

§ 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

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

Editorial Notes

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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Editorial Notes

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 head-

ing, “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

Editorial Notes

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.)

Statutory Notes and Related Subsidiaries

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, issued 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 advanced 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 determination 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, which provided for grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary of Transportation, was repealed by Pub. L. 114-94, div. A, title V, §5101(e)(6), Dec. 4, 2015, 129 Stat. 1525, effective Oct. 1, 2016.

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; Pub. L. 117-58, div. B, title III, §23002, Nov. 15, 2021, 135 Stat. 758, 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, including small business motor carriers, 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, 2025.”

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 performance 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 in-

dustry, 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

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

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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. 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 technology 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 en-

forcement 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, excluding 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 non-commercial 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 2014 and 2015; 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 Sec-

retary 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.

(I) 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) through (5).

(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);

(H) support, through the use of funds otherwise available for such purposes—

(i) the recognition, prevention, and reporting of human trafficking, including the trafficking of human beings—

(I) in a commercial motor vehicle; or

(II) by any occupant, including the operator, of a commercial motor vehicle;

(ii) the detection of criminal activity or any other violation of law relating to human trafficking; and

(iii) enforcement of laws relating to human trafficking;

(I) otherwise support the recognition, prevention, and reporting of human trafficking; and

(J) 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);

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

(iv) for the detection of, and enforcement actions taken as a result of, criminal activity (including the trafficking of human beings)—

(I) in a commercial motor vehicle; or

(II) by any occupant, including the operator, of a commercial motor vehicle; and

(v) in addition to any funds otherwise made available for the recognition, prevention, and reporting of human trafficking, to support the recognition, prevention, and reporting of human trafficking.

(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).

(4) IMMOBILIZATION GRANT PROGRAM.—

(A) DEFINITION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLE.—In this paragraph, the term “passenger-carrying commercial motor vehicle” has the meaning given the term “commercial motor vehicle” in section 31301.

(B) ESTABLISHMENT.—The Secretary shall establish an immobilization grant program under which the Secretary shall provide to States discretionary grants for the immobilization or impoundment of passenger-carrying commercial motor vehicles that—

(i) are determined to be unsafe; or

(ii) fail inspection.

(C) LIST OF CRITERIA FOR IMMOBILIZATION.—The Secretary, in consultation with State commercial motor vehicle entities, shall develop a list of commercial motor vehicle safety violations and defects that the Secretary determines warrant the immediate immobilization of a passenger-carrying commercial motor vehicle.

(D) ELIGIBILITY.—A State shall be eligible to receive a grant under this paragraph only if the State has the authority to require the immobilization or impoundment of a passenger-carrying commercial motor vehicle—

(i) with respect to which a motor vehicle safety violation included in the list developed under subparagraph (C) is determined to exist; or

(ii) that is determined to have a defect included in that list.

(E) USE OF FUNDS.—A grant provided under this paragraph may be used for—

(i) the immobilization or impoundment of passenger-carrying commercial motor vehicles described in subparagraph (D);

(ii) safety inspections of those passenger-carrying commercial motor vehicles; and

(iii) any other activity relating to an activity described in clause (i) or (ii), as determined by the Secretary.

(F) SECRETARY AUTHORIZATION.—The Secretary may provide to a State amounts for the costs associated with carrying out an immobilization program using funds made available under section 31104(a)(2).

(5) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary shall administer a commercial motor vehicle enforcement training and support grant program funded under section 31104(a)(3), under which the Secretary shall make discretionary grants to eligible entities described in subparagraph (C) for the purposes described in subparagraph (B).

(B) PURPOSES.—The purposes of the grant program under subparagraph (A) are—

(i) to train non-Federal employees who conduct commercial motor vehicle enforcement activities; and

(ii) to develop related training materials.

(C) ELIGIBLE ENTITIES.—An entity eligible for a discretionary grant under the program described in subparagraph (A) is a nonprofit organization that has—

(i) expertise in conducting a training program for non-Federal employees; and

(ii) the ability to reach and involve in a training program a target population of commercial motor vehicle safety enforcement employees.

(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; Pub. L. 117–58, div. B, title III, §§23001(c), 23003–23005, Nov. 15, 2021, 135 Stat. 758–760.)

