.—A State may not use grant funds under this subsection to rent, lease, or buy land or buildings.

(b) HIGH-PRIORITY ACTIVITIES.—

(1) GRANTS FOR NATIONAL CONCERNS.—The Secretary may make a grant to a State agen-

cy, local government, or other person for 100 percent of the costs of research, development, demonstration projects, public education, and other special activities and projects relating to commercial driver licensing and motor vehicle safety that are of benefit to all jurisdictions of the United States or are designed to address national safety concerns and circumstances.

(2) FUNDING.—The Secretary may deduct up to 10 percent of the amounts made available to carry out this section for a fiscal year to make grants under this subsection.

(c) EMERGING ISSUES.—The Secretary may designate up to 10 percent of the amounts made available to carry out this section for a fiscal year for allocation to a State agency, local government, or other person at the discretion of the Secretary to address emerging issues relating to commercial driver's license improvements.

(d) APPORTIONMENT.—Except as otherwise provided in subsection (c), all amounts made available to carry out this section for a fiscal year shall be apportioned to States according to criteria prescribed by the Secretary.

(Added Pub. L. 109-59, title IV, § 4124(a), Aug. 10, 2005, 119 Stat. 1736; amended Pub. L. 112-141, div. C, title II, § 32604(a), (b)(1), July 6, 2012, 126 Stat. 808, 809.)

REFERENCES IN TEXT

Section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (a)(1)(B)(iv), is section 32303(b) of title II of div. C of Pub. L. 112-141, which is set out as a note under section 31304 of this title.

PRIOR PROVISIONS

A prior section 31313, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1027, related to grants for issuing commercial drivers' licenses and complying with State participation requirements, prior to repeal by Pub. L. 105-178, title IV, § 4011(f), June 9, 1998, 112 Stat. 408.

AMENDMENTS

2012—Pub. L. 112-141, § 32604(b)(1), substituted "implementation" for "improvements" in section catchline.

Subsec. (a). Pub. L. 112-141, § 32604(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to grants for commercial driver's license program improvements.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 31314. Withholding amounts for State non-compliance

(a) FIRST FISCAL YEAR.—The Secretary of Transportation shall withhold up to 5 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4)¹ of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) SECOND FISCAL YEAR.—The Secretary shall withhold up to 10 percent of the amount re-

¹ See References in Text note below.

quired to be apportioned to a State under section 104(b)(1), (3), and (4)¹ of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(c) **PENALTIES IMPOSED IN FISCAL YEAR 2012 AND THEREAFTER.**—Effective beginning on October 1, 2011—

(1) the penalty for the first instance of noncompliance by a State under this section shall be not more than an amount equal to 4 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23; and

(2) the penalty for subsequent instances of noncompliance shall be not more than an amount equal to 8 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23.

(d) **AVAILABILITY FOR APPORTIONMENT.**—Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1028; Pub. L. 105–178, title IV, §4011(g), (h), June 9, 1998, 112 Stat. 408; Pub. L. 105–206, title IX, §9010, July 22, 1998, 112 Stat. 863; Pub. L. 109–59, title IV, §4124(c), Aug. 10, 2005, 119 Stat. 1738; Pub. L. 112–141, div. A, title I, §1404(j), July 6, 2012, 126 Stat. 559.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31314(a)	49 App.:2710(a).	Oct. 27, 1986, Pub. L. 99–570, §12011, 100 Stat. 3207–183.
31314(b)	49 App.:2710(b).	
31314(c)	49 App.:2710(c)(1).	
31314(d)	49 App.:2710(c)(2), (3).	
31314(e)	49 App.:2710(c)(4).	

In this section, the word “amounts” is substituted for “funds” and “sums” for consistency in the revised title.

In subsection (e), the words “by the Secretary” are omitted as surplus.

REFERENCES IN TEXT

Section 104(b)(1), (3), and (4) of title 23, referred to in subssecs. (a) and (b), probably refers to section 104(b)(1), (3), and (4) of title 23 prior to the general amendment of section 104 by Pub. L. 112–141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

AMENDMENTS

2012—Subsecs. (c), (d). Pub. L. 112–141 added subsec. (c) and redesignated former subsec. (c) as (d).

2005—Subsecs. (a), (b). Pub. L. 109–59 inserted “up to” after “withhold”.

1998—Subsecs. (a), (b). Pub. L. 105–178, §4011(h)(1), as added by Pub. L. 105–206, substituted “section 104(b)(1), (3), and (4) of title 23” for “section 104(b)(1), (3), and (5) of title 23”.

Pub. L. 105–178, §4011(g)(1), substituted “section 104(b)(1), (3), and (5) of title 23” for “section 104(b)(1), (2), (5), and (6) of title 23”.

