

§ 30505. Penalties and enforcement

(a) PENALTY.—An individual or entity violating this chapter is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation.

(b) COLLECTION AND COMPROMISE.—(1) The Attorney General shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty. The Attorney General may compromise the amount of the penalty. In determining the amount of the penalty or compromise, the Attorney General shall consider the appropriateness of the penalty to the size of the business of the individual or entity charged and the gravity of the violation.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual or entity liable for the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 983; Pub. L. 104-152, §3(a), July 2, 1996, 110 Stat. 1384.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30505	15:2044(c).	Oct. 25, 1992, Pub. L. 102-519, §204(c), 106 Stat. 3393.

In subsection (a), the words “An individual or entity violating this chapter is liable to the United States Government for a civil penalty of” are substituted for “Whoever violates this section may be assessed a civil penalty of not to exceed” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “individual or entity” are substituted for “person” for clarity and consistency with the source provisions restated in the revised chapter.

In subsection (b)(1), the words “The Secretary of Transportation shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty” are substituted for “Any such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General of the United States” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words “penalty imposed or compromised” are substituted for “such penalty, finally determined, or the amount agreed upon in compromise”, and the words “liable for the penalty” are substituted for “charged”, for clarity and consistency in the revised title and other titles of the Code.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-152 substituted “Attorney General shall impose” for “Secretary of Transportation shall impose”, “Attorney General may compromise” for “Secretary may compromise”, and “Attorney General shall consider” for “Secretary shall consider”.

PART B—COMMERCIAL

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AMENDMENT OF ANALYSIS

Pub. L. 114-94, div. A, title V, §5101(d), (e)(3), (4), (f), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, the analysis for this chapter is amended by striking items 31102, 31103, and 31104 and inserting new items 31102 “Motor carrier safety assistance program”, 31103 “Commercial motor vehicle operators grant program”, and 31104 “Authorization of appropriations” and by striking items 31107 and 31109. See 2015 Amendment note below.

AMENDMENTS

2015—Pub. L. 114-94, div. A, title V, §§5101(d), (e)(3), (4), 5103(b), Dec. 4, 2015, 129 Stat. 1525, 1527, substituted “Motor carrier safety assistance program” for “Grants to States” in item 31102, “Commercial motor vehicle operators grant program” for “United States Government’s share of costs” in item 31103, and “Authorization of appropriations” for “Availability of amounts” in item 31104, struck out items 31107 “Border enforcement grants” and 31109 “Performance and registration information system management”, and added item 31110.

2012—Pub. L. 112-141, div. C, title II, §§32105(b), 32301(d), July 6, 2012, 126 Stat. 781, 788, added items 31134

and 31137 and struck out former item 31137 “Monitoring device and brake maintenance regulations”.

2005—Pub. L. 109-59, title IV, §§ 4109(b)(2), 4110(b), 4111(b), 4116(e), 4117(b), 4118(b), 4119(b), Aug. 10, 2005, 119 Stat. 1721, 1722, 1724, 1728, 1729, 1732, 1733, substituted “GENERAL AUTHORITY AND STATE GRANTS” for “STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS” in subchapter I heading, “Border enforcement grants” for “Contract authority funding for information systems” in item 31107, and “Motor carrier research and technology program” for “Authorization of appropriations” in item 31108 and added items 31109 and 31149 to 31151, subchapter IV heading, and item 31161.

1999—Pub. L. 106-159, title II, § 211(b), Dec. 9, 1999, 113 Stat. 1766, added item 31148.

1998—Pub. L. 105-178, title IV, §§ 4002(b), 4004(d), 4008(c), (d), 4010, June 9, 1998, 112 Stat. 395, 400, 404, 407, inserted “AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS” after “GRANTS” in subchapter I heading, added item 31100, substituted “Information systems” for “Commercial motor vehicle information system program” in item 31106 and “Contract authority funding for information systems” for “Truck and bus accident grant program” in item 31107, struck out items 31134 “Commercial Motor Vehicle Safety Regulatory Review Panel” and 31140 “Submission of State laws and regulations for review”, subchapter IV heading “MISCELLANEOUS”, and items 31161 “Procedures to ensure timely correction of safety violations” and 31162 “Compliance review priority”.

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

AMENDMENTS

2005—Pub. L. 109-59, title IV, § 4110(a)(1), Aug. 10, 2005, 119 Stat. 1721, substituted “GENERAL AUTHORITY AND STATE GRANTS” for “STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS” in subchapter heading.

1998—Pub. L. 105-178, title IV, § 4004(c), June 9, 1998, 112 Stat. 400, inserted “AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS” after “GRANTS” in subchapter heading.

§ 31100. Purpose

The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

(5) advancing promising technologies and encouraging adoption of safe operational practices.

(Added Pub. L. 105-178, title IV, § 4002(a), June 9, 1998, 112 Stat. 395.)

COMPLIANCE, SAFETY, ACCOUNTABILITY REFORM

Pub. L. 114-94, div. A, title V, subtitle B, part II, Dec. 4, 2015, 129 Stat. 1538, provided that:

“SEC. 5221. CORRELATION STUDY.

“(a) IN GENERAL.—The Administrator of the Federal Motor Carrier Safety Administration (referred to in this part as the ‘Administrator’) shall commission the National Research Council of the National Academies to conduct a study of—

“(1) the Compliance, Safety, Accountability program of the Federal Motor Carrier Safety Administration (referred to in this part as the ‘CSA program’); and

“(2) the Safety Measurement System utilized by the CSA program (referred to in this part as the ‘SMS’).

“(b) SCOPE OF STUDY.—In carrying out the study commissioned pursuant to subsection (a), the National Research Council—

“(1) shall analyze—

“(A) the accuracy with which the Behavior Analysis and Safety Improvement Categories (referred to in this part as ‘BASIC’)—

“(i) identify high risk carriers; and

“(ii) predict or are correlated with future crash risk, crash severity, or other safety indicators for motor carriers, including the highest risk carriers;

“(B) the methodology used to calculate BASIC percentiles and identify carriers for enforcement, including the weights assigned to particular violations and the tie between crash risk and specific regulatory violations, with respect to accurately identifying and predicting future crash risk for motor carriers;

“(C) the relative value of inspection information and roadside enforcement data;

“(D) any data collection gaps or data sufficiency problems that may exist and the impact of those gaps and problems on the efficacy of the CSA program;

“(E) the accuracy of safety data, including the use of crash data from crashes in which a motor carrier was free from fault;

“(F) whether BASIC percentiles for motor carriers of passengers should be calculated separately from motor carriers of freight;

“(G) the differences in the rates at which safety violations are reported to the Federal Motor Carrier Safety Administration for inclusion in the SMS by various enforcement authorities, including States, territories, and Federal inspectors; and

“(H) how members of the public use the SMS and what effect making the SMS information public has had on reducing crashes and eliminating unsafe motor carriers from the industry; and

“(2) shall consider—

“(A) whether the SMS provides comparable precision and confidence, through SMS alerts and percentiles, for the relative crash risk of individual large and small motor carriers;

“(B) whether alternatives to the SMS would identify high risk carriers more accurately; and

“(C) the recommendations and findings of the Comptroller General of the United States and the Inspector General of the Department [of Transportation], and independent review team reports, is-

sued before the date of enactment of this Act [Dec. 4, 2015].

“(C) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall—

“(1) submit a report containing the results of the study commissioned pursuant to subsection (a) to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(C) the Inspector General of the Department; and

“(2) publish the report on a publicly accessible Internet Web site of the Department.

“(d) CORRECTIVE ACTION PLAN.—

“(1) IN GENERAL.—Not later than 120 days after the Administrator submits the report under subsection (c), if that report identifies a deficiency or opportunity for improvement in the CSA program or in any element of the SMS, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a corrective action plan that—

“(A) responds to the deficiencies or opportunities identified by the report;

“(B) identifies how the Federal Motor Carrier Safety Administration will address such deficiencies or opportunities; and

“(C) provides an estimate of the cost, including with respect to changes in staffing, enforcement, and data collection, necessary to address such deficiencies or opportunities.

“(2) PROGRAM REFORMS.—The corrective action plan submitted under paragraph (1) shall include an implementation plan that—

“(A) includes benchmarks;

“(B) includes programmatic reforms, revisions to regulations, or proposals for legislation; and

“(C) shall be considered in any rulemaking by the Department that relates to the CSA program, including the SMS or data analysis under the SMS.

“(e) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the Administrator submits a corrective action plan under subsection (d), the Inspector General of the Department shall—

“(1) review the extent to which such plan addresses—

“(A) recommendations contained in the report submitted under subsection (c); and

“(B) relevant recommendations issued by the Comptroller General or the Inspector General before the date of enactment of this Act; and

“(2) submit 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 responsiveness of the corrective action plan to the recommendations described in paragraph (1).

“SEC. 5222. BEYOND COMPLIANCE.

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Dec. 4, 2015], the Administrator shall allow recognition, including credit or an improved SMS percentile, for a motor carrier that—

“(1) installs advanced safety equipment;

“(2) uses enhanced driver fitness measures;

“(3) adopts fleet safety management tools, technologies, and programs; or

“(4) satisfies other standards determined appropriate by the Administrator.

“(b) IMPLEMENTATION.—The Administrator shall carry out subsection (a) by—

“(1) incorporating a methodology into the CSA program; or

“(2) establishing a safety BASIC in the SMS.

“(c) PROCESS.—

“(1) IN GENERAL.—The Administrator, after providing notice and an opportunity for comment, shall develop a process for identifying and reviewing ad-

vanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for use by motor carriers to receive recognition, including credit or an improved SMS percentile, for purposes of subsection (a).

“(2) CONTENTS.—A process developed under paragraph (1) shall—

“(A) provide for a petition process for reviewing advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and

“(B) seek input and participation from industry stakeholders, including commercial motor vehicle drivers, technology manufacturers, vehicle manufacturers, motor carriers, law enforcement, safety advocates, and the Motor Carrier Safety Advisory Committee.

“(d) QUALIFICATION.—The Administrator, after providing notice and an opportunity for comment, shall develop technical or other performance standards with respect to advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards for purposes of subsection (a).

“(e) MONITORING.—The Administrator may authorize qualified entities to monitor motor carriers that receive recognition, including credit or an improved SMS percentile, under this section through a no-cost contract structure.

“(f) DISSEMINATION OF INFORMATION.—The Administrator shall maintain on a publicly accessible Internet Web site of the Department information on—

“(1) the advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards eligible for recognition, including credit or an improved SMS percentile;

“(2) any petitions for review of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards; and

“(3) any relevant statistics relating to the use of advanced safety equipment, enhanced driver fitness measures, fleet safety management tools, technologies, and programs, and other standards.

“(g) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the—

“(1) number of motor carriers receiving recognition, including credit or an improved SMS percentile, under this section; and

“(2) safety performance of such carriers.

“SEC. 5223. DATA CERTIFICATION.

“(a) IN GENERAL.—On and after the date that is 1 day after the date of enactment of this Act [Dec. 4, 2015], no information regarding analysis of violations, crashes in which a determination is made that the motor carrier or the commercial motor vehicle driver is not at fault, alerts, or the relative percentile for each BASIC developed under the CSA program may be made available to the general public until the Inspector General of the Department certifies that—

“(1) the report required under section 5221(c) has been submitted in accordance with that section;

“(2) any deficiencies identified in the report required under section 5221(c) have been addressed;

“(3) if applicable, the corrective action plan under section 5221(d) has been implemented;

“(4) the Administrator of the Federal Motor Carrier Safety Administration has fully implemented or satisfactorily addressed the issues raised in the report titled ‘Modifying the Compliance, Safety, Accountability Program Would Improve the Ability to Identify High Risk Carriers’ of the Government Accountability Office and dated February 2014 (GAO–14–114); and

“(5) the Secretary [of Transportation] has initiated modification of the CSA program in accordance with section 5222.

“(b) LIMITATION ON THE USE OF CSA ANALYSIS.—Information regarding alerts and the relative percentile for each BASIC developed under the CSA program may not be used for safety fitness determinations until the Inspector General of the Department makes the certification under subsection (a).

“(c) CONTINUED PUBLIC AVAILABILITY OF DATA.—Notwithstanding any other provision of this section, inspection and violation information submitted to the Federal Motor Carrier Safety Administration by commercial motor vehicle inspectors and qualified law enforcement officials, out-of-service rates, and absolute measures shall remain available to the public.

“(d) EXCEPTIONS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section—

“(A) the Federal Motor Carrier Safety Administration and State and local commercial motor vehicle enforcement agencies may use the information referred to in subsection (a) for purposes of investigation and enforcement prioritization;

“(B) a motor carrier and a commercial motor vehicle driver may access information referred to in subsection (a) that relates directly to the motor carrier or driver, respectively; and

“(C) a data analysis of motorcoach operators may be provided online with a notation indicating that the ratings or alerts listed are not intended to imply any Federal safety rating of the carrier.

“(2) NOTATION.—The notation described in paragraph (1)(C) shall include the following: ‘Readers should not draw conclusions about a carrier’s overall safety condition simply based on the data displayed in this system. Unless a motor carrier has received an UNSATISFACTORY safety rating under part 385 of title 49, Code of Federal Regulations, or has otherwise been ordered to discontinue operations by the Federal Motor Carrier Safety Administration, it is authorized to operate on the Nation’s roadways.’

“(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to restrict the official use by State enforcement agencies of the data collected by State enforcement personnel.

“SEC. 5224. DATA IMPROVEMENT.

“(a) FUNCTIONAL SPECIFICATIONS.—The Administrator shall develop functional specifications to ensure the consistent and accurate input of data into systems and databases relating to the CSA program.

“(b) FUNCTIONALITY.—The functional specifications developed pursuant to subsection (a)—

“(1) shall provide for the hardcoding and smart logic functionality for roadside inspection data collection systems and databases; and

“(2) shall be made available to public and private sector developers.

“(c) EFFECTIVE DATA MANAGEMENT.—The Administrator shall ensure that internal systems and databases accept and effectively manage data using uniform standards.

“(d) CONSULTATION WITH THE STATES.—Before implementing the functional specifications developed pursuant to subsection (a) or the standards described in subsection (c), the Administrator shall seek input from the State agencies responsible for enforcing section 31102 of title 49, United States Code.

“SEC. 5225. ACCIDENT REVIEW.

“(a) IN GENERAL.—Not later than 1 year after a certification under section 5223, the Secretary shall task the Motor Carrier Safety Advisory Committee with reviewing the treatment of preventable crashes under the SMS.

“(b) DUTIES.—Not later than 6 months after being tasked under subsection (a), the Motor Carrier Safety Advisory Committee shall make recommendations to the Secretary on a process to allow motor carriers and drivers to request that the Administrator make a de-

termination with respect to the preventability of a crash, if such a process has not yet been established by the Secretary.

“(c) REPORT.—The Secretary shall—

“(1) review and consider the recommendations provided by the Motor Carrier Safety Advisory Committee; and

“(2) report to Congress on how the Secretary intends to address the treatment of preventable crashes.

“(d) PREVENTABLE DEFINED.—In this section, the term ‘preventable’ has the meaning given that term in Appendix B of part 385 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act [Dec. 4, 2015].”

ADMINISTRATION OF GRANT PROGRAMS

Pub. L. 112–141, div. C, title II, §32603(i), July 6, 2012, 126 Stat. 808, provided that: “The Secretary [of Transportation] is authorized to identify and implement processes to reduce the administrative burden on the States and the Department of Transportation concerning the application and management of the grant programs authorized under chapter 311 and chapter 313 of title 49, United States Code.”

TRUCKING SECURITY

Pub. L. 109–347, title VII, §703, Oct. 13, 2006, 120 Stat. 1944, provided that:

“(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004–054).

“(b) COMMERCIAL DRIVER’S LICENSE ANTIFRAUD PROGRAMS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver’s License Program (MH–2006–037).

“(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

“(1) GUIDELINES.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary [of Homeland Security], in consultation with the Secretary of Transportation, shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, on how to identify noncompliance with Federal laws uniquely applicable to commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic and communicate such noncompliance to the appropriate Federal authorities. Such guidelines shall be coordinated with the training and outreach activities of the Federal Motor Carrier Safety Administration under section 4139 of SAFETEA-LU (Public Law 109–59) [set out below].

“(2) VERIFICATION.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA–2002–13015) to establish a system or process by which a carrier’s operating authority can be verified during a roadside inspection.”

OUTREACH AND EDUCATION

Pub. L. 109–59, title IV, §4127, Aug. 10, 2005, 119 Stat. 1741, as amended by Pub. L. 111–147, title IV, §422(g), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111–322, title II, §2202(g), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112–5, title

II, §202(g), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(f), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(f), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(f), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §32603(f), div. G, title II, §112002(e), July 6, 2012, 126 Stat. 808, 983; Pub. L. 113-159, title I, §1102(f), Aug. 8, 2014, 128 Stat. 1844; Pub. L. 114-21, title I, §1102(f), May 29, 2015, 129 Stat. 222; Pub. L. 114-41, title I, §1102(f), July 31, 2015, 129 Stat. 449; Pub. L. 114-73, title I, §1102(f), Oct. 29, 2015, 129 Stat. 572; Pub. L. 114-87, title I, §1102(f), Nov. 20, 2015, 129 Stat. 681, which provided for an outreach and education program, was repealed by Pub. L. 114-94, div. A, title V, §5103(c)(4), Dec. 4, 2015, 129 Stat. 1527. See section 31110(c) of this title.

SAFETY DATA IMPROVEMENT PROGRAM

Pub. L. 109-59, title IV, §4128, Aug. 10, 2005, 119 Stat. 1742, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary.

“(b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

“(1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years;

“(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and

“(3) identified performance-based measures to determine progress toward those goals.

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

“(d) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.”

[Pub. L. 114-94, div. A, title V, §5101(e)(6), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, section 4128 of Pub. L. 109-59, set out above, is repealed, subject to a transition provision.]

OPERATING AUTHORITY ENFORCEMENT ASSISTANCE FOR STATES

Pub. L. 109-59, title IV, §4139(a), Aug. 10, 2005, 119 Stat. 1745, provided that:

“(1) TRAINING AND OUTREACH.—Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Administrator of the Federal Motor Carrier Safety Administration shall conduct outreach and provide training as necessary to State personnel engaged in the enforcement of Federal motor carrier safety regulations to ensure their awareness of the process to be used for verification of the operating authority of motor carriers, including motor carriers of passengers, and to ensure proper enforcement when motor carriers are found to be in violation of operating authority requirements.

“(2) ASSESSMENT.—The Inspector General of the Department of Transportation may periodically assess the implementation and effectiveness of the training and outreach program.”

MOTOR CARRIER SAFETY ADVISORY COMMITTEE

Pub. L. 109-59, title IV, §4144, Aug. 10, 2005, 119 Stat. 1748, as amended by Pub. L. 111-147, title IV, §422(i), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(i), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(i), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(h), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(h), Mar. 30, 2012, 126 Stat. 274; Pub. L.

112-140, title II, §202(h), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §32912, July 6, 2012, 126 Stat. 818, provided that:

“(a) ESTABLISHMENT AND DUTIES.—The Secretary [of Transportation] shall establish in the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. The committee shall—

“(1) provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration; and

“(2) provide advice and recommendations to the Administrator on motor carrier safety regulations.

“(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

“(1) IN GENERAL.—The committee shall be composed of not more than 20 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. The members shall include representatives of the motor carrier industry, safety advocates, and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the members of the advisory committee.

“(2) CHAIRMAN.—The Administrator shall designate the chairman of the committee.

“(3) PAY.—A member of the committee shall serve without pay; except that the Administrator may allow a member, when attending meetings of the committee or a subcommittee of the committee, expenses authorized under section 5703 of title 5, relating to per diem, travel, and transportation expenses.

“(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

“(d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall terminate on September 30, 2013.”

MOTOR CARRIER SAFETY STRATEGY

Pub. L. 106-159, title I, §104, Dec. 9, 1999, 113 Stat. 1754, provided that:

“(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

“(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

“(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

“(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

“(b) CONTENTS OF STRATEGY.—

“(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

“(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

“(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

“(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

“(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

“(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

“(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

“(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

“(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President’s budget submission.

“(d) ANNUAL PERFORMANCE.—

“(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

“(A) The Secretary and the Federal Motor Carrier Safety Administrator.

“(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

“(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

“(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

“(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

“(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

“(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

“(e) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

“(2) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official’s performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the perform-

ance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

“(f) EXPEDITING REGULATORY PROCEEDINGS.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

“(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

“(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.”

COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

Pub. L. 106–159, title I, §105, Dec. 9, 1999, 113 Stat. 1756, provided that:

“(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

“(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

“(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

“(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.”

STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Pub. L. 106–159, title II, §224, Dec. 9, 1999, 113 Stat. 1770, provided that:

“(a) OBJECTIVES.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation’s and States’ ability to—

“(1) evaluate future crashes involving commercial motor vehicles;

“(2) monitor crash trends and identify causes and contributing factors; and

“(3) develop effective safety improvement policies and programs.

“(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

“(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

“(1) crash causation and prevention;

“(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

“(3) highways and noncommercial motor vehicles and drivers;

“(4) Federal and State highway and motor carrier safety programs;

“(5) research methods and statistical analysis; and
“(6) other relevant topics.

“(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

“(e) REPORTS.—

“(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

“(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

“(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178, 49 U.S.C. 31104 note] (112 Stat. 395–398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out this section.”

DATA COLLECTION AND ANALYSIS

Pub. L. 106–159, title II, §225, Dec. 9, 1999, 113 Stat. 1771, directed the Secretary, in cooperation with the States, to carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles and to transmit a report on the program and authorized appropriations for fiscal years 2001, 2002, and 2003.

§ 31101. Definitions

In this subchapter—

(1) “commercial motor vehicle” means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) “employee” means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment by a commercial motor carrier; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(3) “employer”—

(A) means a person engaged in a business affecting commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate the vehicle in commerce; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 984; Pub. L. 105–178, title IV, § 4003(a), June 9, 1998, 112 Stat. 395.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31101	49 App.:2301(1), (3)–(6). 49 App.:2301(2).	Jan. 6, 1983, Pub. L. 97–424, §401(1), (3)–(6), 96 Stat. 2154, 2155. Jan. 6, 1983, Pub. L. 97–424, §401(2), 96 Stat. 2154; Oct. 30, 1984, Pub. L. 98–554, §228(a), (b), 98 Stat. 2852.

Before clause (1), the words “unless the context otherwise requires” are omitted as unnecessary. The text of 49 App.:2301(4) is omitted as unnecessary because of 1:1. The text of 49 App.:2301(5) 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 (1), before subclause (A), the words “(except in section 31106)” are added because the source provisions being restated in section 31106 of the revised title contain a definition of “commercial motor vehicle”.

In clause (4), the words “the Commonwealth of” are omitted for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1998—Par. (1)(A). Pub. L. 105–178, §4003(a)(1), inserted “or gross vehicle weight” after “rating” and substituted “10,001 pounds, whichever is greater” for “10,000 pounds”.

Par. (1)(C). Pub. L. 105–178, §4003(a)(2), inserted “and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103” before period at end.

SAVINGS CLAUSE

Pub. L. 105–178, title IV, §4003(h), June 9, 1998, 112 Stat. 398, provided that: “Amendments made by this section [amending this section and sections 31102 to 31104 of this title] shall not affect any funds made available before the date of enactment of this Act [June 9, 1998].”

§ 31102. Grants to States

(a) GENERAL AUTHORITY.—Subject to this section and the availability of amounts, the Secretary of Transportation may make grants to States for the development or implementation of programs for improving motor carrier safety and the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—

(1) PROGRAM GOAL.—The goal of the Motor Carrier Safety Assistance Program is to ensure that the Secretary, States, local government agencies, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

(A) making targeted investments to promote safe commercial motor vehicle transportation, including transportation of passengers and hazardous materials;

(B) investing in activities likely to generate maximum reductions in the number

and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

(C) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

(D) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

(2) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to assume responsibility for improving motor carrier safety and to adopt and enforce regulations, standards, and orders of the Government on commercial motor vehicle safety, hazardous materials transportation safety, or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(B) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(C) contains satisfactory assurances the agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(D) contains satisfactory assurances the State will devote adequate amounts to the administration of the plan and enforcement of the regulations, standards, and orders;

(E) provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.¹

(F) provides a right of entry and inspection to carry out the plan;

(G) provides that all reports required under this section be submitted to the agency and that the agency will make the reports available to the Secretary on request;

(H) provides that the agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations the Secretary prescribes;

(I) requires registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Government and the State;

(J) provides that the State will grant maximum reciprocity for inspections conducted

under the North American Inspection Standard through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

(K) ensures that activities described in subsection (c)(1) of this section, if financed with grants under subsection (a) of this section, will not diminish the effectiveness of the development and implementation of commercial motor vehicle safety programs described in subsection (a);

(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

(M) ensures participation in appropriate Federal Motor Carrier Safety Administration systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;

(N) ensures that information is exchanged among the States in a timely manner;

(O) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(P) provides satisfactory assurances that the State will promote activities in support of national priorities and performance goals, including—

(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;

(Q) provides that the State has established and dedicated sufficient resources to a program to ensure that—

(i) accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary; and

(ii) the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;

(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;

(S) ensures consistent, effective, and reasonable sanctions;

(T) ensures that roadside inspections will be conducted at a location that is adequate

¹ So in original. The period probably should be a semicolon.

to protect the safety of drivers and enforcement personnel;

(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to operate beyond the scope of such registration;

(W) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

(X) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop; and

(Y) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to section 31315(b) and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.

(3) If the Secretary disapproves a plan under this subsection, the Secretary shall give the State a written explanation and allow the State to modify and resubmit the plan for approval.

(4) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A plan submitted by a State under paragraph (2) shall provide that the total expenditure of amounts of the lead State agency responsible for implementing the plan will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

(B) AVERAGE LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under subparagraph (A), the Secretary—

(i) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

(ii) shall require the State to exclude State matching amounts used to receive Government financing under this subsection.

(C) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements of this paragraph for 1 fiscal year, if the Secretary determines that a waiver is equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a serious decline in the financial resources of the State motor carrier safety assistance program agency.

(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

(B) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle; and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of motor carrier safety activities (including roadside safety inspections) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2003, 2004, and 2005; except that the State may not use more than 5 percent of the basic amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph unless the Secretary determines a higher percentage will result in significant increases in commercial motor vehicle safety.

(d) CONTINUOUS EVALUATION OF PLANS.—On the basis of reports submitted by a State motor vehicle safety agency of a State with a plan approved under this section and the Secretary's own investigations, the Secretary shall make a continuing evaluation of the way the State is carrying out the plan. If the Secretary finds, after notice and opportunity for comment, the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, the Secretary shall withdraw approval of the plan and notify the State. The plan stops being effective when the notice is received. A State adversely affected by the withdrawal may seek judicial review under chapter 7 of title 5. Notwithstanding the withdrawal, the State may retain jurisdiction in administrative or judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.

(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and

Transportation of the Senate an annual report that—

- (1) analyzes commercial motor vehicle safety trends among the States and documents the most effective commercial motor vehicle safety programs implemented with grants under this section; and
- (2) describes the effect of activities carried out with grants made under this section on commercial motor vehicle safety.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 984; Pub. L. 104–88, title I, §104(a), Dec. 29, 1995, 109 Stat. 918; Pub. L. 105–178, title IV, §4003(b), (c), June 9, 1998, 112 Stat. 395, 396; Pub. L. 106–159, title II, §207, Dec. 9, 1999, 113 Stat. 1764; Pub. L. 109–59, title IV, §§4106, 4307(b), Aug. 10, 2005, 119 Stat. 1717, 1774; Pub. L. 112–141, div. C, title II, §32601(a), July 6, 2012, 126 Stat. 805; Pub. L. 114–94, div. A, title V, §5101(a), Dec. 4, 2015, 129 Stat. 1514.)