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.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

Editorial Notes

REFERENCES IN TEXT

Sections 5106 and 5107 of the FAST Act, referred to in subssecs. (f)(1), (2) and (j)(3), are sections 5106 and 5107 of Pub. L. 114-94, which are set out as notes below.

AMENDMENTS

2021—Subsec. (h)(2)(A). Pub. L. 117-58, §23001(c), substituted “2014 and 2015” for “2004 and 2005”.

Subsec. (l)(1). Pub. L. 117-58, §23005(1), substituted “(2) through (5)” for “(2) and (3)”.

Subsec. (l)(2)(H) to (J). Pub. L. 117-58, §23003(1), added subpars. (H) and (I) and redesignated former subpar. (H) as (J).

Subsec. (l)(3)(D)(iv), (v). Pub. L. 117-58, §23003(2), added cls. (iv) and (v).

Subsec. (l)(4). Pub. L. 117-58, §23004, added par. (4).

Subsec. (l)(5). Pub. L. 117-58, §23005(2), added par. (5).

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 ap-

propriate 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).

Statutory Notes and Related Subsidiaries

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.

REPORT ON HUMAN TRAFFICKING VIOLATIONS INVOLVING COMMERCIAL MOTOR VEHICLES

Pub. L. 117-58, div. B, title III, §23020, Nov. 15, 2021, 135 Stat. 777, provided that: “Not later than 3 years after the date of enactment of this Act [Nov. 15, 2021], and every 3 years thereafter, the Secretary [of Transportation], acting through the Department of Transportation Advisory Committee on Human Trafficking established under section 5(a) of the Combating Human Trafficking in Commercial Vehicles Act (Public Law 115-99; 131 Stat. 2243), shall coordinate with the Attorney General to prepare and submit to Congress a report relating to human trafficking violations involving commercial motor vehicles, which shall include recommendations for countering human trafficking, including an assessment of previous best practices by transportation stakeholders.”

RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDS FOR FISCAL YEARS 2019 AND 2020

Pub. L. 116-260, div. N, title IV, §441, Dec. 27, 2020, 134 Stat. 2068, provided that:

“(a) DEFINITION OF SECRETARY.—In this section, the term ‘Secretary’ means the Secretary of Transportation.

“(b) RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDED FOR FISCAL YEARS 2019 AND 2020.—

“(1) IN GENERAL.—Notwithstanding any provision of chapter 311 of title 49, United States Code (including any applicable period of availability under section 31104(f) of that title), and any regulations promulgated under that chapter and subject to paragraph (2), the period of availability during which a recipient

may expend amounts made available to the recipient under a grant or cooperative agreement described in subparagraphs (A) through (E) shall be—

“(A) for a grant made under section 31102 of that title (other than subsection (l) of that section)—

“(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

“(ii) the following 2 fiscal years;

“(B) for a grant made or a cooperative agreement entered into under section 31102(l)(2) of that title—

“(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

“(ii) the following 3 fiscal years;

“(C) for a grant made under section 31102(l)(3) of that title—

“(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

“(ii) the following 5 fiscal years;

“(D) for a grant made under section 31103 of that title—

“(i) the fiscal year in which the Secretary approves the financial assistance agreement with respect to the grant; and

“(ii) the following 2 fiscal years; and

“(E) for a grant made or a cooperative agreement entered into under section 31313 of that title—

“(i) the year in which the Secretary approves the financial assistance agreement with respect to the grant or cooperative agreement; and

“(ii) the following 5 fiscal years.

“(2) APPLICABILITY.—

“(A) AMOUNTS AWARDED FOR FISCAL YEARS 2019 AND 2020.—The periods of availability described in paragraph (1) shall apply only—

“(i) to amounts awarded for fiscal year 2019 or 2020 under a grant or cooperative agreement described in subparagraphs (A) through (E) of that paragraph; and

“(ii) for the purpose of expanding the period of availability during which the recipient may expend the amounts described in clause (i).