Subsec. (c). Pub. L. 105–178, §4011(g)(2), struck out par. (2) designation and struck out par. (1) which read as follows: “Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:

“(A) If the amounts would have been apportioned under section 104(b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

“(B) If the amounts would have been apportioned under section 104(b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.”

Subsec. (d). Pub. L. 105–178, §4011(h)(2), as added by Pub. L. 105–206, struck out heading and text of subsec. (d). Text read as follows: “If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311(a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104(b)(5) of title 23, the amounts lapse and are available for projects under section 118(b) of title 23.”

Pub. L. 105–178, §4011(g)(3), (4), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311(a) of this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

“(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.”

Subsec. (e). Pub. L. 105–178, §4011(g)(4), redesignated subsec. (e) as (d).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

§ 31315. Waivers, exemptions, and pilot programs

(a) **WAIVERS.**—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

- (1) for a period not in excess of 3 months;
- (2) limited in scope and circumstances;
- (3) for nonemergency and unique events; and
- (4) subject to such conditions as the Secretary may impose.

(b) EXEMPTIONS.—

(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

(A) the person fails to comply with the terms and conditions of such exemption;

(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.

(B) The time period during which the requested exemption would apply.

(C) An analysis of the safety impacts the requested exemption may cause.

(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

(4) NOTICE AND COMMENT.—

(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) UPON GRANTING A REQUEST.—Upon granting a request and before the effective date of the exemption, the Secretary shall publish in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the per-

son granted the exemption, the provisions from which the person is exempt, the effective period, and the terms and conditions of the exemption.

(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before the effective date of an exemption, the Secretary shall notify a State safety compliance and enforcement agency, and require the agency to notify the State's roadside inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to the exemption.

(c) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.

(B) A specific data collection and safety analysis plan that identifies a method for comparison.

(C) A reasonable number of participants necessary to yield statistically valid findings.

(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.

(E) Adequate countermeasures to protect the health and safety of study participants and the general public.

(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) **AUTHORITY TO REVOKE PARTICIPATION.**—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) **AUTHORITY TO TERMINATE PROGRAM.**—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) **REPORT TO CONGRESS.**—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

(d) **PREEMPTION OF STATE RULES.**—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.

(e) **REPORT TO CONGRESS.**—The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety.

(f) **WEB SITE.**—The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page of the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1029; Pub. L. 105–178, title IV, §4007(a), June 9, 1998, 112

Stat. 401; Pub. L. 112–141, div. C, title II, §32913, July 6, 2012, 126 Stat. 818.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(3), probably means the date of enactment of Pub. L. 105–178, which amended this section generally and was approved June 9, 1998.

AMENDMENTS

2012—Subsec. (b)(4)(A). Pub. L. 112–141, §32913(a)(1), inserted “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”.

Subsec. (b)(4)(B). Pub. L. 112–141, §32913(a)(2), amended subpar. (B) generally. Prior to amendment, text read as follows: “Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.”

Subsec. (b)(4)(C). Pub. L. 112–141, §32913(a)(3), inserted “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”.

Subsec. (b)(7). Pub. L. 112–141, §32913(b), amended par. (7) generally. Prior to amendment, text read as follows: “Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.”

Subsec. (c)(1). Pub. L. 112–141, §32913(c), struck out “in the Federal Register” after “shall publish”.

Subsecs. (e), (f). Pub. L. 112–141, §32913(d), added subsecs. (e) and (f).

1998—Pub. L. 105–178 amended section catchline and text generally. Prior to amendment, text read as follows: “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.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

PROTECTION OF EXISTING EXEMPTIONS

For provisions making amendment by section 4007 of Pub. L. 105–178 inapplicable to or otherwise not affecting waiver, exemption, or pilot program in effect the day before June 9, 1998, under this chapter or section 31136(e) of this title, see section 4007(d) of Pub. L. 105–178, set out as a note under section 31136 of this title.

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.
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.

§ 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 13102 of this title.

(3) “motor carrier of migrant workers”—

(A) means a person (except a motor common carrier) providing transportation referred to in section 13501 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; Pub. L. 104-88, title III, §308(k)(1), (2), Dec. 29, 1995, 109 Stat. 947, 948.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3101(1)	49:303(a)(23).	Feb. 4, 1887, ch. 104, 24 Stat. 397, §203(a)(22), (23); added Aug. 3, 1956, ch. 905, §1, 70 Stat. 958.
3101(2)	(no source).	
3101(3)	49:303(a)(22).	

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

1995—Par. (2). Pub. L. 104-88, §308(k)(1), substituted “13102” for “10102”.

Par. (3)(A). Pub. L. 104-88, §308(k)(2), substituted “13501” for “10521(a)”.

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 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

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.

EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER
FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this chapter with respect to certain