AMENDMENT OF SECTION

Pub. L. 114–94, div. A, title V, §5101(a), (f), Dec. 4, 2015, 129 Stat. 1514, 1526, provided that, effective Oct. 1, 2016, this section is amended to read as follows:

§ 31102. Motor carrier safety assistance program

(a) *In General.*—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104.

(b) *Goal.*—The goal of the program is to ensure that the Secretary, States, local governments, other political jurisdictions, federally recognized Indian tribes, and other persons work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

- (1) making targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;
- (2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;
- (3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and
- (4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

(c) *State Plans.*—

(1) *In general.*—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

(2) *Contents.*—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

- (A) implements performance-based activities, including deployment and maintenance of tech-

nology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(B) *designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;*

(C) *contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;*

(D) *contains satisfactory assurances that the State will devote adequate resources to the administration of the plan and enforcement of the regulations, standards, and orders;*

(E) *provides a right of entry (or other method a State may use that the Secretary determines is adequate to obtain necessary information) and inspection to carry out the plan;*

(F) *provides that all reports required under this section be available to the Secretary on request;*

(G) *provides that the lead State commercial motor vehicle safety agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations that the Secretary prescribes;*

(H) *requires all registrants of commercial motor vehicles to demonstrate knowledge of applicable safety regulations, standards, and orders of the Federal Government and the State;*

(I) *provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standards through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;*

(J) *ensures that activities described in subsection (h), if financed through grants to the State made under this section, will not diminish the effectiveness of the development and implementation of the programs to improve motor carrier, commercial motor vehicle, and driver safety as described in subsection (b);*

(K) *ensures that the lead State commercial motor vehicle safety agency will coordinate the plan, data collection, and information systems with the State highway safety improvement program required under section 148(c) of title 23;*

(L) *ensures participation in appropriate Federal Motor Carrier Safety Administration information technology and data systems and other information systems by all appropriate jurisdictions receiving motor carrier safety assistance program funding;*

(M) *ensures that information is exchanged among the States in a timely manner;*

(N) *provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;*

(O) *provides satisfactory assurances that the State will address national priorities and performance goals, including—*

- (i) *activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;*

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of title 21, Code of Federal Regulations, as updated and republished from time to time) by any occupant of a commercial motor vehicle;

(P) provides that the State has established and dedicated sufficient resources to a program to ensure that—

(i) the State collects and reports to the Secretary accurate, complete, and timely motor carrier safety data; and

(ii) the State participates in a national motor carrier safety data correction system prescribed by the Secretary;

(Q) ensures that the State will cooperate in the enforcement of financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued under those sections;

(R) ensures consistent, effective, and reasonable sanctions;

(S) ensures that roadside inspections will be conducted at locations that are adequate to protect the safety of drivers and enforcement personnel;

(T) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(U) provides that the State will enforce the registration requirements of sections 13902 and 31134 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under those sections or to be operated beyond the scope of the motor carrier's registration;

(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31315(b) of this title and sections 390.23 and 390.25 of title 49, Code of Federal Regulations, and provided to the State by the Secretary, including the name

of the person that received the exemption and any terms and conditions that apply to the exemption;

(Y) except as provided in subsection (d), provides that the State—

(i) will conduct safety audits of interstate and, at the State's discretion, intrastate new entrant motor carriers under section 31144(g); and

(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;

(AA) in the case of a State that shares a land border with another country, provides that the State—

(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or

(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (l)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (l)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

(3) Publication.—

(A) In general.—Subject to subparagraph (B), the Secretary shall publish each approved State multiple-year plan, and each annual update thereto, on a publically accessible Internet Web site of the Department of Transportation not later than 30 days after the date the Secretary approves the plan or update.

(B) Limitation.—Before publishing an approved State multiple-year plan or annual update under subparagraph (A), the Secretary shall redact any information identified by the State that, if disclosed—

(i) would reasonably be expected to interfere with enforcement proceedings; or

(ii) would reveal enforcement techniques or procedures that would reasonably be expected to risk circumvention of the law.

(d) Exclusion of U.S. Territories.—The requirement that a State conduct safety audits of new entrant motor carriers under subsection (c)(2)(Y) does not apply to a territory of the United States unless required by the Secretary.

(e) *Intrastate Compatibility.*—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws, including regulations, with Federal motor carrier safety regulations to be enforced under subsections (b) and (c). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

(f) *Maintenance of Effort.*—

(1) *Baseline.*—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

(A) the average level of that expenditure for fiscal years 2004 and 2005; or

(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

(2) *Adjusted baseline after fiscal year 2017.*—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

(3) *Waivers.*—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

(4) *Level of state expenditures.*—In estimating the average level of a State's expenditures under paragraph (1), the Secretary—

(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

(g) *Use of Unified Carrier Registration Fees Agreement.*—Amounts generated under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's match required under section 31104 or maintenance of effort required by subsection (f).

(h) *Use of Grants To Enforce Other Laws.*—When approved as part of a State's plan under subsection (c), the State may use motor carrier safety assistance program funds received under this section—

(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

(A) enforcement of commercial motor vehicle size and weight limitations at locations, exclud-

ing fixed-weight facilities, such as near steep grades or mountainous terrains, where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

(B) detection of and enforcement actions taken as a result of criminal activity, including the trafficking of human beings, in a commercial motor vehicle or by any occupant, including the operator, of the commercial motor vehicle; and

(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles, if—

(A) the number of motor carrier safety activities, including roadside safety inspections, conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2004 and 2005; and

(B) the State does not use more than 10 percent of the basic amount the State receives under a grant awarded under section 31104(a)(1) for enforcement activities relating to noncommercial motor vehicles necessary to promote the safe operation of commercial motor vehicles unless the Secretary determines that a higher percentage will result in significant increases in commercial motor vehicle safety.

(i) *Evaluation of Plans and Award of Grants.*—

(1) *Awards.*—The Secretary shall establish criteria for the application, evaluation, and approval of State plans under this section. Subject to subsection (j), the Secretary may allocate the amounts made available under section 31104(a)(1) among the States.

(2) *Opportunity to cure.*—If the Secretary disapproves a plan under this section, the Secretary shall give the State a written explanation of the reasons for disapproval and allow the State to modify and resubmit the plan for approval.

(j) *Allocation of Funds.*—

(1) *In general.*—The Secretary, by regulation, shall prescribe allocation criteria for funds made available under section 31104(a)(1).

(2) *Annual allocations.*—On October 1 of each fiscal year, or as soon as practicable thereafter, and after making a deduction under section 31104(c), the Secretary shall allocate amounts made available under section 31104(a)(1) to carry out this section for the fiscal year among the States with plans approved under this section in accordance with the criteria prescribed under paragraph (1).

(3) *Elective adjustments.*—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary to calculate the annual allocation amounts, after the creation of a new allocation formula under section 5106 of the FAST Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State's Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

(k) Plan Monitoring.—

(1) In general.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

(2) Withholding of funds.—

(A) Disapproval.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

(B) Noncompliance withholding.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State's noncompliance. In exercising this option, the Secretary may withhold—

(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;

(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;

(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and

(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

(3) Judicial review.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

(l) High Priority Program.—

(1) In general.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) and (3).

(2) Activities related to motor carrier safety.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—

(A) increase public awareness and education on commercial motor vehicle safety;

(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;

(C) improve the safe and secure movement of hazardous materials;

(D) improve safe transportation of goods and persons in foreign commerce;

(E) demonstrate new technologies to improve commercial motor vehicle safety;

(F) support participation in performance and registration information systems management under section 31106(b)—

(i) for entities not responsible for submitting the plan under subsection (c); or

(ii) for entities responsible for submitting the plan under subsection (c)—

(I) before October 1, 2020, to achieve compliance with the requirements of participation; and

(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;

(G) conduct safety data improvement projects—

(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or

(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and

(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

(3) Innovative technology deployment grant program.—

(A) In general.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

(B) Purposes.—The purposes of the program shall be—

(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and

(ii) to support and maintain commercial motor vehicle information systems and networks—

(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;

(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

(C) Eligibility.—To be eligible for a grant under this paragraph, a State shall—

(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State

level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

(II) promote interoperability and efficiency to the extent practicable; and

(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

(D) Use of funds.—Grant funds received under this paragraph may be used—

(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

(iii) for the operation and maintenance costs associated with innovative technology.

(E) Secretary authorization.—The Secretary is authorized to award a State funding for the operation and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).

See 2015 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31102(a)	49 App.:2302(a).	Jan. 6, 1983, Pub. L. 97-424, § 402(a), (c), 96 Stat. 2155, 2156.
31102(b)	49 App.:2302(b), (d).	Jan. 6, 1983, Pub. L. 97-424, § 402(b), (d), 96 Stat. 2155, 2156; Dec. 18, 1991, Pub. L. 102-240, § 4002(a), (b), 105 Stat. 2140.
31102(c)	49 App.:2302(e).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, § 402(e); added Dec. 18, 1991, Pub. L. 102-240, § 4002(c), 105 Stat. 2142.
31102(d)	49 App.:2302(c).	

In this section, the word “rules” is omitted as being synonymous with “regulations”.

In subsection (a), the words “Subject to this section and the availability of amounts” are substituted for “Under the terms and conditions of this section, subject to the availability of funds” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the word “prescribe” is substituted for “formulate” for consistency in the revised title. Clause (D) is substituted for 49 App.:2302(d) to state the requirements of a plan in one

place and to eliminate unnecessary words. In clause (K), the words “into law and practice” are omitted as unnecessary. In clause (O)(i), the words “highways of the United States” are substituted for “our Nation’s highways” for consistency in the revised title and with other titles of the United States Code. In subclause (iii), the word “especially” is omitted as unnecessary.

In subsection (b)(3)(B), the words “Government financing” are substituted for “Federal funding” for clarity and consistency in the revised title.

In subsection (c), before clause (1), the words “type of” are omitted as unnecessary. In clause (1), the word “leave” is substituted for “exit” for clarity and consistency in the revised title.

In subsection (d), the words “the regulations, standards, or orders” are substituted for “Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders” for consistency and to eliminate unnecessary words. The last sentence is substituted for 49 App.:2302(c) (last sentence) for clarity.

AMENDMENTS

2015—Pub. L. 114-94 amended section generally. Prior to amendment, section related to grants to States for programs to improve motor carrier safety.

2012—Subsec. (b). Pub. L. 112-141, § 32601(a)(1), amended heading generally, substituting “Motor Carrier Safety Assistance Program” for “State Plan Procedures and Contents”.

Subsec. (b)(1). Pub. L. 112-141, § 32601(a)(3), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 112-141, § 32601(a)(2), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(2)(I). Pub. L. 112-141, § 32601(a)(4)(A), substituted “demonstrate” for “make a declaration of”.

Subsec. (b)(2)(M). Pub. L. 112-141, § 32601(a)(4)(B), amended subpar. (M) generally. Prior to amendment, subpar. (M) read as follows: “ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;”.

Subsec. (b)(2)(Q). Pub. L. 112-141, § 32601(a)(4)(C), inserted “and dedicated sufficient resources to” after “has established”.

Subsec. (b)(2)(Y). Pub. L. 112-141, § 32601(a)(4)(D)–(F), added subpar. (Y).

Subsec. (b)(3). Pub. L. 112-141, § 32601(a)(2), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 112-141, § 32601(a)(5), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “In estimating the average level of State expenditure under paragraph (1)(E) of this subsection, the Secretary—

“(A) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

“(B) shall require the State to exclude Government amounts and State matching amounts used to receive Government financing under subsection (a) of this section.”

Pub. L. 112-141, § 32601(a)(2), redesignated par. (3) as (4).

2005—Subsec. (b)(1)(A). Pub. L. 109-59, § 4106(a)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “implements performance-based activities by fiscal year 2000;”.

Subsec. (b)(1)(E). Pub. L. 109-59, § 4106(a)(2), added subpar. (E) and struck out former subpar. (E) which read as follows: “provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for its last 3 full fiscal years before December 18, 1991;”.

Subsec. (b)(1)(Q). Pub. L. 109-59, § 4106(a)(3), added subpar. (Q) and struck out former subpar. (Q) which read

as follows: “provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;”.

Subsec. (b)(1)(R). Pub. L. 109–59, §4106(a)(4), aligned margins.

Subsec. (b)(1)(U) to (X). Pub. L. 109–59, §4106(a)(5)–(7), added subpars. (U) to (X).

Subsec. (b)(3). Pub. L. 109–59, §4307(b), substituted “paragraph (1)(E)” for “paragraph (1)(D)” in introductory provisions.

Subsec. (c). Pub. L. 109–59, §4106(b)(1), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

“(1) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States.

“(2) detection of the unlawful presence of a controlled substance (as defined under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle.

“(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles.”

Subsec. (e). Pub. L. 109–59, §4106(b)(2), added subsec. (e).

1999—Subsec. (b)(1)(A). Pub. L. 106–159, §207(1), realigned subpar. (A) margins.

Subsec. (b)(1)(R). Pub. L. 106–159, §207(2), added subpar. (R) and struck out former subpar. (R) which read as follows: “ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31138 and 31139, or regulations issued thereunder;”.

1998—Subsec. (a). Pub. L. 105–178, §4003(b)(1), inserted “improving motor carrier safety and” after “implementation of programs for” and “, hazardous materials transportation safety,” after “commercial motor vehicle safety”.

Subsec. (b)(1). Pub. L. 105–178, §4003(b)(2), in introductory provisions, substituted “assume responsibility for improving motor carrier safety and to adopt and enforce” for “adopt and assume responsibility for enforcing” and inserted “, hazardous materials transportation safety,” after “commercial motor vehicle safety”.

Subsec. (b)(1)(A) to (I). Pub. L. 105–178, §4003(c)(6), (7), added subpar. (A) and redesignated former subpars. (A) to (H) as (B) to (I), respectively. Former subpar. (I) redesignated (J).

Subsec. (b)(1)(J). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (I) as (J). Former subpar. (J) redesignated (K).

Pub. L. 105–178, §4003(c)(1), substituted “subsection (c)(1)” for “subsection (c)”.

Subsec. (b)(1)(K) to (M). Pub. L. 105–178, §4003(c)(6), redesignated subpars. (J) to (L) as (K) to (M), respectively. Former subpar. (M) redesignated (N).

Pub. L. 105–178, §4003(c)(2), added subpars. (K) to (M) and struck out former subpars. (K) to (M) which read as follows:

“(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine

schedule published by the Commercial Vehicle Safety Alliance;

“(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

“(M) ensures participation by the 48 contiguous States in SAFETYNET not later than January 1, 1994;”.

Subsec. (b)(1)(N). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (M) as (N). Former subpar. (N) redesignated (O).

Subsec. (b)(1)(O). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (N) as (O). Former subpar. (O) redesignated (P).

Pub. L. 105–178, §4003(c)(3), inserted “in support of national priorities and performance goals, including” after “activities” in introductory provisions, substituted “activities aimed at removing” for “to remove” in cl. (i), substituted “activities aimed at providing” for “to provide” and inserted “and” after semicolon in cl. (ii), added cl. (iii), and struck out former cls. (iii) and (iv) which read as follows:

“(iii) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers’ licenses; and

“(iv) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material;”.

Subsec. (b)(1)(P). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (O) as (P). Former subpar. (P) redesignated (Q).

Pub. L. 105–178, §4003(c)(4), added subpar. (P) and struck out former subpar. (P) which read as follows: “provides satisfactory assurances that the State will promote effective—

“(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

“(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous material transportation safety; and”.

Subsec. (b)(1)(Q). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (P) as (Q). Former subpar. (Q) redesignated (R).

Pub. L. 105–178, §4003(c)(5)(A), substituted “sections 31138 and 31139” for “sections 31140 and 31146”.

Subsec. (b)(1)(R). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (Q) as (R).

Subsec. (b)(1)(S), (T). Pub. L. 105–178, §4003(c)(5)(B), (8), added subpars. (S) and (T).

1995—Subsec. (b)(1)(Q). Pub. L. 104–88 added subpar. (Q).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–94, div. A, title V, §5101(f), Dec. 4, 2015, 129 Stat. 1526, provided that: “The amendments made by this section [amending this section and sections 31103, 31104, 31106, and 31144 of this title, repealing sections 31107 and 31109 of this title, amending provisions set out as a note under section 31133 of this title, and repealing provisions set out as notes under this section and sections 31100, 31106, 31136, and 31301 of this title] shall take effect on October 1, 2016.”

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 1301 of this title.

TRANSITION

Pub. L. 114-94, div. A, title V, §5101(g), Dec. 4, 2015, 129 Stat. 1526, provided that: “Notwithstanding the amendments made by this section [see Effective Date of 2015 Amendment note above], the Secretary [of Transportation] shall carry out sections 31102, 31103, and 31104 of title 49, United States Code, and any sections repealed under subsection (e) [repealing sections 31107 and 31109 of this title and provisions set out as notes under this section and sections 31100, 31106, 31136, and 31301 of this title], as necessary, as those sections were in effect on the day before October 1, 2016, with respect to applications for grants, cooperative agreements, or contracts under those sections submitted before October 1, 2016.”

MOTOR CARRIER SAFETY ASSISTANCE PROGRAM
ALLOCATION

Pub. L. 114-94, div. A, title V, §5106, Dec. 4, 2015, 129 Stat. 1530, provided that:

“(a) WORKING GROUP.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall establish a motor carrier safety assistance program formula working group (in this section referred to as the ‘working group’).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

“(i) The Federal Motor Carrier Safety Administration.

“(ii) The lead State commercial motor vehicle safety agencies responsible for administering the plan required by section 31102 of title 49, United States Code.

“(iii) An organization representing State agencies responsible for enforcing a program for inspection of commercial motor vehicles.

“(iv) Such other persons as the Secretary considers necessary.

“(B) COMPOSITION.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

“(3) NEW ALLOCATION FORMULA.—The working group shall analyze requirements and factors for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

“(4) RECOMMENDATION.—Not later than 1 year after the date the working group is established under paragraph (1), the working group shall make a recommendation to the Secretary regarding a new allocation formula for the motor carrier safety assistance program.

“(5) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

“(6) PUBLICATION.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

“(A) detailed summaries of the meetings of the working group; and

“(B) the final recommendation of the working group provided to the Secretary.

“(b) NOTICE OF PROPOSED RULEMAKING.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

“(c) BASIS FOR FORMULA.—The Secretary shall ensure that the new allocation formula for the motor carrier

safety assistance program is based on factors that reflect, at a minimum—

“(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

“(2) the relative administrative capacities of and challenges faced by States in complying with that section;

“(3) the average of each State’s new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

“(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

“(5) any other factors the Secretary considers appropriate.

“(d) FUNDING AMOUNTS PRIOR TO DEVELOPMENT OF NEW ALLOCATION FORMULA.—

“(1) INTERIM FORMULA.—Prior to the development of the new allocation formula for the motor carrier safety assistance program, the Secretary may calculate the interim funding amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

“(A) The Secretary shall calculate the funding amount to a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

“(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

“(i) border enforcement grants under section 31107 of title 49, United States Code; and

“(ii) new entrant audit grants under section 31144(g)(5) of that title.

“(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

“(2) ADJUSTMENTS.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

“(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;

“(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

“(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

“(3) IMMEDIATE RELIEF.—On the date of enactment of this Act, and for the 3 fiscal years following the implementation of the new allocation formula, the Secretary shall terminate the withholding of motor carrier safety assistance program funds from a State if the State was subject to the withholding of such funds for matters of noncompliance immediately prior to the date of enactment of this Act.

“(4) FUTURE WITHHOLDINGS.—Beginning on the date that the new allocation formula for the motor carrier safety assistance program is implemented, the Secretary shall impose all future withholdings in accordance with section 31102(k) of title 49, United States Code, as amended by this subtitle.

“(e) TERMINATION OF WORKING GROUP.—The working group established under subsection (a) shall terminate on the date of the implementation of the new allocation formula for the motor carrier safety assistance program.”

MAINTENANCE OF EFFORT CALCULATION

Pub. L. 114-94, div. A, title V, §5107, Dec. 4, 2015, 129 Stat. 1532, provided that:

“(a) BEFORE NEW ALLOCATION FORMULA.—

“(1) FISCAL YEAR 2017.—If a new allocation formula for the motor carrier safety assistance program has not been established under this subtitle [subtitle A (§§5101–5107) of title V of div. A of Pub. L. 114–94, see Tables for classification] for fiscal year 2017, the Secretary [of Transportation] shall calculate for fiscal year 2017 the maintenance of effort baseline required under section 31102(f) of title 49, United States Code, as amended by this subtitle, by averaging the expenditures for fiscal years 2004 and 2005 required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act [Dec. 4, 2015].

“(2) SUBSEQUENT FISCAL YEARS.—The Secretary may use the methodology for calculating the maintenance of effort baseline specified in paragraph (1) for fiscal year 2018 and subsequent fiscal years if a new allocation formula for the motor carrier safety assistance program has not been established for that fiscal year.

“(b) BEGINNING WITH NEW ALLOCATION FORMATION.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3)(B), beginning on the date that a new allocation formula for the motor carrier safety assistance program is established under this subtitle, upon the request of a State, the Secretary may waive or modify the baseline maintenance of effort required of the State by section 31102(f) of title 49, United States Code, as amended by this subtitle, for the purpose of establishing a new baseline maintenance of effort if the Secretary determines that a waiver or modification—

“(A) is equitable due to reasonable circumstances;

“(B) will ensure the continuation of commercial motor vehicle enforcement activities in the State; and

“(C) is necessary to ensure that the total amount of State maintenance of effort and matching expenditures required under sections 31102 and 31104 of title 49, United States Code, as amended by this subtitle, does not exceed a sum greater than the average of the total amount of State maintenance of effort and matching expenditures required under those sections for the 3 fiscal years prior to the date of enactment of this Act.

“(2) ADJUSTMENT METHODOLOGY.—If requested by a State, the Secretary may modify the maintenance of effort baseline referred to in paragraph (1) for the State according to the following methodology:

“(A) The Secretary shall establish the maintenance of effort baseline for the State using the average baseline of fiscal years 2004 and 2005, as required by section 31102(b)(4) of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

“(B) The Secretary shall calculate the average required match by a lead State commercial motor vehicle safety agency for fiscal years 2013, 2014, and 2015 for motor carrier safety assistance grants established at 20 percent by section 31103 of title 49, United States Code, as that section was in effect on the day before the date of enactment of this Act.

“(C) The Secretary shall calculate the estimated match required under section 31104(b) of title 49, United States Code, as amended by this subtitle.

“(D) The Secretary shall subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

“(i) if the number is greater than 0, the Secretary shall subtract the number from the amount in subparagraph (A); or

“(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

“(3) MAINTENANCE OF EFFORT AMOUNT.—

“(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

“(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before September 30 during the first fiscal year that the Secretary implements a new allocation formula for the motor carrier safety assistance program under this subtitle, the Secretary shall calculate the maintenance of effort using the methodology described in paragraph (2)(A).

“(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

“(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.”

RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subtitle C (§§4301–4308) of title IV of Pub. L. 109–59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109–59, set out as a note under section 13902 of this title.

MAINTENANCE OF EFFORT

Pub. L. 106–159, title I, §103(c), Dec. 9, 1999, 113 Stat. 1753, provided that: “The Secretary may not make, from funds made available by or under this section [amending section 31107 of this title, enacting provisions set out as notes under this section and section 31104 of this title, and amending a provision set out as a note under section 104 of Title 23, Highways] (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such expenditures for fiscal years 1997, 1998, and 1999.”

[*Pub. L. 114–94, div. A, title V, §5101(e)(8), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, section 103(c) of Pub. L. 106–159, set out above, is repealed, subject to a transition provision.*]

STATE COMPLIANCE WITH CDL REQUIREMENTS

Pub. L. 106–159, title I, §103(e), Dec. 9, 1999, 113 Stat. 1754, provided that:

“(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

“(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

“(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

“(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

“(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.”

[Pub. L. 114-94, div. A, title V, § 5101(e)(9), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, section 103(e) of Pub. L. 106-159, set out above, is repealed, subject to a transition provision.]

EFFECTS OF MCSAP GRANT REDUCTIONS

Pub. L. 105-178, title IV, § 4032, June 9, 1998, 112 Stat. 419, provided that:

“(a) STUDY.—The Secretary [of Transportation] shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

“(1) national uniformity and the purposes of the motor carrier safety assistance program;

“(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

“(3) the safety impacts, costs, and benefits of full participation in the program.

“(b) REPORT.—Not later than 2 years after the date of the enactment of this Act [June 9, 1998], the Secretary shall submit to Congress a report on the results of the study.

“(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.”

§ 31103. United States Government's share of costs

(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial motor vehicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)(2)(E) of this title may not be included as part of the share not provided by the United States Government. Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or

other persons up to 100 percent for public education activities.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105-178, title IV, § 4003(d), June 9, 1998, 112 Stat. 397; Pub. L. 109-59, title IV, § 4307(a), Aug. 10, 2005, 119 Stat. 1774; Pub. L. 112-141, div. C, title II, § 32933(c), (d), July 6, 2012, 126 Stat. 830; Pub. L. 114-94, div. A, title V, § 5101(b), Dec. 4, 2015, 129 Stat. 1523.)

AMENDMENT OF SECTION

Pub. L. 114-94, div. A, title V, § 5101(b), (f), (g), Dec. 4, 2015, 129 Stat. 1523, 1526, provided that, effective Oct. 1, 2016, and subject to a transition provision, this section is amended to read as follows:

§ 31103. Commercial motor vehicle operators grant program

(a) In General.—The Secretary shall administer a commercial motor vehicle operators grant program funded under section 31104.

(b) Purpose.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

(c) Veterans.—In administering grants under this section, the Secretary shall award priority to grant applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.

See 2015 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31103	49 App.:2303.	Jan. 6, 1983, Pub. L. 97-424, § 403, 96 Stat. 2156; Dec. 18, 1991, Pub. L. 102-240, § 4002(d), 105 Stat. 2142.

The word “rules” is omitted as being synonymous with “regulations”.

AMENDMENTS

2015—Pub. L. 114-94 amended section generally. Prior to amendment, section related to United States Government's share of costs incurred by a State.

2012—Subsec. (a). Pub. L. 112-141, § 32933(c), substituted “section 31102(b)(2)(E)” for “section 31102(b)(1)(E)”.

Subsec. (b). Pub. L. 112-141, § 32933(d), struck out “authorized by section 31104(f)(2)” after “public education activities”.

2005—Subsec. (a). Pub. L. 109-59 substituted “31102(b)(1)(E)” for “31102(b)(1)(D)” and inserted before last sentence “Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State's share not provided by the United States.”

1998—Pub. L. 105-178 designated existing provisions as subsec. (a), inserted subsec. heading, inserted “improve commercial motor vehicle safety and” after “implementing programs to”, and added subsec. (b).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114-94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

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 Date of 2012 Amendment note under section 31102 of this title.

tive and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subtitle C (§§ 4301–4308) of title IV of Pub. L. 109–59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109–59, set out as a note under section 13902 of this title.

§ 31104. Availability of amounts

(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

- (1) \$188,480,000 for fiscal year 2005;
- (2) \$188,000,000 for fiscal year 2006;
- (3) \$197,000,000 for fiscal year 2007;
- (4) \$202,000,000 for fiscal year 2008;
- (5) \$209,000,000 for fiscal year 2009;
- (6) \$209,000,000 for fiscal year 2010;
- (7) \$209,000,000 for fiscal year 2011;
- (8) \$215,000,000 for fiscal year 2013;
- (9) \$218,000,000 for fiscal year 2014;
- (10) \$218,000,000 for fiscal year 2015; and
- (11) \$218,000,000 for fiscal year 2016.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(c) REIMBURSEMENT FOR GOVERNMENT'S SHARE OF COSTS.—Amounts made available under subsection (a) of this section shall be used to reimburse States proportionately for the United States Government's share of costs incurred.

(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under section 31102 of this title is a contractual obligation of the Government for payment of the Government's share of costs incurred by the State in developing, implementing, or developing and implementing programs to enforce commercial motor vehicle regulations, standards, and orders.

(e) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary may deduct, from amounts made available under subsection (a) of this section for that fiscal year, not more than 1.25 percent of those amounts for administrative expenses incurred in carrying out section 31102 of this title in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Government employees and to develop related training materials in carrying out section 31102.

(f) ALLOCATION CRITERIA AND ELIGIBILITY.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the

States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(g) PAYMENT TO STATES FOR COSTS.—Each State shall submit vouchers for costs the State incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

(h) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

(i) AVAILABILITY OF FUNDS; CONTRACT AUTHORITY.—

(1) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

(2) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) by this section 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 this section 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.

(j) HIGH-PRIORITY ACTIVITIES.—

(1) CRITERIA.—The Secretary shall establish safety performance criteria to be used to distribute high priority program funds under this subsection.

(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to \$15,000,000 for each of fiscal years 2006 through 2016 for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

(3) DESCRIPTION OF RECIPIENTS.—Amounts set aside under this subsection shall be allocated by the Secretary only to State agencies, local governments, and organizations representing government agencies or officials that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(4) **LIMITATION.**—At least 90 percent of the amounts set aside for a fiscal year under this subsection shall be awarded in grants to State agencies and local government agencies.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105–130, § 7, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105–178, title IV, § 4003(e)–(g), June 9, 1998, 112 Stat. 397; Pub. L. 108–88, § 7(b), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–202, § 11(b), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108–224, § 9(b), Apr. 30, 2004, 118 Stat. 338; Pub. L. 108–263, § 9(b), June 30, 2004, 118 Stat. 709; Pub. L. 108–280, § 9(b), July 30, 2004, 118 Stat. 886; Pub. L. 108–310, § 7(b), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109–14, § 6(b), May 31, 2005, 119 Stat. 330; Pub. L. 109–20, § 6(b), July 1, 2005, 119 Stat. 352; Pub. L. 109–35, § 6(b), July 20, 2005, 119 Stat. 385; Pub. L. 109–37, § 6(b), July 22, 2005, 119 Stat. 400; Pub. L. 109–40, § 6(b), July 28, 2005, 119 Stat. 417; Pub. L. 109–59, title IV, §§ 4101(a), (b), 4107(a), Aug. 10, 2005, 119 Stat. 1714, 1719; Pub. L. 110–244, title III, § 301(a), June 6, 2008, 122 Stat. 1616; Pub. L. 111–147, title IV, § 422(a), (b), (d), Mar. 18, 2010, 124 Stat. 86, 87; Pub. L. 111–322, title II, § 2202(a), (b), (d), Dec. 22, 2010, 124 Stat. 3524, 3525; Pub. L. 112–5, title II, § 202(a), (b), (d), Mar. 4, 2011, 125 Stat. 16, 17; Pub. L. 112–30, title I, § 122(a), (b), (d), Sept. 16, 2011, 125 Stat. 348, 349; Pub. L. 112–102, title II, § 202(a), (b), (d), Mar. 30, 2012, 126 Stat. 273, 274; Pub. L. 112–140, title II, § 202(a), (b), (d), June 29, 2012, 126 Stat. 394, 395; Pub. L. 112–141, div. C, title II, § 32603(a), (b), (d), div. G, title II, § 112002(a), (b), July 6, 2012, 126 Stat. 807, 808, 982; Pub. L. 113–159, title I, § 1102(a), (b), (d), Aug. 8, 2014, 128 Stat. 1843, 1844; Pub. L. 114–21, title I, § 1102(a), (b), (d), May 29, 2015, 129 Stat. 221, 222; Pub. L. 114–41, title I, § 1102(a), (b), (d), July 31, 2015, 129 Stat. 448, 449; Pub. L. 114–73, title I, § 1102(a), (b), (d), Oct. 29, 2015, 129 Stat. 571, 572; Pub. L. 114–87, title I, § 1102(a), (b), (d), Nov. 20, 2015, 129 Stat. 680, 681; Pub. L. 114–94, div. A, title V, §§ 5101(c), 5103(c)(1), 5105(a), (c), Dec. 4, 2015, 129 Stat. 1523, 1527, 1529.)

AMENDMENT OF SECTION

Pub. L. 114–94, div. A, title V, § 5101(c), (f), (g), Dec. 4, 2015, 129 Stat. 1523, 1526, provided that, effective Oct. 1, 2016, and subject to a transition provision, this section is amended to read as follows:

§ 31104. Authorization of appropriations

(a) **Financial Assistance Programs.**—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) **Motor carrier safety assistance program.**—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

- (A) \$292,600,000 for fiscal year 2017;
- (B) \$298,900,000 for fiscal year 2018;
- (C) \$304,300,000 for fiscal year 2019; and
- (D) \$308,700,000 for fiscal year 2020.

(2) **High priority activities program.**—Subject to subsection (c), to carry out section 31102(l)—

- (A) \$42,200,000 for fiscal year 2017;
- (B) \$43,100,000 for fiscal year 2018;
- (C) \$44,000,000 for fiscal year 2019; and
- (D) \$44,900,000 for fiscal year 2020.

(3) **Commercial motor vehicle operators grant program.**—To carry out section 31103—

- (A) \$1,000,000 for fiscal year 2017;
- (B) \$1,000,000 for fiscal year 2018;
- (C) \$1,000,000 for fiscal year 2019; and
- (D) \$1,000,000 for fiscal year 2020.

(4) **Commercial driver’s license program implementation program.**—Subject to subsection (c), to carry out section 31313—

- (A) \$31,200,000 for fiscal year 2017;
- (B) \$31,800,000 for fiscal year 2018;
- (C) \$32,500,000 for fiscal year 2019; and
- (D) \$33,200,000 for fiscal year 2020.

(b) **Reimbursement and Payment to Recipients for Government Share of Costs.**—

(1) **In general.**—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government’s share of the costs incurred.

(2) **Reimbursement amounts.**—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient’s in-kind contributions in determining the reimbursement.

(3) **Vouchers.**—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

(c) **Deductions for Partner Training and Program Support.**—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

(d) **Grants and Cooperative Agreements as Contractual Obligations.**—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs in carrying out the provisions of the grant or cooperative agreement.

(e) **Eligible Activities.**—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

(f) **Period of Availability of Financial Assistance Agreement Funds for Recipient Expenditures.**—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

(1) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

(2) For grants made or cooperative agreements entered into for carrying out section 31102(l)(2),

for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

(3) For grants made for carrying out section 31102(l)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(g) *Contract Authority; Initial Date of Availability.*—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section 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.

(h) *Availability of Funding.*—Amounts made available under this section shall remain available until expended.

(i) *Reallocation.*—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation for any purpose under section 31102, 31103, or 31313 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.

See 2015 Amendment note below.

4002(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 2142) and restated in this subsection.

In subsection (b)(2), the words “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991” are substituted for “Funds made available under this subchapter” for clarity and because of the restatement.

In subsection (c), the words “Funds authorized to be appropriated” are omitted because of the omission of 49 App.:2304(a)(1) as obsolete.

In subsection (e), the words “for administrative expenses incurred in carrying out section 31102 of this title” are substituted for “for administration of this section” for clarity and consistency with the source provisions restated in this section and section 31102 of the revised title.

In subsection (i), before clause (1), the words “Not later than 6 months after December 18, 1991” are omitted as obsolete. The words “for grants under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement. The words “In prescribing those regulations” are substituted for “In conducting such a revision” because of the restatement.

In subsection (j), the words “Not later than 9 months after December 18, 1991” are omitted as obsolete. The word “final” is omitted as unnecessary. The words “regulations to be enforced under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement.

AMENDMENTS

2015—Pub. L. 114-94, §5101(c), amended section generally. Prior to amendment, section related to availability of appropriated amounts.

Subsec. (a)(10). Pub. L. 114-94, §5105(a), added par. (10) and struck out former par. (10) which read as follows: “\$218,000,000 for fiscal year 2015; and”.

Pub. L. 114-41, §1102(a)(2), added par. (10) and struck out former par. (10) which read as follows: “\$181,567,123 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1102(a), amended par. (10) generally. Prior to amendment, par. (10) read as follows: “\$145,134,247 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (a)(11). Pub. L. 114-94, §5105(a), added par. (11) and struck out former par. (11) which read as follows: “\$38,715,847 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

Pub. L. 114-87, §1102(a), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “\$30,377,049 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1102(a), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “\$17,273,224 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, §1102(a), added par. (11). Subsec. (i). Pub. L. 114-94, §5103(c)(1), redesignated subsec. (j) as (i) and struck out former subsec. (i) which related to authorization of appropriations for certain administrative expenses of the Federal Motor Carrier Safety Administration. See section 31110 of this title.

Subsec. (i)(1)(J). Pub. L. 114-41, §1102(b)(2), added subpar. (J) and struck out former subpar. (J) which read as follows: “\$215,715,068 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, §1102(b), amended subpar. (J) generally. Prior to amendment, subpar. (J) read as follows: “\$172,430,137 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (i)(1)(K). Pub. L. 114-87, §1102(b), amended subpar. (K) generally. Prior to amendment, subpar. (K) read as follows: “\$36,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, §1102(b), amended subpar. (K) generally. Prior to amendment, subpar. (K) read as follows:

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31104(a)	49 App.:2304(a).	Jan. 6, 1983, Pub. L. 97-424, §404(a), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; Dec. 18, 1991, Pub. L. 102-240, §4002(e), 105 Stat. 2142.
31104(b)	49 App.:2304(c).	Jan. 6, 1983, Pub. L. 97-424, §404(c), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; restated Dec. 18, 1991, Pub. L. 102-240, §4002(f), 105 Stat. 2142.
	49 App.:2304(e).	Jan. 6, 1983, Pub. L. 97-424, §404(b), (d), (e), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186.
31104(c)	49 App.:2304(b).	
31104(d)	49 App.:2304(d).	
31104(e)	49 App.:2304(f)(1).	Jan. 6, 1983, Pub. L. 97-424, §404(f), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; restated Dec. 18, 1991, Pub. L. 102-240, §4002(g), 105 Stat. 2142.
31104(f)	49 App.:2304(f)(2).	
31104(g)(1) ..	49 App.:2304(g) (less last sentences of (5) and (6)).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2155, §404(g), (h); added Dec. 18, 1991, Pub. L. 102-240, §4002(h), (i), 105 Stat. 2143.
31104(g)(2) ..	49 App.:2304(g)(5) (last sentence).	
31104(g)(3) ..	49 App.:2304(g)(6) (last sentence).	
31104(h)	49 App.:2304(h).	
31104(i)	49 App.:2304 (note).	Dec. 18, 1991, Pub. L. 102-240, §4002(k), 105 Stat. 2144.
31104(j)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102-240, §4002(l), 105 Stat. 2144.

In subsection (a), the text of 49 App.:2304(a)(1) and the references to fiscal years ending September 30, 1987-1992, are omitted as obsolete.

In subsection (b), the text of 49 App.:2304(e) is omitted as superseded by 49 App.:2304(c) restated by section

“\$20,521,858 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, § 1102(b), added subpar. (K).

Subsec. (j). Pub. L. 114-94, § 5103(c)(1)(B), redesignated subsec. (k) as (j). Former subsec. (j) redesignated (i).

Subsec. (j)(2). Pub. L. 114-94, § 5105(c), substituted “2016 for States,” for “2015 and up to \$2,663,934 for the period beginning on October 1, 2015, and ending on December 4, 2015, for States.”

Subsec. (k). Pub. L. 114-94, § 5103(c)(1)(B), redesignated subsec. (k) as (j).

Subsec. (k)(2). Pub. L. 114-87, § 1102(d), substituted “and up to \$2,663,934 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, § 1102(d), substituted “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, § 1102(d), substituted “each of fiscal years 2006 through 2015 and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “each of fiscal years 2006 through 2014 and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, § 1102(d), substituted “and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

2014—Subsec. (a)(10). Pub. L. 113-159, § 1102(a), added par. (10).

Subsec. (i)(1)(J). Pub. L. 113-159, § 1102(b), added subpar. (J).

Subsec. (k)(2). Pub. L. 113-159, § 1102(d), inserted “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

2012—Subsec. (a)(7). Pub. L. 112-141, § 32603(a)(1), struck out “and” at end.

Subsec. (a)(8). Pub. L. 112-141, § 112002(a), amended par. (8) generally. Prior to amendment, par. (8) read as follows: “\$159,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-141, § 32603(a)(2), (3), added par. (8) and struck out former par. (8) which read as follows: “\$212,000,000 for fiscal year 2012.”

Pub. L. 112-140, §§ 1(c), 202(a), temporarily amended par. (8) generally, authorizing \$161,120,000 for the period beginning on Oct. 1, 2011, and ending on July 6, 2012. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(a), amended par. (8) generally. Prior to amendment, par. (8) read as follows: “\$106,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (a)(9). Pub. L. 112-141, § 32603(a)(3), added par. (9).

Subsec. (i)(1)(F). Pub. L. 112-141, § 112002(b)(2), struck out open quotation marks and duplicate subpar. (F) designation after “(F)”.

Subsec. (i)(1)(G). Pub. L. 112-141, § 32603(b)(1), struck out “and” at end.

Subsec. (i)(1)(H). Pub. L. 112-141, § 112002(b)(1), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “\$183,108,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-141, § 32603(b)(2), (3), added subpar. (H) and struck out former subpar. (H) which read as follows: “\$244,144,000 for fiscal year 2012.”

Pub. L. 112-140, §§ 1(c), 202(b), temporarily amended subpar. (H) generally, authorizing \$185,549,440 for the period beginning on Oct. 1, 2011, and ending on July 6, 2012. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(b), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “\$122,072,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (i)(1)(I). Pub. L. 112-141, § 32603(b)(3), added subpar. (I).

Subsec. (k)(2). Pub. L. 112-141, § 32603(d), substituted “2014” for “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-140, §§ 1(c), 202(d), temporarily substituted “2011 and \$11,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(d), substituted “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

2011—Subsec. (a)(7). Pub. L. 112-5, § 202(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “\$88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.”

Subsec. (a)(8). Pub. L. 112-30, § 122(a), added par. (8).

Subsec. (i)(1)(G). Pub. L. 112-5, § 202(b), amended subpar. (G) generally, substituting “(G) \$244,144,000 for fiscal year 2011.” for “(G) (G) \$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.”

Subsec. (i)(1)(H). Pub. L. 112-30, § 122(b), added subpar. (H).

Subsec. (k)(2). Pub. L. 112-30, § 122(d), substituted “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011”.

Pub. L. 112-5, § 202(d), substituted “through 2011” for “through 2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011”.

2010—Subsec. (a)(6). Pub. L. 111-147, § 422(a), added par. (6).

Subsec. (a)(7). Pub. L. 111-322, § 2202(a), substituted “\$88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011,” for “\$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

Pub. L. 111-147, § 422(a), added par. (7).

Subsec. (i)(1)(F). Pub. L. 111-147, § 422(b), added subpar. (F).

Subsec. (i)(1)(G). Pub. L. 111-322, § 2202(b), substituted “\$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.” for “\$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

Pub. L. 111-147, § 422(b), added subpar. (G).

Subsec. (k)(2). Pub. L. 111-322, § 2202(d), substituted “2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011” for “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010”.

Pub. L. 111-147, § 422(d), substituted “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” for “2009”.

2008—Subsec. (f). Pub. L. 110-244 struck out par. (1) designation and heading before “On October” and struck out par. (2) which permitted the Secretary to designate certain allocated amounts for high-priority and border activities.

2005—Subsec. (a). Pub. L. 109-59, § 4101(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text contained pars. (1) to (8) making amounts available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 for fiscal years 1998 to 2004 and part of 2005.

Subsec. (a)(8). Pub. L. 109-40 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$138,904,110 for the period of October 1, 2004, through July 27, 2005.”

Pub. L. 109-37 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$136,589,041 for the period of October 1, 2004, through July 21, 2005.”

Pub. L. 109-35 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$135,200,000 for the period of October 1, 2004, through July 19, 2005.”

Pub. L. 109-20 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$126,402,740 for the period of October 1, 2004, through June 30, 2005.”

Pub. L. 109-14 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$112,512,329 for the period of October 1, 2004, through May 31, 2005.”

Subsecs. (i), (j). Pub. L. 109-59, §4101(b), added subsecs. (i) and (j).

Subsec. (k). Pub. L. 109-59, §4107(a), added subsec. (k). 2004—Subsec. (a)(7). Pub. L. 108-280 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$140,833,333 for the period of October 1, 2003, through July 31, 2004.”

Pub. L. 108-263 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$126,519,126 for the period of October 1, 2003, through June 30, 2004.”

Pub. L. 108-224 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”

Pub. L. 108-202 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$68,750,000 for the period of October 1, 2003, through February 29, 2004.”

Subsec. (a)(8). Pub. L. 108-310 added par. (8).

2003—Subsec. (a)(7). Pub. L. 108-88 added par. (7).

1998—Subsec. (a). Pub. L. 105-178, §4003(e), amended heading and text of subsec. (a) generally, substituting provisions relating to appropriations for fiscal years 1998 to 2003 for provisions relating to appropriations for fiscal years ending Sept. 30, 1993 to 1997 and for period of Oct. 1, 1997 through Mar. 31, 1998.

Subsec. (b). Pub. L. 105-178, §4003(f), struck out par. (1) designation and par. (2) which read as follows: “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.”

Subsec. (f). Pub. L. 105-178, §4003(g)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

“(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

“(2) for public education under subsection (g)(1)(G) of this section.”

Subsec. (g). Pub. L. 105-178, §4003(g)(1), (2), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to specific allocations.

Subsec. (h). Pub. L. 105-178, §4003(g)(4), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105-178, §4003(g)(3), struck out heading and text of subsec. (i). Text read as follows: “The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

“(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

“(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

“(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.”

Subsec. (j). Pub. L. 105-178, §4003(g)(4), redesignated subsec. (j) as (h).

1997—Subsec. (a). Pub. L. 105-130 substituted “Not more” for “not more” in pars. (1) to (5) and added par. (6).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by sections 5103(c)(1) and 5105(a), (c) of Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Amendment by section 5101(c) of Pub. L. 114-94 effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114-94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by section 32603(a), (b) of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as a note under section 101 of Title 23, Highways.

Amendment by section 112002(a), (b) of Pub. L. 112-141 effective July 1, 2012, see section 114001 of Pub. L. 112-141, set out as a note under section 5305 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a note under section 101 of Title 23, Highways.

FUNDING

Pub. L. 109-59, title IV, §4116(d), Aug. 10, 2005, 119 Stat. 1728, as amended by Pub. L. 114-94, div. A, title V, §5103(c)(2), Dec. 4, 2015, 129 Stat. 1527, provided that: “Amounts made available pursuant to section 31110 of title 49, United States Code, shall be used by the Secretary [of Transportation] to carry out section 31149 of title 49, United States Code.”

INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS

Pub. L. 105-178, title IV, §4003(i), as added by Pub. L. 106-159, title I, §103(b)(1), Dec. 9, 1999, 113 Stat. 1753, provided that: “The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000.”

§ 31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

(A)(i) the employee, or another person at the employee’s request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

(ii) the person perceives that the employee has filed or is about to file a complaint or has

begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

(B) the employee refuses to operate a vehicle because—

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

(C) the employee accurately reports hours on duty pursuant to chapter 315;

(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

(iii) pay compensatory damages, including backpay with interest and compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(B) If the Secretary of Labor issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary of Labor may assess against the person against whom the order is issued the costs (including attorney fees) reasonably incurred by the complainant in bringing the complaint. The Secretary of Labor shall determine the costs that reasonably were incurred.

(C) Relief in any action under subsection (b) may include punitive damages in an amount not to exceed \$250,000.

(c) DE NOVO REVIEW.—With respect to a complaint under paragraph (1),¹ if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(d) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. Review shall conform to chapter 7 of title 5. The review shall be heard and decided expeditiously. An order of the Sec-

¹ So in original. Probably should be "subsection (b)(1)".

retary of Labor subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

(e) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary of Labor shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DISCLOSURE OF IDENTITY.—

(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information about an alleged violation of this part, or a regulation prescribed or order issued under any of those provisions.

(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding motor carrier vehicle security problems, deficiencies, or vulnerabilities.

(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

(j) DEFINITION.—In this section, “employee” means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle),

a mechanic, a freight handler, or an individual not an employer, who—

(1) directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier; and

(2) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 990; Pub. L. 110–53, title XV, §1536, Aug. 3, 2007, 121 Stat. 464.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31105(a)	49 App.:2305(a), (b).	Jan. 6, 1983, Pub. L. 97–424, §405(a)–(d), 96 Stat. 2157.
31105(b)	49 App.:2305(c).	
31105(c)	49 App.:2305(d).	
31105(d)	49 App.:2305(e).	Jan. 6, 1983, Pub. L. 97–424, §405(e), 96 Stat. 2158; Nov. 8, 1984, Pub. L. 98–620, §402(51), 98 Stat. 3361.

In subsection (a)(1), before clause (A), the words “in any manner” are omitted as surplus. The word “conditions” is omitted as included in “terms”. In clauses (A) and (B), the word “rule” is omitted as being synonymous with “regulation”. In clause (A), the word “begun” is substituted for “instituted or caused to be instituted” for consistency in the revised title and to eliminate unnecessary words. In clause (B), the words before subclause (i) are substituted for “for refusing to operate a vehicle when” and “or because of” for clarity and consistency. In subclause (ii), the words “vehicle’s unsafe condition” are substituted for “unsafe condition of such equipment” for consistency.

Subsection (a)(2) is substituted for 49 App.:2305(b) (2d, last sentences) for clarity and to eliminate unnecessary words.

In subsection (b)(1), the words “alleging such discharge, discipline, or discrimination” are omitted as surplus.

In subsection (b)(2)(B), the words “Not later than 30 days after the notice under subparagraph (A) of this paragraph” are substituted for “Thereafter” and “within thirty days” for clarity.

In subsection (b)(2)(C), the words “Before the final order is issued” are substituted for “In the interim” for clarity.

Subsection (b)(3)(A) is substituted for 49 App.:2305(c)(2)(B) (1st sentence) for clarity and to eliminate unnecessary words. In clause (ii), the word “conditions” is omitted as included in “terms”. The provision for back pay is moved from clause (ii) to clause (iii) for clarity.

In subsection (b)(3)(B), the words “a sum equal to the aggregate amount of all” and “and expenses” are omitted as surplus. The words “in bringing the complaint” are substituted for “for, or in connection with, the bringing of the complaint upon which the order was issued” to eliminate unnecessary words.

In subsection (c), the words “or aggrieved” and “with respect to which the order was issued, allegedly” are omitted as surplus. The words “in accordance with the provisions of chapter 7 of title 5 and” are omitted because 5 ch. 7 applies unless otherwise stated.

In subsection (d), the text of 49 App.:2305(e) (last sentence) is omitted as unnecessary.

AMENDMENTS

2007—Pub. L. 110–53 amended text of section generally. Prior to amendment, section related to, in subsec. (a), prohibition against discharge or discipline of, or discrimination against, an employee regarding pay, terms, or privileges of employment for certain actions, in subsec. (b), procedures for filing of complaint, in subsec. (c), judicial review and venue, and, in subsec. (d), civil action to enforce an order.

EMPLOYEE PROTECTIONS

Pub. L. 105-178, title IV, § 4023, June 9, 1998, 112 Stat. 415, provided that: "Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation], in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions."

§ 31106. Information systems**(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—**

(1) **IN GENERAL.**—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety regulatory and enforcement activities required under this title.

(2) **NETWORK COORDINATION.**—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

(3) **DATA ANALYSIS CAPACITY AND PROGRAMS.**—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

(B) evaluate the safety fitness of motor carriers and drivers;

(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures;

(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate;

(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives;

(G) establish and implement a national motor carrier safety data correction system; and

(H) determine whether a person or employer is or was related, through common ownership, common management, common control, or common familial relationship, to any other person, employer, or any other applicant for registration under section 13902 or 31134.

(4) **STANDARDS.**—To implement this section, the Secretary shall prescribe technical and operational standards to ensure—

(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

(C) the reliability and availability of the information to the Secretary and States.

(b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.—

(1) **INFORMATION CLEARINGHOUSE.**—The Secretary shall include, as part of the motor carrier information system authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

(2) **DESIGN.**—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant or motor carrier or while the license or registration is in effect; and

(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

(3) **CONDITIONS FOR PARTICIPATION.**—The Secretary shall require States, as a condition of participation in the program, to—

(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4);

(B) possess or seek the authority to possess for a time period no longer than determined reasonable by the Secretary, to impose sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and

(C) establish and implement a process—

(i) to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order; and

(ii) to reinstate the vehicle registration or return the registration plates of the commercial motor vehicle, subject to sanctions under clause (i), if the Secretary permits such carrier to resume operations after the date of issuance of such order.

(4) **GRANTS.**—From the funds authorized by section 31104(i), the Secretary may make a

grant in a fiscal year to a State to implement the performance and registration information system management requirements of this subsection.

(c)(1) IN GENERAL.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

(A) enhancing the exchange of driver licensing information among the States, the Federal Government, and foreign countries;

(B) providing information to the judicial system on commercial motor vehicle drivers;

(C) evaluating any aspect of driver performance that the Secretary determines appropriate; and

(D) developing appropriate strategies and countermeasures to improve driver safety.

(2) ACCESS TO RECORDS.—The Secretary may require a State, as a condition of an award of grant money under this section, to provide the Secretary access to all State licensing status and driver history records via an electronic information system, subject to section 2721 of title 18.

(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

(e)(1) INFORMATION AVAILABILITY AND PRIVACY PROTECTION POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.

(2) IN GENERAL.—Notwithstanding any prohibition on disclosure of information in section 31105(h) or 31143(b) of this title or section 552a of title 5, the Secretary may disclose information maintained by the Secretary pursuant to chapters 51, 135, 311, or 313 of this title to appropriate personnel of a State agency or instrumentality authorized to carry out State commercial motor vehicle safety activities and commercial driver's license laws, or appropriate personnel of a local law enforcement agency, in accordance with standards, conditions, and procedures as determined by the Secretary. Disclosure under this section shall not operate as a waiver by the Secretary of any applicable privilege against disclosure under common law or as a basis for compelling disclosure under section 552 of title 5.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 991; Pub. L. 105–178, title IV, §4004(a), June 9, 1998, 112 Stat. 398; Pub. L. 109–59, title IV, §§4108(a), 4109(a), Aug. 10, 2005, 119 Stat. 1720; Pub. L. 112–141, div. C, title II, §§32103(b), 32306, 32508, 32602, July 6, 2012, 126 Stat. 780, 793, 805, 807; Pub. L. 114–94, div. A, title V, §§5101(e)(2), 5102, Dec. 4, 2015, 129 Stat. 1525, 1526.)

AMENDMENT OF SUBSECTION (b)

Pub. L. 114–94, div. A, title V, §5101(e)(2), (f), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, subsection (b) of this section is amended by striking paragraph (4). See 2015 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31106(a)	49 App.:2306(f).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2155, §407; added Dec. 18, 1991, Pub. L. 102–240, §4003, 105 Stat. 2144.
31106(b)	49 App.:2306(a)(2)–(5).	
31106(c)	49 App.:2306(b).	
31106(d)	49 App.:2306(a)(1).	
31106(e)	49 App.:2306(c).	
31106(f)	49 App.:2306(d).	
31106(g)	49 App.:2306(e).	

In subsection (b)(2), the word “schedule” is substituted for “system” for clarity.

AMENDMENTS

2015—Subsec. (b). Pub. L. 114–94, §5102, substituted “Systems Management” for “Program” in heading.

Subsec. (b)(4). Pub. L. 114–94, §5101(e)(2), struck out par. (4). Text read as follows: “From the funds authorized by section 31104(i), the Secretary may make a grant in a fiscal year to a State to implement the performance and registration information system management requirements of this subsection.”

2012—Subsec. (a)(3)(H). Pub. L. 112–141, §32103(b), added subpar. (H).

Subsec. (b)(3)(C). Pub. L. 112–141, §32602, amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order.”

Subsec. (c). Pub. L. 112–141, §32306, struck out subsec. heading “COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM”, designated existing provisions as par. (1) and inserted par. heading, redesignated former pars. (1) to (4) as subpars. (A) to (D), respectively, of par. (1), and added par. (2).

Subsec. (e). Pub. L. 112–141, §32508, designated existing provisions as par. (1) and added par. (2).

2005—Subsec. (a)(3)(F), (G). Pub. L. 109–59, §4108(a), added subpars. (F) and (G).

Subsec. (b)(2) to (4). Pub. L. 109–59, §4109(a), added pars. (2) to (4) and struck out former pars. (2) to (4), which related to design of program with State licensing systems in par. (2), conditions of participation in par. (3), and funding for fiscal years 1998 to 2003 in par. (4).

1998—Pub. L. 105–178 amended section catchline and text generally, substituting, in subsec. (a), provisions relating to information systems and data analysis for provisions relating to definition of commercial motor vehicle, in subsec. (b), provisions relating to performance and registration information program for provisions relating to information system, in subsec. (c), provisions relating to commercial motor vehicle driver safety program for provisions relating to demonstration project, in subsec. (d), provisions relating to cooperative agreements, grants, and contracts for provisions relating to review of State systems, and in subsec. (e), provisions relating to information availability and privacy protection policy for provisions relating to regulations, and striking out subsecs. (f) and (g), which related to report to Congress and authorization of appropriations, respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 5102 of Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as

a note under section 5313 of Title 5, Government Organization and Employees.

Amendment by section 5101(e)(2) of Pub. L. 114-94 effective Oct. 1, 2016, see section 5101(f) of Pub. L. 114-94, set out as a note under section 31102 of this title.

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.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT

Pub. L. 109-59, title IV, §4126, Aug. 10, 2005, 119 Stat. 1738, as amended by Pub. L. 114-94, div. A, title V, §5105(f)(1), Dec. 4, 2015, 129 Stat. 1529, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall carry out a commercial vehicle information systems and networks program to—

“(1) improve the safety and productivity of commercial vehicles and drivers; and

“(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

“(b) PURPOSE.—The program shall advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

“(c) CORE DEPLOYMENT GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.

“(2) AMOUNT OF GRANTS.—The maximum aggregate amount the Secretary may grant to a State for the core deployment of commercial vehicle information systems and networks under this subsection and sections 5001(a)(5) and 5001(a)(6) of the Transportation Equity Act for the 21st Century [Pub. L. 105-178] (112 Stat. 420) may not exceed \$2,500,000. Funds deobligated by the Secretary from previous year grants shall not be counted toward the \$2,500,000 maximum aggregate amount for core deployment.

“(3) USE OF FUNDS.—Funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks. An eligible State that has either completed the core deployment of commercial vehicle information systems and networks or completed such deployment before grant funds are expended under this subsection may use the grant funds for the expanded deployment of commercial vehicle information systems and networks in the State. Funds may also be used for planning activities, including the development or updating of program or top level design plans.

“(d) EXPANDED DEPLOYMENT GRANTS.—

“(1) IN GENERAL.—For each fiscal year, from the funds remaining after the Secretary has made grants under subsection (c), the Secretary may make grants to each eligible State, upon request, for the expanded deployment of commercial vehicle information systems and networks.

“(2) ELIGIBILITY.—Each State that has completed the core deployment of commercial vehicle information systems and networks in such State is eligible for an expanded deployment grant under this subsection.

“(3) AMOUNT OF GRANTS.—Each fiscal year, the Secretary may distribute funds available for expanded

deployment grants equally among the eligible States, but not to exceed \$1,000,000 per State.

“(4) USE OF FUNDS.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks. Funds may also be used for planning activities, including the development or updating of program or top level design plans.

“(e) ELIGIBILITY.—To be eligible for a grant under this section, a State—

“(1) shall have a commercial vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of core capabilities;

“(2) shall certify to the Secretary that its commercial vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

“(A) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

“(B) promote interoperability and efficiency to the extent practicable; and

“(3) shall agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial vehicle information systems and networks.

“(f) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall not exceed 50 percent. The total Federal share of the cost of a project payable from all eligible Federal sources shall not exceed 80 percent.

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term ‘commercial vehicle information systems and networks’ means the information systems and communications networks that provide the capability to—

“(A) improve the safety of commercial motor vehicle operations;

“(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

“(C) advance electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information;

“(D) enhance the safe passage of commercial motor vehicles across the United States and across international borders; and

“(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

“(2) COMMERCIAL MOTOR VEHICLE OPERATIONS.—The term ‘commercial motor vehicle operations’—

“(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial motor vehicle movement of goods, including hazardous materials, and passengers; and

“(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing inspection and regulatory compliance operations.

“(3) CORE DEPLOYMENT.—The term ‘core deployment’ means the deployment of systems in a State necessary to provide the State with the following capabilities:

“(A) Safety information exchange to—

“(i) electronically collect and transmit commercial motor vehicle and driver inspection data at a majority of inspection sites in the State;

“(ii) connect to the safety and fitness electronic records system for access to interstate carrier and commercial motor vehicle data, summaries of past safety performance, and commercial motor vehicle credentials information; and

“(iii) exchange carrier data and commercial motor vehicle safety and credentials information within the State and connect to such system for access to interstate carrier and commercial motor vehicle data.

“(B) Interstate credentials administration to—

“(i) perform end-to-end processing, including carrier application, jurisdiction application processing, and credential issuance, of at least the international registration plan and international fuel tax agreement credentials and extend this processing to other credentials, including intrastate registration, vehicle titling, oversize vehicle permits, overweight vehicle permits, carrier registration, and hazardous materials permits;

“(ii) connect to such plan and agreement clearinghouses; and

“(iii) have at least 10 percent of the credentialing transaction volume in the State handled electronically and have the capability to add more carriers and to extend to branch offices where applicable.

“(C) Roadside electronic screening to electronically screen transponder-equipped commercial vehicles at a minimum of one fixed or mobile inspection site in the State and to replicate this screening at other sites in the State.

“(4) EXPANDED DEPLOYMENT.—The term ‘expanded deployment’ means the deployment of systems in a State that exceed the requirements of a core deployment of commercial vehicle information systems and networks, improve safety and the productivity of commercial motor vehicle operations, and enhance transportation security.”

[*Pub. L. 114-94, div. A, title V, § 5101(e)(5), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, section 4126 of Pub. L. 109-59, set out above, is repealed, subject to a transition provision.*]

§ 31107. Border enforcement grants

(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to an entity or State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(b) GOVERNMENTS¹ SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

(c) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.

(Added Pub. L. 109-59, title IV, § 4110(a)(2), Aug. 10, 2005, 119 Stat. 1721; amended Pub. L. 112-141, div. C, title II, § 32603(h), July 6, 2012, 126 Stat. 808.)

REPEAL OF SECTION

Pub. L. 114-94, div. A, title V, § 5101(e)(3), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided

that, effective Oct. 1, 2016, this section is repealed, subject to a transition provision.

PRIOR PROVISIONS

A prior section 31107, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 992; Pub. L. 105-178, title IV, § 4004(b), June 9, 1998, 112 Stat. 400; Pub. L. 106-159, title I, § 103(d), Dec. 9, 1999, 113 Stat. 1754; Pub. L. 108-88, § 7(c)(1), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108-202, § 11(c)(1), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108-224, § 9(c)(1), Apr. 30, 2004, 118 Stat. 638; Pub. L. 108-263, § 9(c)(1), June 30, 2004, 118 Stat. 709; Pub. L. 108-280, § 9(c)(1), July 30, 2004, 118 Stat. 886; Pub. L. 108-310, § 7(c)(1), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109-14, § 6(c)(1), May 31, 2005, 119 Stat. 330; Pub. L. 109-20, § 6(c)(1), July 1, 2005, 119 Stat. 352; Pub. L. 109-35, § 6(c)(1), July 20, 2005, 119 Stat. 385; Pub. L. 109-37, § 6(c)(1), July 22, 2005, 119 Stat. 400; Pub. L. 109-40, § 6(c)(1), July 28, 2005, 119 Stat. 417, related to contract authority funding for information systems, prior to repeal by Pub. L. 109-59, title IV, § 4110(a)(2), Aug. 10, 2005, 119 Stat. 1721.

AMENDMENTS

2012—Subsecs. (b) to (d). Pub. L. 112-141 redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State or the Federal Government ending before October 1, 2005, whichever the State designates.”

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114-94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

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.

§ 31108. Motor carrier research and technology program

(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier and motor coach research and technology program.

(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research and shall be coordinated with other research programs or projects ongoing or planned within the Department of Transportation, as appropriate.

(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program research, development, technology, and technology transfer activities with respect to—

(A) the causes of accidents, injuries, and fatalities involving commercial motor vehicles;

(B) means of reducing the number and severity of accidents, injuries, and fatalities involving commercial motor vehicles;

¹ So in original. Probably should be “GOVERNMENT’S”.

(C) improving the safety and efficiency of commercial motor vehicles through technological innovation and improvement;

(D) improving technology used by enforcement officers when conducting roadside inspections and compliance reviews to increase efficiency and information transfers; and

(E) increasing the safety and security of hazardous materials transportation.

(4) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing any material, invention, patented article, or process related to the research and technology program.

(5) TRAINING.—The Secretary may use the funds made available to carry out this section for training or education of commercial motor vehicle safety personnel, including training in accident reconstruction and detection of controlled substances or other contraband and stolen cargo or vehicles.

(6) PROCEDURES.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories; or

(C) by making grants to, or entering into contracts and cooperative agreements with, any Federal laboratory, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

(7) DEVELOPMENT AND PROMOTION OF USE OF PRODUCTS.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs under this section.

(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—To advance innovative solutions to problems involving commercial motor vehicle and motor carrier safety, security, and efficiency, and to stimulate the deployment of emerging technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

(A) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, and sole proprietorships that are incorporated or established under the laws of any State; and

(B) Federal laboratories.

(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

(3) COST SHARING.—

(A) FEDERAL SHARE.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent; except that, if

there is substantial public interest or benefit associated with any such activity, the Secretary may approve a greater Federal share.

(B) TREATMENT OF DIRECTLY INCURRED NON-FEDERAL COSTS.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware or software development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 993; Pub. L. 109–59, title IV, §4111(a), Aug. 10, 2005, 119 Stat. 1722.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31108	(unmodified).	Dec. 18, 1991, Pub. L. 102–240, §4002(j), 105 Stat. 2144.

The words “safety duties and powers” are substituted for “safety functions” for clarity and consistency in the revised title. The reference to fiscal year 1992 is omitted as obsolete.

REFERENCES IN TEXT

The Stevenson-Wylder Technology Innovation Act of 1980, referred to in subsec. (b)(4), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2005—Pub. L. 109–59 amended section catchline and text generally. Prior to amendment, text read as follows: “Not more than \$ _____ may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 19__, to carry out the safety duties and powers of the Federal Highway Administration.”

§ 31109. Performance and registration information system management

The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).

(Added Pub. L. 109–59, title IV, §4109(b)(1), Aug. 10, 2005, 119 Stat. 1721.)

REPEAL OF SECTION

Pub. L. 114–94, div. A, title V, §5101(e)(4), (f), (g), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, this section is repealed, subject to a transition provision.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114–94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

§ 31110. Authorization of appropriations

(a) ADMINISTRATIVE EXPENSES.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- (1) \$267,400,000 for fiscal year 2016;
- (2) \$277,200,000 for fiscal year 2017;
- (3) \$283,000,000 for fiscal year 2018;
- (4) \$284,000,000 for fiscal year 2019; and
- (5) \$288,000,000 for fiscal year 2020.

(b) USE OF FUNDS.—The funds authorized by this section shall be used for—

- (1) personnel costs;
- (2) administrative infrastructure;
- (3) rent;
- (4) information technology;
- (5) programs for research and technology, information management, regulatory development, and the administration of performance and registration information systems management under section 31106(b);
- (6) programs for outreach and education under subsection (c);
- (7) other operating expenses;
- (8) conducting safety reviews of new operators; and
- (9) such other expenses as may from time to time become necessary to implement statutory mandates of the Federal Motor Carrier Safety Administration not funded from other sources.

(c) OUTREACH AND EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary may conduct, through any combination of grants, contracts, cooperative agreements, and other activities, an internal and external outreach and education program to be administered by the Administrator of the Federal Motor Carrier Safety Administration.

(2) FEDERAL SHARE.—The Federal share of an outreach and education project for which a grant, contract, or cooperative agreement is made under this subsection may be up to 100 percent of the cost of the project.

(3) FUNDING.—From amounts made available under subsection (a), the Secretary shall make available not more than \$4,000,000 each fiscal year to carry out this subsection.

(d) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section 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.

(e) FUNDING AVAILABILITY.—Amounts made available under this section shall remain available until expended.

(f) CONTRACTUAL OBLIGATION.—The approval of funds by the Secretary under this section is a contractual obligation of the Federal Government for payment of the Federal Government's share of costs.

(Added Pub. L. 114-94, div. A, title V, §5103(a), Dec. 4, 2015, 129 Stat. 1526.)

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

§ 31111. Length limitations

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AUTOMOBILE TRANSPORTER.—The term “automobile transporter” means any vehicle combination designed and used for the transport of assembled highway vehicles, including truck camper units. An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.

(2) MAXI-CUBE VEHICLE.—The term “maxi-cube vehicle” means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.

(3) TRUCK TRACTOR.—The term “truck tractor” means—

(A) a non-property-carrying power unit that operates in combination with a semitrailer or trailer; or

(B) a power unit that carries as property motor vehicles when operating in combination with a semitrailer in transporting motor vehicles or any other commodity, including cargo or general freight on a backhaul.

(4) DRIVEAWAY SADDLEMOUNT VEHICLE TRANSPORTER COMBINATION.—The term “driveaway saddle-mount vehicle transporter combination” means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or fifth-wheel of the forward vehicle of the truck or truck tractor in front of it. Such combination may include one fullmount.

(5) BACKHAUL.—The term “backhaul” means the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.

(6) TRAILER TRANSPORTER TOWING UNIT.—The term “trailer transporter towing unit” means a power unit that is not used to carry property when operating in a towaway trailer transporter combination.

(7) TOWAWAY TRAILER TRANSPORTER COMBINATION.—The term “towaway trailer transporter combination” means a combination of vehicles consisting of a trailer transporter towing unit and 2 trailers or semitrailers—

(A) with a total weight that does not exceed 26,000 pounds; and

(B) in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

(b) GENERAL LIMITATIONS.—(1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that—

(A) imposes a vehicle length limitation of less than 45 feet on a bus, of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under subsection (e) of this section;

(B) imposes an overall length limitation on a commercial motor vehicle operating in a truck tractor-semitrailer or truck tractor-semitrailer-trailer combination;

(C) has the effect of prohibiting the use of a semitrailer or trailer of the same dimensions as those that were in actual and lawful use in that State on December 1, 1982;

(D) imposes a vehicle length limitation of not less than or more than 97 feet on all driveaway saddlemount vehicle transporter combinations;

(E) has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semitrailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State;

(F) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events;

(G) imposes a vehicle length limitation of less than 80 feet on a stinger-steered automobile transporter with a front overhang of less than 4 feet and a rear overhang of less than 6 feet; or

(H) has the effect of imposing an overall length limitation of less than 82 feet on a towaway trailer transporter combination.

(2) A length limitation prescribed or enforced by a State under paragraph (1)(A) of this subsection applies only to a semitrailer or trailer and not to a truck tractor.

(c) MAXI-CUBE AND VEHICLE COMBINATION LIMITATIONS.—A State may not prohibit a maxi-cube vehicle or a commercial motor vehicle combination consisting of a truck tractor and 2 trailing units on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary under subsection (e) of this section.

(d) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Length calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle. However, such a device may not have by its design or use the ability to carry cargo.

(e) QUALIFYING HIGHWAYS.—The Secretary by regulation shall designate as qualifying Federal-aid Primary System highways those highways of the Federal-aid Primary System in existence on June 1, 1991, that can accommodate safely the applicable vehicle lengths provided in this section.

(f) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from either or both provisions.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the Secretary shall exempt the segment from either or both of those provisions. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before

the final regulations under subsection (e) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(g) ACCOMMODATING SPECIALIZED EQUIPMENT.— In prescribing regulations to carry out this section, the Secretary may make decisions necessary to accommodate specialized equipment, including automobile and vessel transporters and maxi-cube vehicles.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 993; Pub. L. 104-88, title I, §104(b), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105-178, title IV, §4005, June 9, 1998, 112 Stat. 400; Pub. L. 109-59, title IV, §4141, Aug. 10, 2005, 119 Stat. 1746; Pub. L. 110-244, title III, §301(r), June 6, 2008, 122 Stat. 1617; Pub. L. 114-94, div. A, title V, §§5520, 5523(a), (b), Dec. 4, 2015, 129 Stat. 1558-1560.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31111(a)(1) ..	49 App.:2311(f)(2).	Jan. 6, 1983, Pub. L. 97-424, §411(f)(2); added Oct. 18, 1986, Pub. L. 99-500, §101(i) [H.R. 5205, §324(a)], 100 Stat. 1783-308, and Oct. 30, 1986, Pub. L. 99-591, §101(i) [H.R. 5205, §324(a)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, §106, 101 Stat. 1329-433.
31111(a)(2) ..	49 App.:2311(f)(1).	Jan. 6, 1983, Pub. L. 97-424, §411(f)(1), 96 Stat. 2160; Oct. 18, 1986, Pub. L. 99-500, §101(i) [H.R. 5205, §324(a)], 100 Stat. 1783-308; Oct. 30, 1986, Pub. L. 99-591, §101(i) [H.R. 5205, §324(a)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, §106, 101 Stat. 1329-433.
31111(b)	49 App.:2311(a).	Jan. 6, 1983, Pub. L. 97-424, §411(a), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98-554, §104(a), 98 Stat. 2831; Dec. 18, 1991, Pub. L. 102-240, §4006(b)(1), 105 Stat. 2151.
	49 App.:2311(b).	Jan. 6, 1983, Pub. L. 97-424, §411(b), (g), (h), 96 Stat. 2159, 2160.
31111(c)	49 App.:2311(c).	Jan. 6, 1983, Pub. L. 97-424, §411(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98-554, §104(b), 98 Stat. 2831; Oct. 18, 1986, Pub. L. 99-500, §101(i) [H.R. 5205, §324(b)], 100 Stat. 1783-308; Oct. 30, 1986, Pub. L. 99-591, §101(i) [H.R. 5205, §324(b)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, §106, 101 Stat. 1329-433.
31111(d)	49 App.:2311(h).	Jan. 6, 1983, Pub. L. 97-424, §411(h), 96 Stat. 2160; Dec. 18, 1991, Pub. L. 102-240, §4006(c), 105 Stat. 2151.
31111(e)	49 App.:2311(e).	Jan. 6, 1983, Pub. L. 97-424, §411(e), 96 Stat. 2160; Dec. 18, 1991, Pub. L. 102-240, §4006(c), 105 Stat. 2151.
31111(f)	49 App.:2311(i).	Jan. 6, 1983, Pub. L. 97-424, §411(i), 96 Stat. 2097; added Oct. 30, 1984, Pub. L. 98-554, §102, 98 Stat. 2829.
31111(g)	49 App.:2311(d).	Jan. 6, 1983, Pub. L. 97-424, §411(d), 96 Stat. 2160; Apr. 2, 1987, Pub. L. 100-17, §133(a)(7), 101 Stat. 171; Nov. 5, 1990, Pub. L. 101-516, §327(a), 104 Stat. 2182.
	49 App.:2311(g).	

In this section, 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 (a), the word “property” is substituted for “cargo” for consistency in the revised title.

Subsection (b)(1) is substituted for 49 App.:2311(a) and (b) (2d-last sentences) to eliminate unnecessary words and for consistency in the revised title and with other titles of the United States Code. Hyphens are used in describing the combinations “truck tractor-semi-trailer” and “truck tractor-semitrailer-trailer” for consistency. In clause (D), the word “actually” is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2311(b) (1st sentence) because of the restatement.

In subsection (d), the words “such as rear view mirrors, turn signal lamps, marker lamps, steps and hand-holds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices” are omitted as unnecessary and because most items listed relate to width rather than length.

In subsection (e), the words “by regulation” are added for clarity. The words “subject to the provisions of subsections (a) and (c) of this section” are omitted as surplus. The text of 49 App.:2311(e)(2) and (3) is omitted as executed.

In subsection (f), the word “commercial” is added before “motor vehicle” for consistency.

In subsection (f)(4)(C), the reference to regulations prescribed under subsection (e) is substituted for the reference in the source to regulations issued under subsection (a) to be more precise. The word “amendment” is substituted for “revision” for consistency in the revised title.

Subsection (g) is substituted for 49 App.:2311(d) to eliminate unnecessary words. The Secretary’s general authority to prescribe regulations is provided in 49:322(a). The word “vessel” is substituted for “boat” because of 1:3. The text of 49 App.:2311(g) is omitted as executed.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94, §5520(a), struck out “specifically” before “for the transport” and inserted at end “An automobile transporter shall not be prohibited from the transport of cargo or general freight on a backhaul, so long as it complies with weight limitations for a truck tractor and semitrailer combination.”

Subsec. (a)(3)(B). Pub. L. 114-94, §5520(b), struck out “only” before “motor vehicles when operating” and inserted “or any other commodity, including cargo or general freight on a backhaul” before period at end.

Subsec. (a)(5). Pub. L. 114-94, §5520(c), added par. (5).

Subsec. (a)(6), (7). Pub. L. 114-94, §5523(a), added pars. (6) and (7).

Subsec. (b)(1)(G). Pub. L. 114-94, §5520(d), added subpar. (G).

Subsec. (b)(1)(H). Pub. L. 114-94, §5523(b), added subpar. (H).

2008—Subsec. (a)(4). Pub. L. 110-244, §301(r)(1), in heading, substituted “Driveaway saddlemount” for “Drive-away saddlemount with fullmount”, and, in text, substituted “driveaway saddlemount” for “driveaway saddlemount with fullmount” and inserted at end “Such combination may include one fullmount.”

Subsec. (b)(1)(D). Pub. L. 110-244, §301(r)(2), substituted “all driveaway saddlemount” for “a driveaway saddlemount with fullmount”.

2005—Subsec. (a)(4). Pub. L. 109-59, §4141(a), added par. (4).

Subsec. (b)(1)(D) to (F). Pub. L. 109-59, §4141(b), added subpar. (D) and redesignated former subpars. (D) and (E) as (E) and (F), respectively.

1998—Subsec. (a). Pub. L. 105-178, §4005(1), substituted “section, the following definitions apply:” for “section—” in introductory provisions.

Subsec. (a)(1). Pub. L. 105-178, §4005(5), added par. (1). Former par. (1) redesignated (2).

Pub. L. 105-178, §4005(2), inserted “MAXI-CUBE VEHICLE.—The term” after “(1)”.

Subsec. (a)(2). Pub. L. 105-178, § 4005(4), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 105-178, § 4005(3), inserted "TRUCK TRACTOR.—The term" after "(2)".

Subsec. (a)(3). Pub. L. 105-178, § 4005(4), redesignated par. (2) as (3).

1995—Subsec. (b)(1)(E). Pub. L. 104-88 added subpar. (E).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

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 1301 of this title.

§ 31112. Property-carrying unit limitation

(a) DEFINITIONS.—In this section—

(1) "property-carrying unit" means any part of a commercial motor vehicle combination (except the truck tractor) used to carry property, including a trailer, a semitrailer, or the property-carrying section of a single unit truck, but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a)).

(2) the length of the property-carrying units of a commercial motor vehicle combination is the length measured from the front of the first property-carrying unit to the rear of the last property-carrying unit.

(b) GENERAL LIMITATIONS.—A State may not allow by any means the operation, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under section 31111(e) of this title, of any commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

(1) the maximum combination trailer, semitrailer, or other type of length limitation allowed by law or regulation of that State before June 2, 1991; or

(2) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State before June 2, 1991.

(c) SPECIAL RULES FOR WYOMING, OHIO, ALASKA, IOWA, NEBRASKA, AND KANSAS.—In addition to the vehicles allowed under subsection (b) of this section—

(1) Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if the vehicle configurations comply with the single axle, tandem axle, and bridge formula limits in section 127(a) of title 23 and are not more than 117,000 pounds gross vehicle weight;

(2) Ohio may allow the operation of commercial motor vehicle combinations with 3 property-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated in Ohio on the 1-mile segment of Ohio State Route 7 that begins at and is south of exit 16 of the Ohio Turnpike;

(3) Alaska may allow the operation of commercial motor vehicle combinations that were not in actual operation on June 1, 1991, but were in actual operation before July 6, 1991;

(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991; and

(5) Nebraska and Kansas may allow the operation of a truck tractor and 2 trailers or semitrailers not in actual lawful operation on a regular or periodic basis on June 1, 1991, if the length of the property-carrying units does not exceed 81 feet 6 inches and such combination is used only to transport equipment utilized by custom harvesters under contract to agricultural producers to harvest one or more of wheat, soybeans, and milo during the harvest months for such crops, as defined by the relevant state.¹

(d) ADDITIONAL LIMITATIONS.—(1) A commercial motor vehicle combination whose operation in a State is not prohibited under subsections (b) and (c) of this section may continue to operate in the State on highways described in subsection (b) only if at least in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-specific designations and all other restrictions in force in the State on June 1, 1991. However, subject to regulations prescribed by the Secretary under subsection (g)(2) of this section, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(2) This section does not prevent a State from further restricting in any way or prohibiting the operation of any commercial motor vehicle combination subject to this section, except that a restriction or prohibition shall be consistent with this section and sections 31113(a) and (b) and 31114 of this title.

(3) A State making a minor adjustment of a temporary and emergency nature as authorized by paragraph (1) of this subsection or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by paragraph (2) of this subsection shall advise the Secretary not later than 30 days after

¹ So in original. Probably should be "State.".

the action. The Secretary shall publish a notice of the action in the Federal Register.

(4)² Nebraska may continue to allow to be operated under paragraphs (b)(1) and (b)(2) of this section,³ the State of Nebraska may allow longer combination vehicles that were not in actual operation on June 1, 1991 to be operated within its boundaries to transport sugar beets from the field where such sugar beets are harvested to storage, market, factory or stockpile or from stockpile to storage, market or factory. This provision shall expire on February 28, 1998.

(e) LIST OF STATE LENGTH LIMITATIONS.—(1) Not later than February 16, 1992, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in subsection (b) of this section. The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

(2) Not later than March 17, 1992, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under paragraph (1) of this subsection. The Secretary shall review for accuracy all information submitted by a State under paragraph (1) and shall solicit and consider public comment on the accuracy of the information.

(3) A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis before June 2, 1991.

(4) Except as revised under this paragraph or paragraph (5) of this subsection, the list shall be published as final in the Federal Register not later than June 15, 1992. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under paragraph (2) of this subsection. After publication of the final list, commercial motor vehicle combinations prohibited under subsection (b) of this section may not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways and other Federal-aid Primary System highways designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23.

(5) On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under paragraph (4) of this subsection. If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.

(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—This section may not be construed—

(1) to allow the operation on any segment of the Dwight D. Eisenhower System of Inter-

state and Defense Highways of a longer combination vehicle prohibited under section 127(d) of title 23;

(2) to affect in any way the operation of a commercial motor vehicle having only one property-carrying unit; or

(3) to affect in any way the operation in a State of a commercial motor vehicle with more than one property-carrying unit if the vehicle was in actual operation on a regular or periodic basis (including seasonal operation) in that State before June 2, 1991, that was authorized under State law or regulation or lawful State permit.

(g) REGULATIONS.—(1) In carrying out this section only, the Secretary shall define by regulation loads that cannot be dismantled easily or divided easily.

(2) Not later than June 15, 1992, the Secretary shall prescribe regulations establishing criteria for a State to follow in making minor adjustments under subsection (d) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 995; Pub. L. 104-59, title III, §312(a)(3), Nov. 28, 1995, 109 Stat. 584; Pub. L. 104-205, title III, §352, Sept. 30, 1996, 110 Stat. 2980; Pub. L. 105-66, title III, §343, Oct. 27, 1997, 111 Stat. 1449; Pub. L. 109-59, title IV, §4112, Aug. 10, 2005, 119 Stat. 1724; Pub. L. 114-94, div. A, title V, §5523(c)(1), Dec. 4, 2015, 129 Stat. 1560; Pub. L. 114-113, div. L, title I, §137, Dec. 18, 2015, 129 Stat. 2851.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31112(a)(1) ..	49 App.:2311(j)(7).	Jan 6, 1983, Pub. L. 97-424, 96 Stat. 2159, §411(j); added Dec. 18, 1991, Pub. L. 102-240, §4006(a), 105 Stat. 2148.
31112(a)(2) ..	49 App.:2311(j)(3).	
31112(b)	49 App.:2311(j)(1).	
31112(c)	49 App.:2311(j)(2).	
31112(d)	49 App.:2311(j)(4).	
31112(e)	49 App.:2311(j)(5).	
31112(f)	49 App.:2311(j)(6).	
31112(g)(1) ..	49 App.:2311(j)(9).	
31112(g)(2) ..	49 App.:2311(j)(8).	

In this section, the word "property" is substituted for "cargo", and the word "law" is substituted for "statute", for consistency in the revised title. 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 subsections (b), before clause (1), and (g)(1), the words "dismantled easily or divided easily" are substituted for "easily dismantled or divided" for clarity.

In subsection (e)(4), the words "Except as revised under this paragraph or paragraph (5) of this subsection" are substituted for "Except as modified pursuant to subparagraph (B) or (E) of this subsection" for clarity.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94 inserted before period at end " , but not including a trailer or a semi-trailer transported as part of a towaway trailer transporter combination (as defined in section 31111(a))".

Subsec. (c). Pub. L. 114-113, §137(b)(1), substituted "Nebraska, and Kansas" for "and Nebraska" in heading.

Subsec. (c)(3). Pub. L. 114-113, §137(b)(2), substituted a semicolon for " ; and" at end.

Subsec. (c)(4). Pub. L. 114-113, §137(b)(3), substituted " ; and" for period at end.

² See 1996 Amendment note below.

³ So in original.

Subsec. (c)(5). Pub. L. 114-113, §137(a), substituted “Nebraska and Kansas may” for “Nebraska may” and “the relevant state” for “the State of Nebraska”.

2005—Subsec. (c). Pub. L. 109-59, §4112(b), substituted “Iowa, and Nebraska” for “and Iowa” in heading.

Subsec. (c)(5). Pub. L. 109-59, §4112(a), added par. (5). 1997—Subsec. (d)(4). Pub. L. 105-66 substituted “February 28, 1998” for “September 30, 1997”.

1996—Subsec. (d)(4). Pub. L. 104-205, which directed amendment of this section by adding a new subsection designated par. (4) without specifying where, was executed by adding par. (4) to subsec. (d) to reflect the probable intent of Congress.

1995—Subsec. (c). Pub. L. 104-59 substituted “Alaska, and Iowa” for “and Alaska” in heading and added par. (4).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 31113. Width limitations

(a) GENERAL LIMITATIONS.—(1) Except as provided in subsection (e) of this section, a State (except Hawaii) may not prescribe or enforce a regulation of commerce that imposes a vehicle width limitation of more or less than 102 inches on a commercial motor vehicle operating on—

(A) a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section);

(B) a qualifying Federal-aid highway designated by the Secretary of Transportation, with traffic lanes designed to be at least 12 feet wide; or

(C) a qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary decides the designation is consistent with highway safety.

(2) Notwithstanding paragraph (1) of this subsection, a State may continue to enforce a regulation of commerce in effect on April 6, 1983, that applies to a commercial motor vehicle of more than 102 inches in width, until the date on which the State prescribes a regulation of commerce that complies with this subsection.

(3) A Federal-aid highway (except an interstate highway) not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the chief executive officer of the State in which the highway is located.

(b) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Width calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle.

(c) SPECIAL USE PERMITS.—A State may grant a special use permit to a commercial motor vehicle that is more than 102 inches in width.

(d) STATE ENFORCEMENT.—Consistent with this section, a State may enforce a commercial motor vehicle width limitation of 102 inches on a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section) or other qualifying Federal-aid highway designated by the Secretary.

(e) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having the width provided in subsection (a) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having the width provided for in subsection (a) of this section.

(3) A chief executive officer’s notification under this subsection must include specific evidence of safety problems supporting the officer’s decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary’s own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a width provided in subsection (a) of this section, the Secretary shall exempt the segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (a) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 997.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31113(a)	49 App.:2316(a), (f).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, § 416(a), (d), (f); added Apr. 5, 1983, Pub. L. 98-17, § 1(a), 97 Stat. 59; Oct. 30, 1984, Pub. L. 98-554, §§ 103(1), 104(d), (e), 105, 98 Stat. 2830, 2831.
31113(b)	49 App.:2316(b).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, § 416(b), (c); added Apr. 5, 1983, Pub. L. 98-17, § 1(a), 97 Stat. 59.
31113(c)	49 App.:2316(c).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, § 416(e); added Oct. 30, 1984, Pub. L. 98-554, § 103(2), 98 Stat. 2830.
31113(d)	49 App.:2316(d).	
31113(e)	49 App.:2316(e).	

In this section, the word “commercial” is added before “motor vehicle” for consistency. 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 (a)(1), before clause (A), the text of 49 App.:2316(f) is omitted as obsolete. The word “prescribe” is substituted for “establish, maintain” for consistency in the revised title and with other titles of the United States Code. The words “a commercial motor vehicle operating on” are added for clarity.

In subsection (b), the words “or energy conservation” are added for consistency with section 3111(d) of the revised title and because of the reference to “efficient operation”.

In subsection (e)(4)(C), the word “amendment” is substituted for “revision” for consistency in the revised title.

§ 31114. Access to the Interstate System

(a) PROHIBITION ON DENYING ACCESS.—A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between—

(1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 3111(f) or 3113(e) of this title) and other qualifying Federal-aid Primary System highways designated by the Secretary of Transportation; and

(2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, any towaway trailer transporter combination (as defined in section 3111(a)), or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 3111(c) of this title.

(b) EXCEPTION.—This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 3111(c) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999; Pub. L. 114-94, div. A, title V, §5523(c)(2), Dec. 4, 2015, 129 Stat. 1560.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31114(a)	49 App.:2312(a).	Jan. 6, 1983, Pub. L. 97-424, § 412, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98-554, §§ 104(c), 106, 98 Stat. 2831, 2832; Dec. 18, 1991, Pub. L. 102-240, § 4006(b)(2), 105 Stat. 2151.
31114(b)	49 App.:2312(b).	

In subsection (a), the words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “Interstate and Defense Highway System” for consistency in the revised chapter.

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114-94 inserted “any towaway trailer transporter combination (as defined in section 3111(a)),” after “passengers,”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 31115. Enforcement

On the request of the Secretary of Transportation, the Attorney General shall bring a civil action for appropriate injunctive relief to ensure compliance with this subchapter or subchapter I of this chapter. The action may be brought in a district court of the United States in any State in which the relief is required. On a proper showing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a State or person to comply with this subchapter, subchapter I, or a regulation prescribed under this subchapter or subchapter I.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31115	49 App.:2313.	Jan. 6, 1983, Pub. L. 97-424, § 413, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98-554, § 214, 98 Stat. 2844.

The words “to assure compliance with the terms of this chapter” and “In any action under this section” are omitted as surplus. The last sentence is substituted for 49 App.:2313 (last sentence) for clarity and to eliminate unnecessary words.

SUBCHAPTER III—SAFETY REGULATION

§ 31131. Purposes and findings

(a) PURPOSES.—The purposes of this subchapter are—

(1) to promote the safe operation of commercial motor vehicles;

(2) to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety; and

(3) to ensure increased compliance with traffic laws and with the commercial motor vehicle safety and health regulations and standards prescribed and orders issued under this chapter.

(b) FINDINGS.—Congress finds—

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

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

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

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

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31131(a)	49 App.:2501.	Oct. 30, 1984, Pub. L. 98-554, §§ 202, 203, 98 Stat. 2832.
31131(b)	49 App.:2502.	

In subsection (a)(3), the words “this chapter” are substituted for “this Act” because title II of the Act of October 30, 1984 (Public Law 98-554, 98 Stat. 2832), amended and enacted provisions restated in this chapter.

EXEMPTIONS FROM REQUIREMENTS OF THIS SUBCHAPTER FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this subchapter 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.

TRAFFIC LAW INITIATIVE

Pub. L. 106-159, title II, §220, Dec. 9, 1999, 113 Stat. 1769, provided that:

“(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

“(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.”

§ 31132. Definitions

In this subchapter—

(1) “commercial motor vehicle” means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) is designed or used to transport more than 8 passengers (including the driver) for compensation;

(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and

transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) “employee” means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of the employment by the Government, a State, or a political subdivision of a State.

(3) “employer”—

(A) means a person engaged in a business affecting interstate commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate it; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) “interstate commerce” means trade, traffic, or transportation in the United States between a place in a State and—

(A) a place outside that State (including a place outside the United States); or

(B) another place in the same State through another State or through a place outside the United States.

(5) “intrastate commerce” means trade, traffic, or transportation in a State that is not interstate commerce.

(6) “medical examiner” means an individual licensed, certified, or registered in accordance with regulations issued by the Federal Motor Carrier Safety Administration as a medical examiner.

(7) “regulation” includes a standard or order.

(8) “State” means a State of the United States, the District of Columbia, and, in sections 31136 and 31140-31142¹ of this title, a political subdivision of a State.

(9) “State law” includes a law enacted by a political subdivision of a State.

(10) “State regulation” includes a regulation prescribed by a political subdivision of a State.

(11) “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. 1000; Pub. L. 104-88, title I, §104(f), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105-178, title IV, §4008(a), June 9, 1998, 112 Stat. 404; Pub. L. 109-59, title IV, §4116(c), Aug. 10, 2005, 119 Stat. 1728.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31132	49 App.:2503.	Oct. 30, 1984, Pub. L. 98-554, §204, 98 Stat. 2833.

The text of 49 App.:2503(6) is omitted as unnecessary because of 1:1. The text of 49 App.:2503(8) is omitted as

¹ See References in Text note below.

surplus because the complete name of the Commercial Motor Vehicle Safety Regulatory Review Panel is used the first time the term appears in a section. The text of 49 App.:2503(9) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

REFERENCES IN TEXT

Section 31140 of this title, referred to in par. (8), was repealed by Pub. L. 105-178, title IV, §4008(d), June 9, 1998, 112 Stat. 404.

AMENDMENTS

2005—Pars. (6) to (11). Pub. L. 109-59 added par. (6) and redesignated former pars. (6) to (10) as (7) to (11), respectively.

1998—Par. (1)(A). Pub. L. 105-178, §4008(a)(1), inserted “or gross vehicle weight” after “rating” and “, whichever is greater” after “pounds”.

Par. (1)(B). Pub. L. 105-178, §4008(a)(2), which directed substitution of “more than 8 passengers (including the driver) for compensation;” for “passengers” and all that follows through semicolon at end, was executed by making the substitution for “passengers for compensation, but excluding vehicles providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;” to reflect the probable intent of Congress.

1995—Par. (1)(B) to (D). Pub. L. 104-88 added subpars. (B) and (C), redesignated former subpar. (C) as (D), and struck out former subpar. (B) which read as follows: “is designed to transport more than 15 passengers including the driver; or”.

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 1301 of this title.

§ 31133. General powers of the Secretary of Transportation

(a) GENERAL.—In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may—

- (1) conduct and make contracts for inspections and investigations;
- (2) compile statistics;
- (3) make reports;
- (4) issue subpoenas;
- (5) require production of records and property;
- (6) take depositions;
- (7) hold hearings;
- (8) prescribe recordkeeping and reporting requirements;
- (9) conduct or make contracts for studies, development, testing, evaluation, and training; and
- (10) perform other acts the Secretary considers appropriate.

(b) CONSULTATION.—In conducting inspections and investigations under subsection (a) of this section, the Secretary shall consult, as appropriate, with employers and employees and their authorized representatives and offer them a right of accompaniment.

(c) DELEGATION.—The Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 105-178, title IV, §4006(a), June 9, 1998, 112 Stat. 401.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31133(a)	49 App.:2510(a), (b) (1st sentence).	Oct. 30, 1984, Pub. L. 98-554, §211, 98 Stat. 2841.
31133(b)	49 App.:2510(c).	
31133(c)	49 App.:2510(b) (last sentence).	

In subsection (a), the words before clause (1) are substituted for “In carrying out the Secretary’s functions under this chapter, the Secretary is authorized to” and “to carry out the provisions of this chapter, or regulations issued pursuant to section 2302 of this Appendix” to eliminate unnecessary words. Clause (10) is substituted for “perform such acts . . . as the Secretary determines necessary”. The text of 49 App.:2510(a) is omitted as covered by 49 App.:2510(b) (1st sentence).

In subsection (b), the words “In conducting inspections and investigations” are substituted for “To carry out the Secretary’s inspection and investigation functions” to eliminate unnecessary words. The words “or the Secretary’s agent” are omitted as unnecessary.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-178 inserted “and make contracts for” after “conduct”.

BORDER STAFFING STANDARDS

Pub. L. 106-159, title II, §218, Dec. 9, 1999, 113 Stat. 1767, as amended by Pub. L. 114-94, div. A, title V, §5101(e)(10), Dec. 4, 2015, 129 Stat. 1525, provided that:

“(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

“(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

“(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

“(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

“(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under [former] section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

“(2) ALLOCATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

“(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under [former] section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.”

[Pub. L. 114–94, div. A, title V, § 5101(e)(10), (f), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, section 218 of Pub. L. 106–159, set out above, is amended in subsection (d)(1) by striking “section 31104(f)(2)(B) of title 49, United States Code” and inserting “section 31104(a)(1) of title 49, United States Code” and by striking subsection (d)(3).]

§ 31134. Requirement for registration and USDOT number

(a) IN GENERAL.—Upon application, and subject to subsections (b) and (c), the Secretary shall register an employer or person subject to the safety jurisdiction of this subchapter. An employer or person may operate a commercial motor vehicle in interstate commerce only if the employer or person is registered by the Secretary under this section and receives a USDOT number. Nothing in this section shall preclude registration by the Secretary of an employer or person not engaged in interstate commerce. An employer or person subject to jurisdiction under subchapter I of chapter 135 of this title shall apply for commercial registration under section 13902 of this title.

(b) WITHHOLDING REGISTRATION.—The Secretary shall register an employer or person under subsection (a) only if the Secretary determines that—

(1) the employer or person seeking registration is willing and able to comply with the requirements of this subchapter and the regulations prescribed thereunder and chapter 51 and the regulations prescribed thereunder;

(2)(A)¹ during the 3-year period before the date of the filing of the application, the employer or person is not or was not related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter who, during such 3-year period, is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

(3) the employer or person has disclosed to the Secretary any relationship involving common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter.

(c) REVOCATION OR SUSPENSION OF REGISTRATION.—The Secretary shall revoke the registration of an employer or person issued under subsection (a) after notice and an opportunity for a proceeding, or suspend the registration after giving notice of the suspension to the employer or person, if the Secretary determines that—

(1) the employer's or person's authority to operate pursuant to chapter 139 of this title is subject to revocation or suspension under sections² 13905(d)(1) or 13905(f) of this title;

(2) the employer or person has knowingly failed to comply with the requirements listed in subsection (b)(1);

(3) the employer or person has not disclosed any relationship through common ownership, common management, common control, or common familial relationship to any other

person or applicant for registration subject to this subchapter that the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1);

(4) the employer or person refused to submit to the safety review required by section 31144(g) of this title.

(d) PERIODIC REGISTRATION UPDATE.—The Secretary may require an employer to update a registration under this section not later than 30 days after a change in the employer's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

(e) STATE AUTHORITY.—Nothing in this section shall be construed as affecting the authority of a State to issue a Department of Transportation number under State law to a person operating in intrastate commerce.

(Added Pub. L. 112–141, div. C, title II, § 32105(a), July 6, 2012, 126 Stat. 780.)

PRIOR PROVISIONS

A prior section 31134, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 104–287, § 5(9), Oct. 11, 1996, 110 Stat. 3389, related to Commercial Motor Vehicle Safety Regulatory Review Panel, prior to repeal by Pub. L. 105–178, title IV, § 4008(c), June 9, 1998, 112 Stat. 404.

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.

§ 31135. Duties of employers and employees

(a) IN GENERAL.—Each employer and employee shall comply with regulations on commercial motor vehicle safety prescribed by the Secretary of Transportation under this subchapter that apply to the employer's or employee's conduct.

(b) NONCOMPLIANCE.—

(1) MOTOR CARRIERS.—Two or more motor carriers, employers, or persons shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers, employers, or persons to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under this subchapter or an order of the Secretary issued under this subchapter.

(2) PATTERN.—If the Secretary finds that a motor carrier, employer, or person engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing non-compliance, with regulations prescribed under this subchapter, the Secretary—

(A) may withhold, suspend, amend, or revoke any part of the motor carrier's, employer's, or person's registration in accordance with section 13905 or 31134; and

(B) shall take into account such non-compliance for purposes of determining civil penalty amounts under section 521(b)(2)(D).

(3) OFFICERS.—If the Secretary finds, after notice and an opportunity for proceeding, that an officer of a motor carrier, employer, or

¹ So in original. There is no subpar. (B).

² So in original. Probably should be “section”.

owner or operator has engaged in a pattern or practice of, or assisted a motor carrier, employer, or owner or operator in avoiding compliance, or masking or otherwise concealing noncompliance, while serving as an officer or such motor carrier, employer, or owner or operator, the Secretary may suspend, amend, or revoke any part of a registration granted to the officer individually under section 13902 or 31134.

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall by regulation establish standards to implement subsection (b).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) MOTOR CARRIER.—The term “motor carrier” has the meaning such term has under section 13102.

(2) OFFICER.—The term “officer” means an owner, director, chief executive officer, chief operating officer, chief financial officer, safety director, vehicle maintenance supervisor, and driver supervisor of a motor carrier, regardless of the title attached to those functions, and any person, however designated, exercising controlling influence over the operations of a motor carrier.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1003; Pub. L. 109–59, title IV, §4113(a), Aug. 10, 2005, 119 Stat. 1724; Pub. L. 112–141, div. C, title II, §32112, July 6, 2012, 126 Stat. 783.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31135	49 App.:2504.	Oct. 30, 1984, Pub. L. 98–554, §205, 98 Stat. 2834.

REFERENCES IN TEXT

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

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–141 added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “If the Secretary finds that an officer of a motor carrier engages or has engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, while serving as an officer of any motor carrier, the Secretary may suspend, amend, or revoke any part of the motor carrier’s registration under section 13905.”

2005—Pub. L. 109–59 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (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.

§ 31136. United States Government regulations

(a) MINIMUM SAFETY STANDARDS.—Subject to section 30103(a) of this title, the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards

for commercial motor vehicles. At a minimum, the regulations shall ensure that—

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

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

(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards and, after the national registry maintained by the Department of Transportation under section 31149(d) is established, are listed on such registry;

(4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators; and

(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.

(b) ELIMINATING AND AMENDING EXISTING REGULATIONS.—The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under section 5103 of this title until an equivalent or more stringent regulation has been prescribed under section 5103.

(c) PROCEDURES AND CONSIDERATIONS.—(1) A regulation under this section shall be prescribed under section 553 of title 5 (without regard to sections 556 and 557 of title 5).

(2) Before prescribing regulations under this section, the Secretary shall consider, to the extent practicable and consistent with the purposes of this chapter—

(A) costs and benefits; and

(B) State laws and regulations on commercial motor vehicle safety, to minimize their unnecessary preemption.

(d) EFFECT OF EXISTING REGULATIONS.—If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

(e) EXEMPTIONS.—The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.

(f) REGULATORY IMPACT ANALYSIS.—

(1) IN GENERAL.—Within each regulatory impact analysis of a proposed or final major rule issued by the Federal Motor Carrier Safety Administration, the Secretary shall, whenever practicable—

(A) consider the effects of the proposed or final rule on different segments of the motor carrier industry; and

(B) formulate estimates and findings based on the best available science.

(2) SCOPE.—To the extent feasible and appropriate, and consistent with law, an analysis described in paragraph (1) shall—

(A) use data that is representative of commercial motor vehicle operators or motor carriers, or both, that will be impacted by the proposed or final rule; and

(B) consider the effects on commercial truck and bus carriers of various sizes and types.

(g) PUBLIC PARTICIPATION.—

(1) IN GENERAL.—If a proposed rule under this part is likely to lead to the promulgation of a major rule, the Secretary, before publishing such proposed rule, shall—

(A) issue an advance notice of proposed rulemaking; or

(B) proceed with a negotiated rulemaking.

(2) REQUIREMENTS.—Each advance notice of proposed rulemaking issued under paragraph (1) shall—

(A) identify the need for a potential regulatory action;

(B) identify and request public comment on the best available science or technical information relevant to analyzing potential regulatory alternatives;

(C) request public comment on the available data and costs with respect to regulatory alternatives reasonably likely to be considered as part of the rulemaking; and

(D) request public comment on available alternatives to regulation.

(3) WAIVER.—This subsection does not apply to a proposed rule if the Secretary, for good cause, finds (and incorporates the finding and a brief statement of reasons for such finding in the proposed or final rule) that an advance notice of proposed rulemaking is impracticable, unnecessary, or contrary to the public interest.

(h) RULE OF CONSTRUCTION.—Nothing in subsection (f) or (g) may be construed to limit the contents of an advance notice of proposed rulemaking.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1003; Pub. L. 104–59, title III, §344, Nov. 28, 1995, 109 Stat. 610; Pub. L. 104–287, §5(60), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105–178, title IV, §4007(c), June 9, 1998, 112 Stat. 403; Pub. L. 109–59, title IV, §4116(b), Aug. 10, 2005, 119 Stat. 1728; Pub. L. 112–141, div. C, title II, §32911, July 6, 2012, 126 Stat. 818; Pub. L. 114–94, div. A, title V, §5202, Dec. 4, 2015, 129 Stat. 1534.)

In subsection (a), the text of 49 App.:2505(g) is omitted because 5 ch. 7 applies unless otherwise stated. Before clause (1), the words “Not later than 18 months after October 30, 1984” are omitted because the time period specified has expired. The words “Subject to section 30103(a) of this title” are added to alert the reader to that section.

In subsection (c)(1), the words “except that the time periods specified in this subsection shall apply to the issuance of such regulations” are omitted because the time periods referred to do not appear in subsection (c) as enacted. The reference was probably to the time periods in a prior version of subsection (c). See S. 2174, 98th Cong., 2d Sess., §6(b) (as reported by the Committee on Commerce, Science, and Transportation of the Senate on May 2, 1984, in S. Rept. 98–424).

In subsection (d), the text of 49 App.:2505(d) is omitted as obsolete.

In subsection (f)(2)(C)(i), the words “an operator” are substituted for “such person” because only a natural person can have a medical or physical condition.

AMENDMENTS

2015—Subsec. (f). Pub. L. 114–94 added subsec. (f) and redesignated and transferred former subsec. (f) of this section to subsec. (g) of section 31315 of this title.

Subsecs. (g), (h). Pub. L. 114–94, §5202(2), added subsecs. (g) and (h).

2012—Subsec. (a)(5). Pub. L. 112–141 added par. (5).

2005—Subsec. (a)(3). Pub. L. 109–59 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and”.

1998—Subsec. (e). Pub. L. 105–178 amended heading and text of subsec. (e) generally. Prior to amendment, subsec. (e) consisted of pars. (1) to (3) relating to waivers.

1996—Subsec. (e)(2)(A), (J), (3). Pub. L. 104–287 substituted “November 28, 1995” for “the date of the enactment of this paragraph”.

1995—Subsec. (e)(1) to (3). Pub. L. 104–59 designated existing text as par. (1) and inserted heading, and added pars. (2) and (3).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

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 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective on the 365th day following Aug. 10, 2005, see section 4116(f) of Pub. L. 109–59, set out as an Effective Date note under section 31149 of this title.

WINDSHIELD TECHNOLOGY

Pub. L. 114–94, div. A, title V, §5301, Dec. 4, 2015, 129 Stat. 1543, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall revise the regulations in section 393.60(e) of title 49, Code of Federal Regulations (relating to the prohibition on obstructions to the driver’s field of view) to exempt from that section the voluntary mounting on a windshield of vehicle safety technology likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent the exemption.

“(b) VEHICLE SAFETY TECHNOLOGY DEFINED.—In this section, the term ‘vehicle safety technology’ includes a fleet-related incident management system, perform-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31136(a)	49 App.:2505(a), (g).	Oct. 30, 1984, Pub. L. 98–554, §206(a)–(g), 98 Stat. 2834.
31136(b)	49 App.:2505(b).	
31136(c)	49 App.:2505(c).	
31136(d)	49 App.:2505(d), (e).	
31136(e)	49 App.:2505(f).	
31136(f)	49 App.:2505(h).	Oct. 30, 1984, Pub. L. 98–554, §206(h), 98 Stat. 2835; re-stated Nov. 18, 1988, Pub. L. 100–690, §9102(a), 102 Stat. 4528.

ance or behavior management system, speed management system, lane departure warning system, forward collision warning or mitigation system, and active cruise control system and any other technology that the Secretary considers applicable.

“(c) RULE OF CONSTRUCTION.—For purposes of this section, any windshield mounted technology with a short term exemption under part 381 of title 49, Code of Federal Regulations, on the date of enactment of this Act, shall be considered likely to achieve a level of safety that is equivalent to or greater than the level of safety that would be achieved absent an exemption under subsection (a).”

OPERATORS OF HI-RAIL VEHICLES

Pub. L. 114-94, div. A, title V, §5519, Dec. 4, 2015, 129 Stat. 1558, provided that:

“(a) IN GENERAL.—In the case of a commercial motor vehicle driver subject to the hours of service requirements in part 395 of title 49, Code of Federal Regulations, who is driving a hi-rail vehicle, the maximum on duty time under section 395.3 of such title for such driver shall not include time in transportation to or from a duty assignment if such time in transportation—

“(1) does not exceed 2 hours per calendar day or a total of 30 hours per calendar month; and

“(2) is fully and accurately accounted for in records to be maintained by the motor carrier and such records are made available upon request of the Federal Motor Carrier Safety Administration or the Federal Railroad Administration.

“(b) HI-RAIL VEHICLE DEFINED.—In this section, the term ‘hi-rail vehicle’ means an internal rail flaw detection vehicle equipped with flange hi-rails.”

EXEMPTIONS FROM REQUIREMENTS FOR CERTAIN WELDING TRUCKS USED IN PIPELINE INDUSTRY

Pub. L. 114-94, div. A, title V, §5524, Dec. 4, 2015, 129 Stat. 1560, provided that:

“(a) COVERED MOTOR VEHICLE DEFINED.—In this section, the term ‘covered motor vehicle’ means a motor vehicle that—

“(1) is traveling in the State in which the vehicle is registered or another State;

“(2) is owned by a welder;

“(3) is a pick-up style truck;

“(4) is equipped with a welding rig that is used in the construction or maintenance of pipelines; and

“(5) has a gross vehicle weight and combination weight rating and weight of 15,000 pounds or less.

“(b) FEDERAL REQUIREMENTS.—A covered motor vehicle, including the individual operating such vehicle and the employer of such individual, shall be exempt from the following:

“(1) Any requirement relating to registration as a motor carrier, including the requirement to obtain and display a Department of Transportation number, established under chapters 139 and 311 of title 49, United States Code.

“(2) Any requirement relating to driver qualifications established under chapter 311 of title 49, United States Code.

“(3) Any requirement relating to driving of commercial motor vehicles established under chapter 311 of title 49, United States Code.

“(4) Any requirement relating to parts and accessories and inspection, repair, and maintenance of commercial motor vehicles established under chapter 311 of title 49, United States Code.

“(5) Any requirement relating to hours of service of drivers, including maximum driving and on duty time, established under chapter 315 of title 49, United States Code.”

RELIABLE HOME HEATING

Pub. L. 113-125, June 30, 2014, 128 Stat. 1388, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Reliable Home Heating Act’.

“SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARATIONS FOR PURPOSES OF TEMPORARILY EXEMPTING MOTOR CARRIERS PROVIDING EMERGENCY RELIEF FROM CERTAIN SAFETY REGULATIONS.

“(a) DEFINED TERM.—In this Act, the term ‘residential heating fuel’ includes—

“(1) heating oil;

“(2) natural gas; and

“(3) propane.

“(b) AUTHORIZATION.—If the Governor of a State declares a state of emergency caused by a shortage of residential heating fuel and, at the conclusion of the initial 30-day emergency period (or a second 30-day emergency period authorized under this subsection), the Governor determines that the emergency shortage has not ended, any extension of such state of emergency by the Governor, up to 2 additional 30-day periods, shall be recognized by the Federal Motor Carrier Safety Administration as a period during which parts 390 through 399 of chapter III of title 49, Code of Federal Regulations, shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide residential heating fuel in the geographic area so designated as under a state of emergency.

“(c) RULEMAKING.—The Secretary of Transportation shall amend section 390.23(a)(1)(ii) of title 49, Code of Federal Regulations, to conform to the provision set forth in subsection (b).

“(d) SAVINGS PROVISION.—Nothing in this section may be construed to modify the authority granted to the Federal Motor Carrier Safety Administration’s Field Administrator under section 390.23(a) of title 49, Code of Federal Regulations, to offer temporary exemptions from parts 390 through 399 of such title.

“SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFICATION REQUIREMENT.

“The Administrator of the Energy Information Administration, using data compiled from the Administration’s Weekly Petroleum Status Reports, shall notify the Governor of each State in a Petroleum Administration for Defense District if the inventory of residential heating fuel within such district has been below the most recent 5-year average for more than 3 consecutive weeks.

“SEC. 4. REVIEW.

“Not later than 12 months after the date of enactment of this Act [June 30, 2014], the Secretary of Transportation shall conduct a study of, and 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 impacts of safety from the extensions issued by Governors according to this Act. In conducting the study, the Secretary shall review, at a minimum—

“(1) the safety implications of extending exemptions; and

“(2) a review of the exemption process to ensure clarity and efficiency during emergencies.”

MOTORCOACH ENHANCED SAFETY

Pub. L. 112-141, div. C, title II, subtitle G, July 6, 2012, 126 Stat. 809, provided that:

“SEC. 32701. SHORT TITLE.

“This subtitle may be cited as the ‘Motorcoach Enhanced Safety Act of 2012’.

“SEC. 32702. DEFINITIONS.

“In this subtitle:

“(1) ADVANCED GLAZING.—The term ‘advanced glazing’ means glazing installed in a portal on the side or the roof of a motorcoach that is designed to be highly resistant to partial or complete occupant ejection in all types of motor vehicle crashes.

“(2) BUS.—The term ‘bus’ has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before 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].

“(3) COMMERCIAL MOTOR VEHICLE.—Except as otherwise specified, the term ‘commercial motor vehicle’ has the meaning given the term in section 31132(1) of title 49, United States Code.

“(4) DIRECT TIRE PRESSURE MONITORING SYSTEM.—The term ‘direct tire pressure monitoring system’ means a tire pressure monitoring system that is capable of directly detecting when the air pressure level in any tire is significantly under-inflated and providing the driver a low tire pressure warning as to which specific tire is significantly under-inflated.

“(5) MOTOR CARRIER.—The term ‘motor carrier’ means—

“(A) a motor carrier (as defined in section 13102(14) of title 49, United States Code); or

“(B) a motor private carrier (as defined in section 13102(15) of that title).

“(6) MOTORCOACH.—The term ‘motorcoach’ has the meaning given the term ‘over-the-road bus’ in section 3038(a)(3) of the Transportation Equity Act for the 21st Century [Pub. L. 105–178] (49 U.S.C. 5310 note), but does not include—

“(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency; or

“(B) a school bus, including a multifunction school activity bus.

“(7) MOTORCOACH SERVICES.—The term ‘motorcoach services’ means passenger transportation by motorcoach for compensation.

“(8) MULTIFUNCTION SCHOOL ACTIVITY BUS.—The term ‘multifunction school activity bus’ has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

“(9) PORTAL.—The term ‘portal’ means any opening on the front, side, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

“(10) PROVIDER OF MOTORCOACH SERVICES.—The term ‘provider of motorcoach services’ means a motor carrier that provides passenger transportation services with a motorcoach, including per-trip compensation and contracted or chartered compensation.

“(11) PUBLIC TRANSPORTATION.—The term ‘public transportation’ has the meaning given the term in section 5302 of title 49, United States Code.

“(12) SAFETY BELT.—The term ‘safety belt’ has the meaning given the term in section 153(i)(4)(B) of title 23, United States Code.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“SEC. 32703. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION, PASSENGER EVACUATION, AND CRASH AVOIDANCE.

“(a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.

“(b) REGULATIONS REQUIRED WITHIN 2 YEARS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations that address the following commercial motor vehicle standards, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code:

“(1) ROOF STRENGTH AND CRUSH RESISTANCE.—The Secretary shall establish improved roof and roof support standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches.

“(2) ANTI-EJECTION SAFETY COUNTERMEASURES.—The Secretary shall consider requiring advanced glazing standards for each motorcoach portal and shall consider other portal improvements to prevent partial and complete ejection of motorcoach passengers, including children. In prescribing such standards, the Secretary shall consider the impact of such standards on the use of motorcoach portals as a means of emergency egress.

“(3) ROLLOVER CRASH AVOIDANCE.—The Secretary shall consider requiring motorcoaches to be equipped with stability enhancing technology, such as electronic stability control and torque vectoring, to reduce the number and frequency of rollover crashes among motorcoaches.

“(c) COMMERCIAL MOTOR VEHICLE TIRE PRESSURE MONITORING SYSTEMS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial vehicle regulation:

“(1) IN GENERAL.—The Secretary shall consider requiring motorcoaches to be equipped with direct tire pressure monitoring systems that warn the operator of a commercial motor vehicle when any tire exhibits a level of air pressure that is below a specified level of air pressure established by the Secretary, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

“(2) PERFORMANCE REQUIREMENTS.—In any standard adopted under paragraph (1), the Secretary shall include performance requirements to meet the objectives identified in paragraph (1) of this subsection.

“(d) TIRE PERFORMANCE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Secretary shall consider—

“(1) issuing a rule to upgrade performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test; or

“(2) if the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(C) the Committee on Energy and Commerce of the House of Representatives.

“(e) APPLICATION OF REGULATIONS.—

“(1) NEW MOTORCOACHES.—Any regulation prescribed in accordance with subsection (a), (b), (c), or (d) shall—

“(A) apply to all motorcoaches manufactured more than 3 years after the date on which the regulation is published as a final rule;

“(B) take into account the impact to seating capacity of changes to size and weight of motorcoaches and the ability to comply with State and Federal size and weight requirements; and

“(C) be based on the best available science.

“(2) RETROFIT ASSESSMENT FOR EXISTING MOTORCOACHES.—

“(A) IN GENERAL.—The Secretary may assess the feasibility, benefits, and costs with respect to the application of any requirement established under subsection (a) or (b)(2) to motorcoaches manufactured before the date on which the requirement applies to new motorcoaches under paragraph (1).

“(B) REPORT.—The Secretary shall submit a report on the assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives not later than 2 years after the date of enactment of this Act.

“SEC. 32704. FIRE PREVENTION AND MITIGATION.

“(a) RESEARCH AND TESTING.—The Secretary shall conduct research and testing to determine the most prevalent causes of motorcoach fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the motorcoach. Such research and testing shall consider flammability of exterior components, smoke suppression, prevention of and resistance to wheel well fires, automatic fire suppression, passenger evacuation, causation and prevention of motorcoach fires, and improved fire extinguishers.

“(b) STANDARDS.—Not later than 3 years after the date of enactment of this Act, the Secretary may issue fire prevention and mitigation standards for motorcoaches, based on the results of the Secretary’s research and testing, taking into account highway size and weight restrictions applicable to motorcoaches, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

“SEC. 32705. OCCUPANT PROTECTION, COLLISION AVOIDANCE, FIRE CAUSATION, AND FIRE EXTINGUISHER RESEARCH AND TESTING.

“(a) SAFETY RESEARCH INITIATIVES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete the following research and testing:

“(1) INTERIOR IMPACT PROTECTION.—The Secretary shall research and test enhanced occupant impact protection technologies for motorcoach interiors to reduce serious injuries for all passengers of motorcoaches.

“(2) COMPARTMENTALIZATION SAFETY COUNTERMEASURES.—The Secretary shall research and test enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs.

“(3) COLLISION AVOIDANCE SYSTEMS.—The Secretary shall research and test forward and lateral crash warning systems applications for motorcoaches.

“(b) RULEMAKING.—Not later than 2 years after the completion of each research and testing initiative required under subsection (a), the Secretary shall issue final motor vehicle safety standards if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

“SEC. 32706. CONCURRENCE OF RESEARCH AND RULEMAKING.

“(a) REQUIREMENTS.—To the extent feasible, the Secretary shall ensure that research programs are carried out concurrently, and in a manner that concurrently assesses results, potential countermeasures, costs, and benefits.

“(b) AUTHORITY TO COMBINE RULEMAKINGS.—When considering each of the rulemaking provisions, the Secretary may initiate a single rulemaking proceeding encompassing all aspects or may combine the rulemakings as the Secretary deems appropriate.

“(c) CONSIDERATIONS.—If the Secretary undertakes separate rulemaking proceedings, the Secretary shall—

“(1) consider whether each added aspect of rulemaking may contribute to addressing the safety need determined to require rulemaking;

“(2) consider the benefits obtained through the safety belts rulemaking in section 32703(a); and

“(3) avoid duplicative benefits, costs, and countermeasures.

“SEC. 32707. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

“(a) SAFETY REVIEWS.—[Amended section 31144 of this title.]

“(b) DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.—

“(1) DEFINITIONS.—In this subsection:

“(A) MOTORCOACH.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘motorcoach’ has the meaning given the term ‘over-the-road bus’ in section 3038(a)(3) of the Transportation Equity Act for the 21st Century [Pub. L. 105-178] (49 U.S.C. 5310 note).

“(ii) EXCLUSIONS.—The term ‘motorcoach’ does not include—

“(I) a bus used in public transportation that is provided by a State or local government; or

“(II) a school bus (as defined in section 30125(a)(1) of title 49, United States Code), including a multifunction school activity bus.

“(B) MOTORCOACH SERVICES AND OPERATIONS.—The term ‘motorcoach services and operations’ means passenger transportation by a motorcoach for compensation.

“(2) REQUIREMENTS FOR THE DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish, through notice and opportunity for public to comment, requirements to improve the accessibility to the public of safety rating information of motorcoach services and operations.

“(B) DISPLAY.—In establishing the requirements under subparagraph (A), the Secretary shall consider requirements for each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary’s jurisdiction under section 13501 of title 49, United States Code, to prominently display safety fitness information pursuant to section 31144 of title 49, United States Code—

“(i) in each terminal of departure;

“(ii) in the motorcoach and visible from a position exterior to the vehicle at the point of departure, if the motorcoach does not depart from a terminal; and

“(iii) at all points of sale for such motorcoach services and operations.

“SEC. 32708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.

“Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver training.

“SEC. 32709. COMMERCIAL DRIVER’S LICENSE PASSENGER ENDORSEMENT REQUIREMENTS.

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall review and assess the current knowledge and skill testing requirements for a commercial driver’s license passenger endorsement to determine what improvements to the knowledge test, the examination of driving skills, and the application of such requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

“(b) REPORT.—Not later than 120 days after completion of the review and assessment under subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(1) a report on the review and assessment conducted under subsection (a);

“(2) a plan to implement any changes to the knowledge and skills tests; and

“(3) a timeframe by which the Secretary will implement the changes.

“SEC. 32710. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.

“Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to consider requiring States to establish a program for annual inspections of commercial motor vehicles designed or used to transport passengers, including an assessment of—

- “(1) the risks associated with improperly maintained or inspected commercial motor vehicles designed or used to transport passengers;
- “(2) the effectiveness of existing Federal standards for the inspection of such vehicles in—
 - “(A) mitigating the risks described in paragraph (1); and
 - “(B) ensuring the safe and proper operation condition of such vehicles; and
- “(3) the costs and benefits of a mandatory inspection program.

“SEC. 32711. REGULATIONS.

“Any standard or regulation prescribed or modified pursuant to the Motorcoach Enhanced Safety Act of 2012 shall be prescribed or modified in accordance with section 553 of title 5, United States Code.”

EXEMPTIONS FROM REQUIREMENTS FOR COVERED FARM VEHICLES

Pub. L. 112-141, div. C, title II, § 32934, July 6, 2012, 126 Stat. 830, as amended by Pub. L. 114-94, div. A, title V, § 5518, Dec. 4, 2015, 129 Stat. 1558, provided that:

“(a) FEDERAL REQUIREMENTS.—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

- “(1) Any requirement relating to commercial driver’s licenses established under chapter 313 of title 49, United States Code.
- “(2) Any requirement relating to drug-testing established under chapter 313 of title 49, United States Code.
- “(3) Any requirement relating to medical certificates established under—
 - “(A) subchapter III of chapter 311 of title 49, United States Code; or
 - “(B) chapter 313 of title 49, United States Code.
- “(4) Any requirement relating to hours of service established under—
 - “(A) subchapter III of chapter 311 of title 49, United States Code; or
 - “(B) chapter 315 of title 49, United States Code.
- “(5) Any requirement relating to vehicle inspection, repair, and maintenance established under—
 - “(A) subchapter III of chapter 311 of title 49, United States Code; or
 - “(B) chapter 315 of title 49, United States Code.

“(b) STATE REQUIREMENTS.—

“(1) IN GENERAL.—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from—

- “(A) a requirement described in subsection (a) or a compatible State requirement; or
- “(B) any other minimum standard provided by a State relating to the operation of that vehicle.

“(2) EXCEPTION.—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

“(c) COVERED FARM VEHICLE DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘covered farm vehicle’ means a motor vehicle (including an articulated motor vehicle)—

- “(A) that—
 - “(i) is traveling in the State in which the vehicle is registered or another State;
 - “(ii) is operated by—
 - “(I) a farm owner or operator;
 - “(II) a ranch owner or operator; or
 - “(III) an employee or family member of an individual specified in subclause (I) or (II);

“(iii) is transporting to or from a farm or ranch—

- “(I) agricultural commodities;
 - “(II) livestock; or
 - “(III) machinery or supplies;
- “(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and
- “(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and
- “(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—
- “(i) 26,001 pounds or less; or
 - “(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

“(2) INCLUSION.—In this section, the term ‘covered farm vehicle’ includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and—

- “(A) is operated pursuant to a crop share farm lease agreement;
 - “(B) is owned by a tenant with respect to that agreement; and
 - “(C) is transporting the landlord’s portion of the crops under that agreement.
- “(d) SAFETY STUDY.—The Secretary of Transportation shall conduct a study of the exemption required by subsection (a) as follows:

“(1) Data and analysis of covered farm vehicles shall include—

- “(A) the number of vehicles that are operated subject to each of the regulatory exemptions permitted under subsection (a);
- “(B) the number of drivers that operate covered farm vehicles subject to each of the regulatory exemptions permitted under subsection (a);
- “(C) the number of crashes involving covered farm vehicles;
- “(D) the number of occupants and non-occupants injured in crashes involving covered farm vehicles;
- “(E) the number of fatalities of occupants and non-occupants killed in crashes involving farm vehicles;
- “(F) crash investigations and accident reconstruction investigations of all fatalities in crashes involving covered farm vehicles;
- “(G) overall operating mileage of covered farm vehicles;
- “(H) numbers of covered farm vehicles that operate in neighboring States; and
- “(I) any other data the Secretary deems necessary to analyze and include.

“(2) A listing of State regulations issued and maintained in each State that are identical to the Federal regulations that are subject to exemption in subsection (a).

“(3) The Secretary shall report the findings of the study to the appropriate committees of Congress not later than 18 months 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].

“(e) CONSTRUCTION.—Nothing in this section shall be construed as authority for the Secretary of Transportation to prescribe regulations.”

HOURS OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION TO MOVIE PRODUCTION SITES

Pub. L. 109-59, title IV, § 4133, Aug. 10, 2005, 119 Stat. 1744, provided that: “Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle providing transportation of property or passengers to or from

a theatrical or television motion picture production site located within a 100 air mile radius of the work reporting location of such operator shall be those in effect under the regulations in effect under such sections on April 27, 2003.”

INTERSTATE VAN OPERATIONS

Pub. L. 109-59, title IV, § 4136, Aug. 10, 2005, 119 Stat. 1745, provided that: “The Federal motor carrier safety regulations that apply to interstate operations of commercial motor vehicles designed to transport between 9 and 15 passengers (including the driver) shall apply to all interstate operations of such carriers regardless of the distance traveled.”

AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING

Pub. L. 106-159, title I, § 101(f), Dec. 9, 1999, 113 Stat. 1752, provided that: “The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.”

CERTAIN EXEMPTIONS

Pub. L. 106-159, title II, § 229, as added and amended by Pub. L. 109-59, title IV, §§ 4115(a), (c), 4130-4132, 4147, Aug. 10, 2005, 119 Stat. 1726, 1743, 1744, 1749; Pub. L. 110-244, title III, § 301(i), June 6, 2008, 122 Stat. 1616; Pub. L. 112-141, div. C, title II, § 32101(d), July 6, 2012, 126 Stat. 778; Pub. L. 114-94, div. A, title V, §§ 5508(c), 5522, Dec. 4, 2015, 129 Stat. 1554, 1559, provided that:

“(a) EXEMPTIONS.—

“(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary [of Transportation] under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to—

“(A) drivers transporting agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;

“(B) drivers transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or

“(C) drivers transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.

“(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time. Except as required in section 395.3 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this sentence [Aug. 10, 2005], no additional off-duty time shall be required in order to operate such vehicle.

“(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

“(4) OPERATORS OF UTILITY SERVICE VEHICLES.—

“(A) INAPPLICABILITY OF FEDERAL REGULATIONS.—Such regulations shall not apply to a driver of a utility service vehicle.

“(B) PROHIBITION ON STATE REGULATIONS.—A State, a political subdivision of a State, an interstate agency, or other entity consisting of two or more States, shall not enact or enforce any law, rule, regulation, or standard that imposes requirements on a driver of a utility service vehicle that are similar to the requirements contained in such regulations.

“(5) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

“(b) PREEMPTION.—Except as provided in subsection (a)(4), nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

“(c) REVIEW BY THE SECRETARY.—The Secretary [of Transportation] may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (1), (2), or (4)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

“(d) REPORT.—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) 7 OR 8 CONSECUTIVE DAYS.—The term ‘7 or 8 consecutive days’ means the period of 7 or 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

“(2) 24-HOUR PERIOD.—The term ‘24-hour period’ means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

“(3) GROUND WATER WELL DRILLING RIG.—The term ‘ground water well drilling rig’ means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

“(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term ‘transportation of construction materials and equipment’ means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 75 air mile radius of the normal work reporting location of the driver, except that a State, upon

notice to the Secretary, may establish a different air mile radius limitation for purposes of this paragraph if such limitation is between 50 and 75 air miles and applies only to movements that take place entirely within the State. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title 49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

“(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ‘eligible unit of local government’ means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

“(6) UTILITY SERVICE VEHICLE.—The term ‘utility service vehicle’ means any commercial motor vehicle—

“(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

“(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

“(C) except for any occasional emergency use, operated primarily within the service area of a utility’s subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

“(7) AGRICULTURAL COMMODITY.—The term ‘agricultural commodity’ means any agricultural commodity, non-processed food, feed, fiber, or livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects).

“(8) FARM SUPPLIES FOR AGRICULTURAL PURPOSES.—The term ‘farm supplies for agricultural purposes’ means products directly related to the growing or harvesting of agricultural commodities during the planting and harvesting seasons within each State, as determined by the State, and livestock feed at any time of the year.

“(f) EMERGENCY CONDITION REQUIRING IMMEDIATE RESPONSE.—

“(1) PROPANE OR PIPELINE EMERGENCY.—A regulation prescribed under section 31136 or 31502 of title 49, United States Code, shall not apply to a driver of a commercial motor vehicle which is used primarily in the transportation of propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency if such regulations would prevent the driver from responding to an emergency condition requiring immediate response.

“(2) DEFINITION.—An emergency condition requiring immediate response is any condition that, if left unattended, is reasonably likely to result in immediate serious bodily harm, death, or substantial damage to property. In the case of propane such conditions shall include (but are not limited to) the detection of gas odor, the activation of carbon monoxide alarms, the detection of carbon monoxide poisoning, and any real or suspected damage to a propane gas system following a severe storm or flooding. An ‘emergency condition requiring an immediate response’ does not include requests to re-fill empty gas tanks. In the case of pipelines such conditions include (but are not limited to) indication of an abnormal pressure event, leak, release or rupture.”

PROTECTION OF EXISTING EXEMPTIONS

Pub. L. 105-178, title IV, § 4007(d), June 9, 1998, 112 Stat. 404, provided that: “The amendments made by this section [amending this section and section 31315 of

this title] shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of enactment of this Act [June 9, 1998] under chapter 313 or section 31136(e) of title 49, United States Code.”

APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES

Pub. L. 105-178, title IV, § 4008(b), June 9, 1998, 112 Stat. 404, provided that: “Effective on the last day of the 1-year period beginning on the date of enactment of this Act [June 9, 1998], regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.”

IMPROVED INTERSTATE SCHOOL BUS SAFETY

Pub. L. 105-178, title IV, § 4024, June 9, 1998, 112 Stat. 416, as amended by Pub. L. 107-110, title X, § 1076(ii), Jan. 8, 2002, 115 Stat. 2094, required the Secretary to initiate a rulemaking, not later than 6 months after June 9, 1998, regarding applicability of commercial motor carrier safety regulations to interstate school transportation operations by local educational agencies.

FEDERAL HIGHWAY ADMINISTRATION RULEMAKING

Pub. L. 104-88, title IV, § 408, Dec. 29, 1995, 109 Stat. 958, provided that:

“(a) ADVANCE NOTICE.—The Federal Highway Administration shall issue an advance notice of proposed rulemaking dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver alertness) not later than March 1, 1996.

“(b) RULEMAKING.—The Federal Highway Administration shall issue a notice of proposed rulemaking dealing with such issues within 1 year after issuance of the advance notice under subsection (a) is published and shall issue a final rule dealing with those issues within 2 years after the last day of such 1-year period.”

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

Pub. L. 104-59, title III, § 345, Nov. 28, 1995, 109 Stat. 613, which related to exemption from certain regulatory or statutory requirements for transportation of agricultural commodities and farm supplies, transportation and operation of ground water well drilling rigs, transportation of construction materials and equipment, utility service vehicles, and vehicles operated for snow or ice removal, was repealed by Pub. L. 109-59, title IV, § 4115(d), Aug. 10, 2005, 119 Stat. 1726. The text of former section 345 of Pub. L. 104-59 was inserted as part of section 229 of Pub. L. 106-159, as added by section 4115(a) of Pub. L. 109-59, and is set out above.

WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM

Pub. L. 104-59, title III, § 346, Nov. 28, 1995, 109 Stat. 615, as amended by Pub. L. 105-178, title I, § 1211(j), June 9, 1998, 112 Stat. 192; Pub. L. 105-206, title IX, § 9003(d)(3), July 22, 1998, 112 Stat. 839, provided that:

“(a) IN GENERAL.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to

sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

“(b) APPROVAL CRITERIA.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State’s application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

“(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

“(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

“(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

“(4) the State will monitor the safety of home heating oil deliveries while participating in the program;

“(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

“(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

“(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

“(c) PARTICIPATION IN PROGRAM.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State’s continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State’s participation in the program for periods of up to 30 additional days during such heating season.

“(d) SUSPENSION FROM PROGRAM.—The Secretary may suspend a State’s participation in the pilot program at any time if the Secretary finds—

“(1) that the State has not complied with any of the criteria for participation in the program under this section;

“(2) that a State’s participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

“(3) the existence of an emergency.

“(e) REVIEW BY SECRETARY.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

“(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

“(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to

motor carriers delivering home heating oil during winter periods of peak demand.

“(f) DEFINITION.—In this section, the term ‘7 or 8 consecutive days’ has the meaning such term has under section 345 of this Act [set out above].”

[Pub. L. 114–94, div. A, title V, § 5101(e)(11), (f), (g), Dec. 4, 2015, 129 Stat. 1526, provided that, effective Oct. 1, 2016, section 346 of Pub. L. 104–59, set out above, is repealed, subject to a transition provision.]

§ 31137. Electronic logging devices and brake maintenance regulations

(a) USE OF ELECTRONIC LOGGING DEVICES.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations—

(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be¹ equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and

(2) ensuring that an electronic logging device is not used to harass a vehicle operator.

(b) ELECTRONIC LOGGING DEVICE REQUIREMENTS.—

(1) IN GENERAL.—The regulations prescribed under subsection (a) shall—

(A) require an electronic logging device—

(i) to accurately record commercial driver hours of service;

(ii) to record the location of a commercial motor vehicle;

(iii) to be tamper resistant; and

(iv) to be synchronized to the operation of the vehicle engine or be capable of recognizing when the vehicle is being operated;

(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

(C) except as provided in paragraph (3), apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.

(2) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed under subsection (a) shall establish performance standards—

(A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

(B) establishing a secure process for standardized—

(i) and unique vehicle operator identification;

(ii) data access;

(iii) data transfer for vehicle operators between motor vehicles;

(iv) data storage for a motor carrier; and

(v) data transfer and transportability for law enforcement officials;

(C) establishing a standard security level for an electronic logging device and related

¹ So in original. Probably should be preceded by “to”.

components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

(D) identifying each driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term “driveaway-towaway operation” (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

- (A) a paper record of duty status form; or
- (B) an electronic logging device.

(c) CERTIFICATION CRITERIA.—

(1) IN GENERAL.—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of electronic logging devices to ensure that the device meets the performance requirements under this section.

(2) EFFECT OF NONCERTIFICATION.—Electronic logging devices that are not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(d) ADDITIONAL CONSIDERATIONS.—The Secretary, in prescribing the regulations described in subsection (a), shall consider how such regulations may—

(1) reduce or eliminate requirements for drivers and motor carriers to retain supporting documentation associated with paper-based records of duty status if—

(A) data contained in an electronic logging device supplants such documentation; and

(B) using such data without paper-based records does not diminish the Secretary’s ability to audit and review compliance with the Secretary’s hours of service regulations; and

(2) include such measures as the Secretary determines are necessary to protect the privacy of each individual whose personal data is contained in an electronic logging device.

(e) USE OF DATA.—

(1) IN GENERAL.—The Secretary may utilize information contained in an electronic logging device only to enforce the Secretary’s motor carrier safety and related regulations, including record-of-duty status regulations.

(2) MEASURES TO PRESERVE CONFIDENTIALITY OF PERSONAL DATA.—The Secretary shall institute appropriate measures to preserve the confidentiality of any personal data contained in an electronic logging device and disclosed in the course of an action taken by the Secretary or by law enforcement officials to enforce the regulations referred to in paragraph (1).

(3) ENFORCEMENT.—The Secretary shall institute appropriate measures to ensure any information collected by electronic logging devices is used by enforcement personnel only for the purpose of determining compliance with hours of service requirements.

(f) DEFINITIONS.—In this section:

(1) ELECTRONIC LOGGING DEVICE.—The term “electronic logging device” means an electronic device that—

(A) is capable of recording a driver’s hours of service and duty status accurately and automatically; and

(B) meets the requirements established by the Secretary through regulation.

(2) TAMPER RESISTANT.—The term “tamper resistant” means resistant to allowing any individual to cause an electronic device to record the incorrect date, time, and location for changes to on-duty driving status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.

(g) BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.—The Secretary shall maintain regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1004; Pub. L. 112–141, div. C, title II, §§ 32301(b), 32931(a), July 6, 2012, 126 Stat. 786, 829; Pub. L. 114–94, div. A, title V, §§ 5507, 5508(b)(2), Dec. 4, 2015, 129 Stat. 1553, 1554.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31137(a)	49 App.:2505 (note).	Nov. 18, 1988, Pub. L. 100–690, § 9104(b), 102 Stat. 4529.
31137(b)	49 App.:2521.	Oct. 30, 1984, Pub. L. 98–554, 98 Stat. 2829, § 231; added Nov. 18, 1988, Pub. L. 100–690, § 9110, 102 Stat. 4531.

In subsection (b), the text of 49 App.:2521(a) is omitted as executed.

REFERENCES IN TEXT

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

AMENDMENTS

2015—Pub. L. 114–94, § 5508(b)(2), amended directory language of Pub. L. 112–141, § 32301(b)(3). See 2012 Amendment note for subssecs. (a) to (f) below.

Subsec. (b)(1)(C). Pub. L. 114–94, § 5507(1), substituted “except as provided in paragraph (3), apply to” for “apply to”.

Subsec. (b)(3). Pub. L. 114–94, § 5507(2), added par. (3).

2012—Pub. L. 112–141, § 32301(b)(1), substituted “Electronic logging devices and brake maintenance regulations” for “Monitoring device and brake maintenance regulations” in section catchline.

Subsecs. (a) to (f). Pub. L. 112–141, § 32301(b)(3), as amended by Pub. L. 114–94, § 5508(b)(2), added subssecs. (a) to (f) and struck out former subsec. (a). Prior to amendment, text of subsec. (a) read as follows: “If the Secretary of Transportation prescribes a regulation about the use of monitoring devices on commercial motor vehicles to increase compliance by operators of the vehicles with hours of service regulations of the

Secretary, the regulation shall ensure that the devices are not used to harass vehicle operators. However, the devices may be used to monitor productivity of the operators." Former subsec. (b) redesignated (g).

Subsec. (g). Pub. L. 112-141, § 32931(a), which directed substitution of "The Secretary shall maintain" for "Not later than December 1, 1990, the Secretary shall prescribe", was executed by making the substitution for "Not later than December 31, 1990, the Secretary shall prescribe", to reflect the probable intent of Congress.

Pub. L. 112-141, § 32301(b)(2), redesignated subsec. (b) as (g).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 5507 of Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114-94, div. A, title V, § 5508(b), Dec. 4, 2015, 129 Stat. 1554, provided that the amendment made by section 5508(b)(2) is effective as of July 6, 2012, and as if included in Pub. L. 112-141 as enacted.

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.

§ 31138. Minimum financial responsibility for transporting passengers

(a) GENERAL REQUIREMENT.—

(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

- (A) a place in another State;
- (B) another place in the same State through a place outside of that State; or
- (C) a place outside the United States.

(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

- (A) a place in another State;
- (B) another place in the same State through a place outside of that State; or
- (C) a place outside the United States.

(b) MINIMUM AMOUNTS.—The level of financial responsibility established under subsection (a) of this section for a motor vehicle with a seating capacity of—

- (1) at least 16 passengers shall be at least \$5,000,000; and
- (2) not more than 15 passengers shall be at least \$1,500,000.

(c) EVIDENCE OF FINANCIAL RESPONSIBILITY.—

(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by

evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

- (A) insurance, including high self-retention.
- (B) a guarantee.
- (C) a surety bond issued by a bonding company authorized to do business in the United States.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(4) OTHER PERSONS.—The Secretary may require a person, other than a motor carrier (as defined in section 13102), transporting passengers by motor vehicle to file with the Secretary the evidence of financial responsibility specified in subsection (c)(1) in an amount not less than the greater of the amount required by subsection (b)(1) or the amount required for such person to transport passengers under the laws of the State or States in which the person is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the person for bodily injury to, or death of, an individual resulting from the negligent operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both.

(d) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and
- (C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(e) NONAPPLICATION.—This section does not apply to a motor vehicle—

(1) transporting only school children and teachers to or from school;

(2) providing taxicab service (as defined in section 13102);

(3) carrying not more than 15 individuals in a single, daily round trip to and from work; or

(4) providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under section 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; except that, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1005; Pub. L. 104-88, title I, §104(c), (d), Dec. 29, 1995, 109 Stat. 919; Pub. L. 107-298, §3(b)(2), Nov. 26, 2002, 116 Stat. 2343; Pub. L. 109-59, title IV, §§4120(a), 4121, Aug. 10, 2005, 119 Stat. 1733, 1734; Pub. L. 110-244, title III, §305(a), June 6, 2008, 122 Stat. 1619.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31138(a)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, §18(a), 96 Stat. 1121.
31138(b)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, §18(b), (c), 96 Stat. 1121.
31138(c)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, §18(d), 96 Stat. 1121; Oct. 30, 1984, Pub. L. 98-554, §224, 98 Stat. 2847.
31138(d)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, §18(e), 96 Stat. 1122.
31138(e)	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, §18(f), (g), 96 Stat. 1122.

In subsection (b), before clause (1), the text of section 18(b)(1) (words beginning with “except”) and (2) (words beginning with “except”) and (c) of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1121) is omitted as expired. The word “minimal” is omitted as surplus.

In subsection (c)(1), the words “The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section” are omitted as surplus.

In subsection (d)(4), the words “The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection” are substituted for “Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States” for consistency in the revised title.

In subsection (d)(5), the words “when finally determined (or agreed upon in compromise)” are omitted as surplus.

In subsection (e), before clause (1), the text of section 18(g) of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1122) is omitted as unnecessary because of the restatement.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-244, §305(a)(1), added subsec. (a) and struck out former subsec. (a). Prior to

amendment, text read as follows: “The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers by commercial motor vehicle in the United States between a place in a State and—

“(1) a place in another State;

“(2) another place in the same State through a place outside of that State; or

“(3) a place outside the United States.”

Subsec. (c)(4). Pub. L. 110-244, §305(a)(2), struck out “commercial” before “motor vehicle” in two places.

2005—Subsec. (a). Pub. L. 109-59, §4120(a)(1), struck out “for compensation” after “passengers” and inserted “commercial” before “motor vehicle” in introductory provisions.

Subsec. (c)(4). Pub. L. 109-59, §4120(a)(2), added par. (4).

Subsec. (d)(5). Pub. L. 109-59, §4121, substituted “Highway Trust Fund (other than the Mass Transit Account)” for “Treasury as miscellaneous receipts”.

2002—Subsec. (e)(2). Pub. L. 107-298 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “providing taxicab service, having a seating capacity of not more than 6 passengers, and not being operated on a regular route or between specified places;”.

1995—Subsec. (c)(3). Pub. L. 104-88, §104(c), added par. (3).

Subsec. (e)(4). Pub. L. 104-88, §104(d), added par. (4).

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 1301 of this title.

MINIMUM FINANCIAL RESPONSIBILITY

Pub. L. 114-94, div. A, title V, §5509, Dec. 4, 2015, 129 Stat. 1554, provided that:

“(a) TRANSPORTING PROPERTY.—If the Secretary [of Transportation] proceeds with a rulemaking to determine whether to increase the minimum levels of financial responsibility required under section 31139 of title 49, United States Code, the Secretary shall consider, prior to issuing a final rule—

“(1) the rulemaking’s potential impact on—

“(A) the safety of motor vehicle transportation; and

“(B) the motor carrier industry;

“(2) the ability of the insurance industry to provide the required amount of insurance;

“(3) the extent to which current minimum levels of financial responsibility adequately cover—

“(A) medical care;

“(B) compensation; and

“(C) other identifiable costs;

“(4) the frequency with which insurance claims exceed current minimum levels of financial responsibility in fatal accidents; and

“(5) the impact of increased levels on motor carrier safety and accident reduction.

“(b) TRANSPORTING PASSENGERS.—

“(1) IN GENERAL.—Prior to initiating a rulemaking to change the minimum levels of financial responsibility under section 31138 of title 49, United States Code, the Secretary shall complete a study specific to the minimum financial responsibility requirements for motor carriers of passengers.

“(2) STUDY CONTENTS.—A study under paragraph (1) shall include, to the extent practicable—

“(A) a review of accidents, injuries, and fatalities in the over-the-road bus and school bus industries;

“(B) a review of insurance held by over-the-road bus and public and private school bus companies, including companies of various sizes, and an analysis of whether such insurance is adequate to cover claims;

“(C) an analysis of whether and how insurance affects the behavior and safety record of motor car-

riers of passengers, including with respect to crash reduction; and

“(D) an analysis of the anticipated impacts of an increase in financial responsibility on insurance premiums for passenger carriers and service availability.

“(3) CONSULTATION.—In conducting a study under paragraph (1), the Secretary shall consult with—

“(A) representatives of the over-the-road bus and private school bus transportation industries, including representatives of bus drivers; and

“(B) insurers of motor carriers of passengers.

“(4) REPORT.—If the Secretary undertakes a study under paragraph (1), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.”

§ 31139. Minimum financial responsibility for transporting property

(a) DEFINITIONS.—In this section—

(1) “farm vehicle” means a vehicle—

(A) designed or adapted and used only for agriculture;

(B) operated by a motor private carrier (as defined in section 10102 of this title); and

(C) operated only incidentally on high-ways.

(2) “interstate commerce” includes transportation between a place in a State and a place outside the United States, to the extent the transportation is in the United States.

(3) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) GENERAL REQUIREMENT AND MINIMUM AMOUNT.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property by motor carrier or motor private carrier (as such terms are defined in section 13102 of this title) in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) The level of financial responsibility established under paragraph (1) of this subsection shall be at least \$750,000.

(c) FILING OF EVIDENCE OF FINANCIAL RESPONSIBILITY.—The Secretary may require a motor private carrier (as defined in section 13102) to file with the Secretary the evidence of financial responsibility specified in subsection (b) in an amount not less than the greater of the minimum amount required by this section or the amount required for such motor private carrier to transport property under the laws of the State or States in which the motor private carrier is operating; except that the amount of the financial responsibility must be sufficient to pay not more than the amount of the financial responsibility for each final judgment against the motor private carrier for bodily injury to, or death of, an individual resulting from negligent

operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both.

(d) REQUIREMENTS FOR HAZARDOUS MATTER AND OIL.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation by motor vehicle in interstate or intrastate commerce of—

(A) hazardous material (as defined by the Secretary);

(B) oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency); or

(C) hazardous wastes (as defined by the Administrator).

(2)(A) Except as provided in subparagraph (B) of this paragraph, the level of financial responsibility established under paragraph (1) of this subsection shall be at least \$5,000,000 for the transportation—

(i) of hazardous substances (as defined by the Administrator) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities of more than 3,500 water gallons;

(ii) in bulk of class A explosives, poison gas, liquefied gas, or compressed gas; or

(iii) of large quantities of radioactive material.

(B) The Secretary of Transportation by regulation may reduce the minimum level in subparagraph (A) of this paragraph (to an amount not less than \$1,000,000) for transportation described in subparagraph (A) in any of the territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands if—

(i) the chief executive officer of the territory requests the reduction;

(ii) the reduction will prevent a serious disruption in transportation service and will not adversely affect public safety; and

(iii) insurance of \$5,000,000 is not readily available.

(3) The level of financial responsibility established under paragraph (1) of this subsection for the transportation of a material, oil, substance, or waste not subject to paragraph (2) of this subsection shall be at least \$1,000,000. However, if the Secretary of Transportation finds it will not adversely affect public safety, the Secretary by regulation may reduce the amount for—

(A) a class of vehicles transporting such a material, oil, substance, or waste in intrastate commerce (except in bulk); and

(B) a farm vehicle transporting such a material or substance in interstate commerce (except in bulk).

(e) FOREIGN MOTOR CARRIERS AND PRIVATE CARRIERS.—Regulations prescribed under this section may allow foreign motor carriers and foreign motor private carriers (as those terms are defined in section 10530 of this title) providing transportation of property under a certificate of registration issued under section 10530 to meet the minimum levels of financial responsibility under this section only when those car-

riers are providing transportation for property in the United States.

(f) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

(A) insurance.

(B) a guarantee.

(C) a surety bond issued by a bonding company authorized to do business in the United States.

(D) qualification as a self-insurer.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(g) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and

(C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(h) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

(1) class A or B explosives;

(2) poison gas; or

(3) a large quantity of radioactive material.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1006; Pub. L. 104–88, title I, § 104(e), Dec. 29, 1995, 109 Stat. 919; Pub. L. 109–59, title IV, §§ 4120(b), 4121, Aug. 10, 2005, 119 Stat. 1733, 1734; Pub. L. 110–244, title III, §§ 301(f), 305(b), June 6, 2008, 122 Stat. 1616, 1620.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31139(a)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(h), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, § 406(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, § 222(b), 98 Stat. 2847; Nov. 18, 1988, Pub. L. 100–690, § 9112, 102 Stat. 4534.
31139(b)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(a), 94 Stat. 820; Jan. 6, 1983, Pub. L. 97–424, § 406(a), 96 Stat. 2158.
31139(c)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(b), 94 Stat. 821; Jan. 6, 1983, Pub. L. 97–424, § 406(a), 96 Stat. 2158; Oct. 30, 1984, Pub. L. 98–554, § 222(a), 98 Stat. 2846; Nov. 16, 1990, Pub. L. 101–615, § 23, 104 Stat. 3272.
31139(d)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, 94 Stat. 793, § 30(g); added Nov. 18, 1988, Pub. L. 100–690, § 9112, 102 Stat. 4534.
31139(e)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(c), 94 Stat. 822; Jan. 6, 1983, Pub. L. 97–424, § 406(b), 96 Stat. 2158.
31139(f)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(e), 94 Stat. 822.
31139(g)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, § 30(f), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, § 406(d), 96 Stat. 2159.

In subsection (a), before clause (1), the text of section 30(h)(3) of the Motor Carrier Act of 1980 (Public Law 96–296, 94 Stat. 823) 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 (3), the words “(including its use in the terms ‘interstate’ and ‘intrastate’)” are omitted as surplus.

In subsections (b)(2) and (c)(2) and (3), the word “minimal” is omitted as surplus.

In subsection (b)(2), the words “for any vehicle” are omitted as surplus. The words beginning with “except” are omitted as expired. The text of section 30(a)(3) of the Act (Public Law 96–296, 94 Stat. 821) is omitted because the regulations have been issued. See 49 C.F.R. part 387.

In subsection (c)(2), the text of section 30(b)(2)(B) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired.

In subsection (c)(3), before clause (A), the text of section 30(b)(3)(A) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired. The text of section 30(b)(4) of the Act (Public Law 96–296, 94 Stat. 822) is omitted because the regulations have been issued. See 49 C.F.R. part 387. The words “for any vehicle . . . in interstate or intrastate commerce” are omitted as unnecessary because of the reference to paragraph (1).

In subsection (e)(1), the words “The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section” are omitted as surplus. The text of section 30(e) of the Act (Public Law 96–296, 94 Stat. 822) is omitted as executed.

In subsection (f)(4), the words “The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection” are substituted for “Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States” for consistency in the revised title.

In subsection (f)(5), the words “when finally determined (or agreed upon in compromise)” are omitted as surplus.

In subsection (g)(1) and (2), the words “any quantity of” are omitted as surplus.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-244, § 305(b)(1), in introductory provisions, substituted “motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)” for “commercial motor vehicle”.

Subsec. (c). Pub. L. 110-244, § 305(b)(2), struck out “commercial” before “motor vehicle”.

Subsec. (g)(5). Pub. L. 110-244, § 301(f), amended Pub. L. 109-59, § 4121. See 2005 Amendment note below.

2005—Subsec. (b)(1). Pub. L. 109-59, § 4120(b)(1), struck out “for compensation” after “property” and inserted “commercial” before “motor vehicle” in introductory provisions.

Subsecs. (c) to (f). Pub. L. 109-59, § 4120(b)(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109-59, § 4120(b)(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(5). Pub. L. 109-59, § 4121, as amended by Pub. L. 110-244, § 301(f), substituted “Highway Trust Fund (other than the Mass Transit Account)” for “Treasury as miscellaneous receipts”.

Subsec. (h). Pub. L. 109-59, § 4120(b)(2), redesignated subsec. (g) as (h).

1995—Subsec. (e)(3). Pub. L. 104-88 added par. (3).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 301(f) of 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.

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 1301 of this title.

[§ 31140. Repealed. Pub. L. 105-178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404]

Section, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1008, related to submission of State laws and regulations for review by Secretary of Transportation and Commercial Motor Vehicle Safety Regulatory Review Panel.

§ 31141. Review and preemption of State laws and regulations

(a) PREEMPTION AFTER DECISION.—A State may not enforce a State law or regulation on commercial motor vehicle safety that the Secretary of Transportation decides under this section may not be enforced.

(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary immediately after the enactment or issuance.

(c) REVIEW AND DECISIONS BY SECRETARY.—

(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

(B) is less stringent than such regulation;

or

(C) is additional to or more stringent than such regulation.

(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

(A) the State law or regulation has no safety benefit;

(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

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

(2) Before deciding whether to grant or deny a petition for a waiver under this subsection, the Secretary shall give the petitioner an opportunity for a hearing on the record.

(e) WRITTEN NOTICE OF DECISIONS.—Not later than 10 days after making a decision under subsection (c) of this section that a State law or regulation may not be enforced, the Secretary shall give written notice to the State of that decision.

(f) JUDICIAL REVIEW AND VENUE.—(1) Not later than 60 days after the Secretary makes a decision under subsection (c) of this section, or grants or denies a petition for a waiver under subsection (d) of this section, a person (including a State) adversely affected by the decision, grant, or denial may file a petition for judicial review. The petition may be filed in the court of

appeals of the United States for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) The court has jurisdiction to review the decision, grant, or denial and to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5.

(3) A judgment of a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(4) The remedies provided for in this subsection are in addition to other remedies provided by law.

(g) INITIATING REVIEW PROCEEDINGS.—To review a State law or regulation on commercial motor vehicle safety under this section, the Secretary may initiate a regulatory proceeding on the Secretary's own initiative or on petition of an interested person (including a State).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1008; Pub. L. 105–178, title IV, § 4008(e), June 9, 1998, 112 Stat. 404.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31141(a)	49 App.:2507(a).	Oct. 30, 1984, Pub. L. 98–554, §208(a)–(g), (i), 98 Stat. 2836, 2838.
31141(b)	49 App.:2507(b).	
31141(c)	49 App.:2507(c).	
31141(d)	49 App.:2507(d).	
31141(e)	49 App.:2507(e).	
31141(f)	49 App.:2507(f).	
31141(g)	49 App.:2507(g).	
31141(h)	49 App.:2507(h).	Oct. 30, 1984, Pub. L. 98–554, §208(h), 98 Stat. 2838; Nov. 18, 1988, Pub. L. 100–690, §9109, 102 Stat. 4530.
	49 App.:2507(i).	

In this section, language about whether a State law or regulation may be “in effect” is omitted as redundant to language about whether it may be “enforced”. The words “regulatory proceeding” are substituted for “rulemaking proceeding” for consistency in the revised title and because “rule” is synonymous with “regulation”.

In subsection (a), the words “with respect to commercial motor vehicles” are omitted as surplus.

In subsection (b)(1), the words “Not later than 18 months after October 30, 1984, and . . . thereafter” are omitted as obsolete.

In subsection (g)(1), the words “court of appeals of the United States for the District of Columbia Circuit” are substituted for “United States court of appeals for the District of Columbia” to be more precise.

In subsection (g)(2), the words “Upon the filing of a petition under paragraph (1) of this subsection” are omitted as surplus.

Subsection (g)(3) is substituted for 49 App.:2507(g)(3) for consistency in this part and to eliminate unnecessary words.

In subsection (h), the text of 49 App.:2507(h) and the words “After the last day of the 48-month period beginning on October 30, 1984” are omitted as obsolete.

AMENDMENTS

1998—Subsecs. (b), (c). Pub. L. 105–178, § 4008(e)(1), added subsecs. (b) and (c) and struck out headings and text of former subsecs. (b) and (c) which related to analysis and decisions by Commercial Motor Vehicle Safety Regulatory Review Panel and to review and decisions by Secretary, respectively.

Subsecs. (e) to (h). Pub. L. 105–178, § 4008(e)(2), (3), re-designated subsecs. (f) to (h) as (e) to (g), respectively, and struck out heading and text of former subsec. (e).

Text read as follows: “The Secretary may consolidate regulatory proceedings under this section if the Secretary decides that the consolidation will not adversely affect a party to a proceeding.”

§ 31142. Inspection of vehicles

(a) INSPECTION OF SAFETY EQUIPMENT.—On the instruction of an authorized enforcement official of a State or of the United States Government, a commercial motor vehicle is required to pass an inspection of all safety equipment required under the regulations issued under section 31136.

(b) INSPECTION OF VEHICLES AND RECORD RETENTION.—The Secretary of Transportation shall prescribe regulations on Government standards for inspection of commercial motor vehicles and retention by employers of records of an inspection. The standards shall provide for annual or more frequent inspections of a commercial motor vehicle unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. Regulations prescribed under this subsection are deemed to be regulations prescribed under section 31136 of this title.

(c) PREEMPTION.—(1) Except as provided in paragraph (2) of this subsection, this subchapter and section 31102 of this title do not—

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

(B) prevent a State from enforcing a program for inspection of commercial motor vehicles that the Secretary decides is as effective as the Government standards prescribed under subsection (b) of this section;

(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or

(D) require a State that is enforcing a program described in clause (B) or (C) of this paragraph to enforce a Government standard prescribed under subsection (b) of this section or to adopt a provision on inspection of commercial motor vehicles in addition to that program to comply with the Government standards.

(2) The Government standards prescribed under subsection (b) of this section shall preempt a program of a State described in paragraph (1)(C) of this subsection as the program applies to the inspection of commercial motor vehicles in that State. The State may not enforce the program if the Secretary—

(A) decides, after notice and an opportunity for a hearing, that the State is not enforcing the program in a way that achieves the objectives of this section; and

(B) after making a decision under clause (A) of this paragraph, provides the State with a 6-month period to improve the enforcement of the program to achieve the objectives of this section.

(d) INSPECTION TO BE ACCEPTED AS ADEQUATE IN ALL STATES.—A periodic inspection of a commercial motor vehicle under the Government

standards prescribed under subsection (b) of this section or a program described in subsection (c)(1)(B) or (C) of this section that is being enforced shall be recognized as adequate in every State for the period of the inspection. This subsection does not prohibit a State from making random inspections of commercial motor vehicles.

(e) EFFECT OF GOVERNMENT STANDARDS.—The Government standards prescribed under subsection (b) of this section may not be enforced as the standards apply to the inspection of commercial motor vehicles in a State enforcing a program described in subsection (c)(1)(B) or (C) of this section if the Secretary decides that it is in the public interest and consistent with public safety for the Government standards not to be enforced as they apply to that inspection.

(f) APPLICATION OF STATE REGULATIONS TO GOVERNMENT-LEASED VEHICLES AND OPERATORS.—A State receiving financial assistance under section 31102 of this title in a fiscal year may enforce in that fiscal year a regulation on commercial motor vehicle safety adopted by the State as the regulation applies to commercial motor vehicles and operators leased to the Government.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1010; Pub. L. 105-178, title IV, §4008(f), (g), June 9, 1998, 112 Stat. 405.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31142(a)	49 App.:2509(a).	Oct. 30, 1984, Pub. L. 98-554, §210(a)–(f), 98 Stat. 2839.
31142(b)	49 App.:2509(b), (c).	
31142(c)	49 App.:2509(d).	
31142(d)	49 App.:2509(e).	
31142(e)	49 App.:2509(f).	
31142(f)	49 App.:2509(g).	Oct. 30, 1984, Pub. L. 98-554, 98 Stat. 2829, §210(g); added Nov. 16, 1990, Pub. L. 101-615, §24, 104 Stat. 3273.

In this section, language about whether a State law or regulation may be “in effect” is omitted as redundant to language about whether it may be “enforced”.

In subsection (b), the words “shall prescribe regulations on” are substituted for “shall, by rule, establish” for consistency in the revised title and with other titles of the United States Code and because “rule” is synonymous with “regulation”. The words “For purposes of this chapter” are omitted as unnecessary. The text of 49 App.:2509(c) is omitted as executed.

In subsection (c)(1), before clause (A), the words “this subchapter and section 31102 of this title do not” are substituted for “nothing in section 2302 of this Appendix or section 2507 of this Appendix or any other provision of this chapter shall be construed as” to eliminate unnecessary words.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, §4008(f), substituted “the regulations issued under section 31136” for “part 393 of title 49, Code of Federal Regulations”.

Subsec. (c)(1)(C). Pub. L. 105-178, §4008(g), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “prevent a State from enforcing a program for inspection of commercial motor vehicles that meets the requirements for membership in the Commercial Vehicle Safety Alliance, as those requirements were in effect on October 30, 1984; or”.

§ 31143. Investigating complaints and protecting complainants

(a) INVESTIGATING COMPLAINTS.—The Secretary of Transportation shall conduct a timely investigation of a nonfrivolous written complaint alleging that a substantial violation of a regulation prescribed under this subchapter is occurring or has occurred within the prior 60 days. The Secretary shall give the complainant timely notice of the findings of the investigation. The Secretary is not required to conduct separate investigations of duplicative complaints.

(b) PROTECTING COMPLAINANTS.—Notwithstanding section 552 of title 5, the Secretary may disclose the identity of a complainant only if disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical means within the Secretary’s authority to ensure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss because of the disclosure.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31143(a)	49 App.:2511(a).	Oct. 30, 1984, Pub. L. 98-554, §212, 98 Stat. 2841.
31143(b)	49 App.:2511(b).	

TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

Pub. L. 105-178, title IV, §4017, June 9, 1998, 112 Stat. 413, as amended by Pub. L. 106-159, title II, §213, Dec. 9, 1999, 113 Stat. 1766, provided that:

“(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations.

“(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

“(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.

“(d) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

“(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

“(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

“(e) FUNDING.—From amounts set aside under [former] section 104(a)(1)(B) of title 23, United States Code, the Secretary may use not more than \$250,000 for fiscal year 1999 and \$375,000 for each of fiscal years 2000 through 2003 to carry out this section.”

§ 31144. Safety fitness of owners and operators

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator—

(A) in operations that affect interstate commerce within the United States; and

(B) in operations in Canada and Mexico if the owner or operator also conducts operations within the United States;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

(c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in section 521(b)(5)(A) and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit. A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operat-

ing for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) of this section may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(d) DETERMINATION OF UNFITNESS BY STATE.—If a State that receives motor carrier safety assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.

(e) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(f) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under sec-

tion 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

(B) PROVIDERS OF MOTORCOACH SERVICES.—The Secretary shall require, by regulation, each owner and each operator granted new registration to transport passengers under section 13902 or 31134 to undergo a safety review not later than 120 days after the owner or operator, as the case may be, begins operations under such registration.

(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

(5) NEW ENTRANT AUDITS.—

(A) GRANTS.—The Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States and local governments.

(B) SET ASIDE.—The Secretary shall set aside from amounts made available under section 31104(a) up to \$32,000,000 for fiscal year 2016 for audits of new entrant motor carriers conducted under this paragraph.

(C) DETERMINATION.—If the Secretary determines that a State or local government is not able to use government employees to conduct new entrant motor carrier audits, the Secretary may use the funds set aside under this paragraph to conduct audits for such States or local governments.

(6) ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.—

(A) IN GENERAL.—In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

(B) ELEMENTS.—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations

where such reviews may be conducted for the convenience of small businesses.

(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country's motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.

(i) PERIODIC SAFETY REVIEWS OF OWNERS AND OPERATORS OF INTERSTATE FOR-HIRE COMMERCIAL MOTOR VEHICLES DESIGNED OR USED TO TRANSPORT PASSENGERS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) determine the safety fitness of each motor carrier of passengers who the Secretary registers under section 13902 or 31134 through a simple and understandable rating system that allows passengers to compare the safety performance of each such motor carrier; and

(ii) assign a safety fitness rating to each such motor carrier.

(B) APPLICABILITY.—Subparagraph (A) shall apply—

(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and

(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.

(2) PERIODIC REVIEW.—The Secretary shall establish, by regulation, a process for monitoring the safety performance of each motor carrier of passengers on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

(3) ENFORCEMENT STRIKE FORCES.—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement

strike forces targeting motor carriers of passengers.

(4) PERIODIC UPDATE OF SAFETY FITNESS RATING.—In conducting the safety reviews required under this subsection, the Secretary shall—

(A) reassess the safety fitness rating of each motor carrier of passengers not less frequently than once every 3 years; and

(B) annually assess the safety fitness of certain motor carriers of passengers that serve primarily urban areas with high passenger loads.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012; Pub. L. 104-88, title I, §104(g), Dec. 29, 1995, 109 Stat. 920; Pub. L. 105-178, title IV, §4009(a), June 9, 1998, 112 Stat. 405; Pub. L. 106-159, title II, §210(a), Dec. 9, 1999, 113 Stat. 1764; Pub. L. 109-59, title IV, §§4107(b), 4114, title VII, §7112(b), (c), Aug. 10, 2005, 119 Stat. 1720, 1725, 1899; Pub. L. 110-244, title III, §301(b), (c), June 6, 2008, 122 Stat. 1616; Pub. L. 111-147, title IV, §422(e), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(e), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(e), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(e), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(e), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(e), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §§32102(a), 32202, 32603(e), 32707(a), 32921(b), div. G, title II, §112002(d), July 6, 2012, 126 Stat. 778, 784, 808, 813, 828, 983; Pub. L. 113-159, title I, §1102(e), Aug. 8, 2014, 128 Stat. 1844; Pub. L. 114-21, title I, §1102(e), May 29, 2015, 129 Stat. 222; Pub. L. 114-41, title I, §1102(e), July 31, 2015, 129 Stat. 449; Pub. L. 114-73, title I, §1102(e), Oct. 29, 2015, 129 Stat. 572; Pub. L. 114-87, title I, §1102(e), Nov. 20, 2015, 129 Stat. 681; Pub. L. 114-94, div. A, title V, §§5101(e)(1), 5105(d), 5508(b)(4), Dec. 4, 2015, 129 Stat. 1525, 1529, 1554.)

AMENDMENT OF SUBSECTION (g)

Pub. L. 114-94, div. A, title V, § 5101(e)(1), (f), Dec. 4, 2015, 129 Stat. 1525, 1526, provided that, effective Oct. 1, 2016, subsection (g) of this section is amended by striking paragraph (5). See 2015 Amendment note below.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31144(a)(1) ..	49 App.:2512(a), (b).	Oct. 30, 1984, Pub. L. 98-554, §215, 98 Stat. 2844.
31144(a)(2) ..	49 App.:2512(c).	
31144(b)	49 App.:2512(d).	

In subsection (a), the word “regulation” is substituted for “rule” for consistency in the revised title and because the terms are synonymous.

In subsection (a)(1), the words “after notice and opportunity for comment” are omitted as unnecessary because of 5:553. The text of 49 App.:2512(b) is omitted as executed.

REFERENCES IN TEXT

The date of enactment of the Motorcoach Enhanced Safety Act of 2012, referred to in subsec. (i)(1)(B), is the date of enactment of subtitle G of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

AMENDMENTS

2015—Subsec. (g)(5). Pub. L. 114-94, §5101(e)(1), struck out par. (5) which provided for grants to States for new entrant audits.

Subsec. (g)(5)(B). Pub. L. 114-94, §5105(d), amended subpar. (B) generally. Prior to amendment, text read as follows: “The Secretary shall set aside from amounts made available by section 31104(a) up to \$32,000,000 per fiscal year and up to \$5,683,060 for the period beginning on October 1, 2015, and ending on December 4, 2015, for audits of new entrant motor carriers conducted pursuant to this paragraph.”

Pub. L. 114-87 substituted “and up to \$5,683,060 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and up to \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73 substituted “and up to \$4,459,016 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and up to \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41 substituted “per fiscal year and up to \$2,535,519 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “per fiscal year and up to \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21 substituted “and up to \$26,652,055 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and up to \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (g)(6). Pub. L. 114-94, §5508(b)(4), amended Pub. L. 112-141, §32921(b). See 2012 Amendment note below.

2014—Subsec. (g)(5)(B). Pub. L. 113-159 inserted “and up to \$21,304,110 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “per fiscal year”.

2012—Subsec. (g)(1). Pub. L. 112-141, §32102(a), amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31148(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.”

Subsec. (g)(5)(B). Pub. L. 112-141, §112002(d), struck out “and up to \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” after “year”.

Pub. L. 112-141, §32603(e), amended subpar. (B) generally. Prior to amendment, text read as follows: “The Secretary shall set aside from amounts made available by section 31104(a) up to \$29,000,000 per fiscal year for audits of new entrant motor carriers conducted pursuant to this paragraph.”

Pub. L. 112-140, §§1(c), 202(e), temporarily substituted “and up to \$22,040,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “and up to \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102 substituted “and up to \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “and up to \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (g)(6). Pub. L. 112-141, §32921(b), as amended by Pub. L. 114-94, §5508(b)(4), added par. (6).

Subsec. (h). Pub. L. 112-141, §32202, added subsec. (h).

Subsec. (i). Pub. L. 112-141, §32707(a), added subsec. (i).

2011—Subsec. (g)(5)(B). Pub. L. 112-30 substituted “fiscal year and up to \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “fiscal year”.

Pub. L. 112-5 struck out “(and up to \$12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011)” after “year”.

2010—Subsec. (g)(5)(B). Pub. L. 111-322 substituted “(and up to \$12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011)” for “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)”.

Pub. L. 111-147 inserted “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)” after “fiscal year”.

2008—Pub. L. 110-244 amended Pub. L. 109-59, §§ 4107(b), 4114(c)(1), 7112. See 2005 Amendment notes below.

2005—Subsec. (a). Pub. L. 109-59, § 4114(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary shall—

“(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

“(2) periodically update such safety fitness determinations;

“(3) make such final safety fitness determinations readily available to the public; and

“(4) prescribe by regulation penalties for violations of this section consistent with section 521.”

Subsec. (c). Pub. L. 109-59, § 7112(c), which directed amendment of this section by redesignating the second subsec. (c), relating to safety reviews of new operators, as (f), was repealed by Pub. L. 110-244, § 301(b)(2).

Pub. L. 109-59, § 4107(b)(1), as amended by Pub. L. 110-244, § 301(b)(1), redesignated subsec. (c), relating to safety reviews of new operators, as (f).

Subsec. (c)(1). Pub. L. 109-59, § 7112(b)(1), substituted “section 521(b)(5)(A)” for “sections 521(b)(5)(A) and 5113”.

Subsec. (c)(3). Pub. L. 109-59, § 7112(b)(2), inserted at end “A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.”

Subsec. (c)(5). Pub. L. 109-59, § 4114(b), added par. (5).

Subsec. (d). Pub. L. 109-59, § 4114(c)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Pub. L. 109-59, § 4114(c)(1), as amended by Pub. L. 110-244, § 301(c), redesignated subsec. (d) as (e).

Subsec. (e). Pub. L. 109-59, § 4114(c)(1), as amended by Pub. L. 110-244, § 301(c), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 109-59, § 7112(c), which directed amendment of this section by redesignating the second subsec. (c), relating to safety reviews of new operators, as (f), was repealed by Pub. L. 110-244, § 301(b)(2).

Pub. L. 109-59, § 4114(c)(1), as amended by Pub. L. 110-244, § 301(c), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 109-59, § 4107(b)(1), as amended by Pub. L. 110-244, § 301(b)(1), redesignated subsec. (c), relating to safety reviews of new operators, as (f).

Subsec. (f)(5). Pub. L. 109-59, § 4107(b)(2), as amended by Pub. L. 110-244, § 301(b)(1), added par. (5).

Subsec. (g). Pub. L. 109-59, § 4114(c)(1), as amended by Pub. L. 110-244, § 301(c), redesignated subsec. (f) as (g). 1999—Subsec. (c). Pub. L. 106-159 added subsec. (c) relating to safety reviews of new operators.

1998—Pub. L. 105-178 reenacted section catchline without change and amended text generally, substituting, in subsec. (a), general provisions for provisions relating to procedure and, in subsec. (b), provisions relating to procedure for provisions relating to findings and action on registrations, and adding subsecs. (c) to (e).

1995—Subsec. (a)(1). Pub. L. 104-88, § 104(g)(1)–(3), in first sentence substituted “The Secretary” for “In cooperation with the Interstate Commerce Commission, the Secretary” and “section 13902” for “sections 10922 and 10923” and in subpar. (C) struck out “and the Commission” after “Secretary”.

Subsec. (b). Pub. L. 104-88, § 104(g)(4), added subsec. (b) and struck out former subsec. (b) which read as follows: “FINDINGS AND ACTION ON APPLICATIONS.—The Commission shall—

“(1) find an applicant for authority to operate as a motor carrier unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section; and

“(2) deny the application.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 5105(d) of Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set

out as a note under section 5313 of Title 5, Government Organization and Employees.

Amendment by section 5101(e)(1) of Pub. L. 114-94 effective Oct. 1, 2016, see section 5101(f) of Pub. L. 114-94, set out as a note under section 31102 of this title.

Pub. L. 114-94, div. A, title V, § 5508(b), Dec. 4, 2015, 129 Stat. 1554, provided that the amendment made by section 5508(b)(4) is effective as of July 6, 2012, and as if included in Pub. L. 112-141 as enacted.

EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by sections 32202, 32603(e), and 32707(a) effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as a note under section 101 of Title 23, Highways.

Pub. L. 112-141, div. C, title II, § 32102(b), July 6, 2012, 126 Stat. 778, provided that: “The amendments made by subsection (a) [amending this section] shall take effect 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as notes under section 101 of Title 23, Highways].”

Amendment by section 32921(b) of Pub. L. 112-141 effective 2 years after the date of enactment of Pub. L. 112-141, see section 32921(c) of Pub. L. 112-141, set out as an Effective Date of 2012 Amendment note under section 13902 of this title.

Amendment by section 112002(d) of Pub. L. 112-141 effective July 1, 2012, see section 114001 of Pub. L. 112-141, set out as a note under section 5305 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a 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.

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 1301 of this title.

DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

HIGH RISK CARRIER REVIEWS

Pub. L. 114-94, div. A, title V, § 5305(a), (b), Dec. 4, 2015, 129 Stat. 1544, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall ensure that a review is completed on each motor carrier that demonstrates through performance data that it poses the highest safety risk. At a minimum, a review shall be conducted whenever a motor carrier is among the highest risk carriers for 4 consecutive months.

“(b) REPORT.—The Secretary shall post on a public Web site a report on the actions the Secretary has taken to comply with this section, including the number of high risk carriers identified and the high risk carriers reviewed.”

Pub. L. 109-59, title IV, § 4138, Aug. 10, 2005, 119 Stat. 1745, which required completion of high risk carrier compliance reviews, was repealed by Pub. L. 114-94, div. A, title V, § 5305(c), Dec. 4, 2015, 129 Stat. 1544.

MINIMUM REQUIREMENTS

Pub. L. 106-159, title II, §210(b), Dec. 9, 1999, 113 Stat. 1765, as amended by Pub. L. 112-141, div. C, title II, §32101(c), July 6, 2012, 126 Stat. 777, provided that: “The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall establish a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations, commercial regulations, and provisions of subpart H of part 37 of title 49, Code of Federal Regulations, or successor regulations before being granted operating authority.”

§ 31145. Coordination of Governmental activities and paperwork

The Secretary of Transportation shall coordinate the activities of departments, agencies, and instrumentalities of the United States Government to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to ensure maximum coordination and to avoid overlap and the imposition of unreasonable burdens on persons subject to regulations under this subchapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31145	49 App.:2517(b).	Oct. 30, 1984, Pub. L. 98-554, § 220(b), 98 Stat. 2846.

§ 31146. Relationship to other laws

Except as provided in section 31136(b) of this title, this subchapter and the regulations prescribed under this subchapter do not affect chapter 51 of this title or a regulation prescribed under chapter 51.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31146	49 App.:2518.	Oct. 30, 1984, Pub. L. 98-554, § 221, 98 Stat. 2846.

§ 31147. Limitations on authority

(a) TRAFFIC REGULATIONS.—This subchapter does not authorize the Secretary of Transportation to prescribe traffic safety regulations or preempt State traffic regulations. However, the Secretary may prescribe traffic regulations to the extent their subject matter was regulated under parts 390-399 of title 49, Code of Federal Regulations, on October 30, 1984.

(b) REGULATING THE MANUFACTURING OF VEHICLES.—This subchapter does not authorize the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31147(a)	49 App.:2519(a).	Oct. 30, 1984, Pub. L. 98-554, § 229, 98 Stat. 2853.
31147(b)	49 App.:2519(b).	

In subsection (a), the word “prescribe” is substituted for “establish or maintain” for consistency in the revised title and with other titles of the United States Code.

§ 31148. Certified motor carrier safety auditors

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews described in subsection (b).

(b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), any safety inspection audit or review required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be conducted by—

- (1) a motor carrier safety auditor certified under subsection (a); or
- (2) a Federal or State employee who, on the date of the enactment of this section, was qualified to perform such an audit or review.

(c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) by not more than 12 months.

(d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary’s authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

(e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a), including the authority to decertify a motor carrier safety auditor.

(Added Pub. L. 106-159, title II, §211(a), Dec. 9, 1999, 113 Stat. 1765.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b)(2), is the date of enactment of Pub. L. 106-159, which was approved Dec. 9, 1999.

INSPECTOR STANDARDS

Pub. L. 114-94, div. A, title V, §5205, Dec. 4, 2015, 129 Stat. 1537, provided that: “Not later than 90 days after the date of enactment of this Act [Dec. 4, 2015], the Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.”

§ 31149. Medical program**(a) MEDICAL REVIEW BOARD.—**

(1) ESTABLISHMENT AND FUNCTION.—The Secretary of Transportation shall establish a Medical Review Board to provide the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research.

(2) COMPOSITION.—The Medical Review Board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration.

(b) CHIEF MEDICAL EXAMINER.—The Secretary shall appoint a chief medical examiner who shall be an employee of the Federal Motor Carrier Safety Administration and who shall hold a position under section 3104 of title 5, United States Code, relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, United States Code, relating to pay for certain senior-level positions.

(c) MEDICAL STANDARDS AND REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, with the advice of the Medical Review Board and the chief medical examiner, shall—

(A) establish, review, and revise—

(i) medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and

(ii) requirements for periodic physical examinations of such operators performed by medical examiners who have, at a minimum, self-certified that they have completed training in physical and medical examination standards and are listed on a national registry maintained by the Department of Transportation;

(B) require each such operator to have a current valid medical certificate;

(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of such operators are being conducted;

(D) not later than 1 year after enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, develop requirements for a medical examiner to be listed in the national registry under this section, including—

(i) the completion of specific courses and materials;

(ii) certification, including, at a minimum, self-certification, if the Secretary determines that self-certification is necessary for sufficient participation in the national registry, to verify that a medical examiner completed specific training, including refresher courses, that the Sec-

retary determines necessary to be listed in the national registry;

(iii) an examination that requires a passing grade; and

(iv) demonstration of a medical examiner's willingness to meet the reporting requirements established by the Secretary;

(E) require medical examiners to transmit electronically, on a monthly basis, the name of the applicant, a numerical identifier, and additional information contained on the medical examiner's certificate for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, to the chief medical examiner;

(F) periodically review a representative sample of the medical examination reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification; and

(G) annually review the implementation of commercial driver's license requirements by not fewer than 10 States to assess the accuracy, validity, and timeliness of—

(i) the submission of physical examination reports and medical certificates to State licensing agencies; and

(ii) the processing of the submissions by State licensing agencies.

(2) MONITORING PERFORMANCE.—The Secretary shall investigate patterns of errors or improper certification by a medical examiner. If the Secretary finds that a medical examiner has issued a medical certificate to an operator of a commercial motor vehicle who fails to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove such medical examiner from the registry and may void the medical certificate of the applicant or holder.

(d) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary, acting through the Federal Motor Carrier Safety Administration—

(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations and issue medical certificates;

(2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;

(3) shall accept as valid only medical certificates issued by persons on the national registry of medical examiners; and

(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of commercial motor vehicles.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(Added Pub. L. 109-59, title IV, § 4116(a), Aug. 10, 2005, 119 Stat. 1726; amended Pub. L. 112-141, div. C, title II, § 32302(b), (c)(1), July 6, 2012, 126 Stat. 789.)

REFERENCES IN TEXT

The Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (c)(1)(D), is Pub. L. 112-141, div. C, title II, July 6, 2012, 126 Stat. 776. For complete classification of this Act to the Code, see Short Title of 2012 Amendment note set out under section 30101 of this title and Tables.

AMENDMENTS

2012—Subsec. (c)(1)(D). Pub. L. 112-141, § 32302(b), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “develop, as appropriate, specific courses and materials for medical examiners listed in the national registry established under this section, and require those medical examiners to, at a minimum, self-certify that they have completed specific training, including refresher courses, to be listed in the registry;”.

Subsec. (c)(1)(E). Pub. L. 112-141, § 32302(c)(1)(A), amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “require medical examiners to transmit the name of the applicant and numerical identifier, as determined by the Administrator of the Federal Motor Carrier Safety Administration, for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, electronically to the chief medical examiner on monthly basis; and”.

Subsec. (c)(1)(G). Pub. L. 112-141, § 32302(c)(1)(B), (C), added subpar. (G).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by section 32302(b) of 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.

Pub. L. 112-141, div. C, title II, § 32302(c)(2)(B), July 6, 2012, 126 Stat. 789, as amended by Pub. L. 114-94, div. A, title V, § 5508(b)(3), Dec. 4, 2015, 129 Stat. 1554, provided that: “The amendments made by section 32302(c)(1) of this Act [amending this section] shall take effect on the date the oversight policies and procedures are established pursuant to subparagraph (A).”

[Pub. L. 114-94, div. A, title V, § 5508(b), Dec. 4, 2015, 129 Stat. 1554, provided that the amendment made by section 5508(b)(3) to section 32302(c)(2)(B) of Pub. L. 112-141, set out above, is effective as of July 6, 2012, and as if included in Pub. L. 112-141 as enacted.]

EFFECTIVE DATE

Pub. L. 109-59, title IV, § 4116(f), Aug. 10, 2005, 119 Stat. 1728, as amended by Pub. L. 110-244, title III, § 301(d), June 6, 2008, 122 Stat. 1616, provided that: “The amendments made by subsections (a) and (b) [enacting this section and amending section 31136 of this title] shall take effect on the 365th day following the date of enactment of this Act [Aug. 10, 2005].”

[Amendment by Pub. L. 110-244 to section 4116(f) of Pub. L. 109-59, set out above, 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 an Effective Date of 2008 note under section 101 of Title 23, Highways.]

MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER'S LICENSES

Pub. L. 114-94, div. A, title V, § 5403, Dec. 4, 2015, 129 Stat. 1548, provided that:

“(a) IN GENERAL.—In the case of a physician-approved veteran operator, the qualified physician of such opera-

tor may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

“(b) CERTIFICATION.—The certification described under subsection (a) shall include—

“(1) assurances that the physician performing the medical examination meets the requirements of a qualified physician under this section; and

“(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

“(c) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary [of Transportation], in consultation with the Secretary of Veterans Affairs, shall develop a process for qualified physicians to perform a medical examination and provide a medical certificate under subsection (a) and include such physicians on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) PHYSICIAN-APPROVED VETERAN OPERATOR.—The term ‘physician-approved veteran operator’ means an operator of a commercial motor vehicle who—

“(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

“(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

“(2) QUALIFIED PHYSICIAN.—The term ‘qualified physician’ means a physician who—

“(A) is employed in the Department of Veterans Affairs;

“(B) is familiar with the standards for, and physical requirements of, an operator certified pursuant to section 31149 of title 49, United States Code; and

“(C) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

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

“(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.”

DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS

Pub. L. 112-141, div. C, title II, § 32302(a), July 6, 2012, 126 Stat. 788, 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 establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.”

INTERNAL OVERSIGHT POLICY

Pub. L. 112-141, div. C, title II, § 32302(c)(2)(A), July 6, 2012, 126 Stat. 789, provided that: “Not later than 2 years 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 establish an oversight policy and procedure to carry out section 31149(c)(1)(G) of title 49, United States Code, as added by section 32302(c)(1) of this Act.”

§ 31150. Safety performance history screening

(a) IN GENERAL.—The Secretary of Transportation shall provide persons conducting pre-employment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the pre-employment assessment of an operator-applicant.

(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED.—In this section, the term "serious driver-related violation" means a violation by an operator of a commercial motor vehicle that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

(Added Pub. L. 109-59, title IV, §4117(a), Aug. 10, 2005, 119 Stat. 1728.)

REFERENCES IN TEXT

The Fair Credit Reporting Act, referred to in subsec. (b)(1), is title VI of Pub. L. 90-321, as added by Pub. L. 91-508, title VI, §601, Oct. 26, 1970, 84 Stat. 1127, as amended, 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.

§ 31151. Roadability

(a) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—

(1) IN GENERAL.—The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.

(2) INTERMODAL EQUIPMENT SAFETY REGULATIONS.—The Secretary shall issue the regulations under this section as a subpart of the Federal motor carrier safety regulations.

(3) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(A) a requirement to identify intermodal equipment providers responsible for the inspection and maintenance of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(B) a requirement to match intermodal equipment readily to an intermodal equipment provider through a unique identifying number;

(C) a requirement that an intermodal equipment provider identified under subparagraph (A) systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, intermodal equipment described in subparagraph (A) that is intended for interchange with a motor carrier;

(D) a requirement to ensure that each intermodal equipment provider identified under subparagraph (A) maintains a system of maintenance and repair records for such equipment;

(E) requirements that—

(i) a specific list of intermodal equipment components or items be identified for the visual or audible inspection of which a driver is responsible before operating the equipment over the road; and

(ii) the inspection under clause (i) be conducted as part of the Federal requirement in effect on the date of enactment of this section that a driver be satisfied that the intermodal equipment components are in good working order before the equipment is operated over the road;

(F) a requirement that a facility at which an intermodal equipment provider regularly makes intermodal equipment available for interchange have an operational process and space readily available for a motor carrier to have an equipment defect identified pursuant to subparagraph (E) repaired or the equipment replaced prior to departure;

(G) a program for the evaluation and audit of compliance by intermodal equipment providers with applicable Federal motor carrier safety regulations;

(H) a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(I) a prohibition on intermodal equipment providers from placing intermodal equipment in service on the public highways to the extent such providers or their equipment are found to pose an imminent hazard;

(J) a process by which motor carriers and agents of motor carriers shall be able to request the Federal Motor Carrier Safety Administration to undertake an investigation of an intermodal equipment provider identified under subparagraph (A) that is alleged to be not in compliance with the regulations under this section;

(K) a process by which equipment providers and agents of equipment providers shall

be able to request the Administration to undertake an investigation of a motor carrier that is alleged to be not in compliance with the regulations issued under this section;

(L) a process by which a driver or motor carrier transporting intermodal equipment is required to report to the intermodal equipment provider or the provider's designated agent any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned to the intermodal equipment provider or the provider's designated agent;

(M) a requirement that any actual damage or defect identified in the process established under subparagraph (L) be repaired before the equipment is made available for interchange to a motor carrier and that repairs of equipment made pursuant to the requirements of this subparagraph and reports made pursuant to the subparagraph (L) process be documented in the maintenance records for such equipment; and

(N) a procedure under which motor carriers, drivers and intermodal equipment providers may seek correction of their motor carrier safety records through the deletion from those records of violations of safety regulations attributable to deficiencies in the intermodal chassis or trailer for which they should not have been held responsible.

(b) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary or an employee of the Department of Transportation designated by the Secretary may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials.

(c) OUT-OF-SERVICE UNTIL REPAIR.—Any intermodal equipment that is determined under this section to fail to comply with applicable Federal safety regulations may be placed out of service by the Secretary or a Federal, State, or government official designated by the Secretary and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have been completed. Repairs of equipment taken out of service shall be documented in the maintenance records for such equipment.

(d) PREEMPTION GENERALLY.—Except as provided in subsection (e), a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety is preempted if such law, regulation, order, or other requirement exceeds or is inconsistent with a requirement imposed under or pursuant to this section.

(e) PRE-EXISTING STATE REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005, shall remain in effect only until the date on which requirements prescribed under this section take effect.

(2) NONPREEMPTION DETERMINATIONS.—

(A) IN GENERAL.—Notwithstanding subsection (d), a State requirement described in

paragraph (1) is not preempted by a Federal requirement prescribed under this section if the Secretary determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce.

(B) APPLICATION REQUIRED.—Subparagraph (A) applies to a State requirement only if the State applies to the Secretary for a determination under this paragraph with respect to the requirement before the date on which the regulations issued under this section take effect. The Secretary shall make a determination with respect to any such application within 6 months after the date on which the Secretary receives the application.

(C) AMENDED STATE REQUIREMENTS.—Any amendment to a State requirement not preempted under this subsection because of a determination by the Secretary under subparagraph (A) may not take effect unless—

(i) it is submitted to the Secretary before the effective date of the amendment; and

(ii) the Secretary determines that the amendment would not cause the State requirement to be less effective than the Federal requirement and would not unduly burden interstate commerce.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term “intermodal equipment” means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis.

(2) INTERMODAL EQUIPMENT INTERCHANGE AGREEMENT.—The term “intermodal equipment 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 31110 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; amended Pub. L. 114-94, div. A, title V, §5103(c)(3), Dec. 4, 2015, 129 Stat. 1527.)

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.

AMENDMENTS

2015—Pub. L. 114-94 substituted “section 31110” for “section 31104(i)”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

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AMENDMENTS

2015—Pub. L. 114-94, div. A, title V, §5104(b), Dec. 4, 2015, 129 Stat. 1529, substituted “Commercial driver’s license program implementation financial assistance program” for “Grants for commercial driver’s license program implementation” in item 31313.

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.

(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

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