“(B) AMOUNTS AWARDED FOR OTHER YEARS.—The periods of availability described in paragraph (1) shall not apply to any amounts awarded under a grant or cooperative agreement described in subparagraphs (A) through (E) of that paragraph for any fiscal year other than fiscal year 2019 or 2020, and those amounts shall be subject to the period of availability otherwise applicable to those amounts under Federal law.”

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 modifica-

“(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, which related to maintenance of effort as condition on grants to States, was repealed by Pub. L. 114-94, div. A, title V, §5101(e)(8), Dec. 4, 2015, 129 Stat. 1525, effective Oct. 1, 2016.

STATE COMPLIANCE WITH CDL REQUIREMENTS

Pub. L. 106-159, title I, §103(e), Dec. 9, 1999, 113 Stat. 1754, which related to State compliance with CDL requirements and withholding of funds for noncompliance, was repealed by Pub. L. 114-94, div. A, title V, §5101(e)(9), Dec. 4, 2015, 129 Stat. 1525, effective Oct. 1, 2016.

EFFECTS OF MCSAP GRANT REDUCTIONS

Pub. L. 105-178, title IV, §4032, June 9, 1998, 112 Stat. 419, required the Secretary of Transportation to conduct a study and submit a report not later than two years after June 9, 1998, on the effects of reductions of grants under this section and authorized the Secretary to adjust State allocations under section 31103 of this title based on the study.

§ 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.

(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.)

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”.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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

RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDS FOR FISCAL YEARS 2019 AND 2020

Period of availability during which a recipient may expend grant amounts under this section extended for amounts awarded for fiscal years 2019 and 2020, see section 441 of div. N of Pub. L. 116-260, set out as a note under section 31102 of this title.

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. Authorization of appropriations

(a) FINANCIAL ASSISTANCE PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account)—

(1) subject to subsection (c), to carry out the motor carrier safety assistance program under section 31102 (other than the high priority program under subsection (l) of that section)—

- (A) \$390,500,000 for fiscal year 2022;
- (B) \$398,500,000 for fiscal year 2023;
- (C) \$406,500,000 for fiscal year 2024;
- (D) \$414,500,000 for fiscal year 2025; and
- (E) \$422,500,000 for fiscal year 2026;

(2) subject to subsection (c), to carry out the high priority program under section 31102(l) (other than the commercial motor vehicle enforcement training and support grant program under paragraph (5) of that section)—

- (A) \$57,600,000 for fiscal year 2022;
- (B) \$58,800,000 for fiscal year 2023;
- (C) \$60,000,000 for fiscal year 2024;
- (D) \$61,200,000 for fiscal year 2025; and
- (E) \$62,400,000 for fiscal year 2026;

(3) to carry out the commercial motor vehicle enforcement training and support grant program under section 31102(l)(5), \$5,000,000 for each of fiscal years 2022 through 2026;

(4) to carry out the commercial motor vehicle operators grant program under section 31103—

- (A) \$1,100,000 for fiscal year 2022;

- (B) \$1,200,000 for fiscal year 2023;
- (C) \$1,300,000 for fiscal year 2024;
- (D) \$1,400,000 for fiscal year 2025; and
- (E) \$1,500,000 for fiscal year 2026; and

(5) subject to subsection (c), to carry out the financial assistance program for commercial driver's license implementation under section 31313—

- (A) \$41,800,000 for fiscal year 2022;
- (B) \$42,650,000 for fiscal year 2023;
- (C) \$43,500,000 for fiscal year 2024;
- (D) \$44,350,000 for fiscal year 2025; and
- (E) \$45,200,000 for fiscal year 2026.

(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.—

(A) REIMBURSEMENT PERCENTAGE.—

(i) IN GENERAL.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102 (except subsection (l)(5) of that section), 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.

(ii) COMMERCIAL MOTOR VEHICLE ENFORCEMENT TRAINING AND SUPPORT GRANT PROGRAM.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102(l)(5), an amount that is equal to 100 percent of the costs incurred by the recipient in a fiscal year in developing and implementing a training program under that section.

(B) LIMITATION.—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.

(C) IN-KIND CONTRIBUTIONS.—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 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 (5) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for program support in that fiscal year.

(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 2 fiscal years.

(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 31102(l)(5), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(5) 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 2 fiscal years.

(6) 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.—

(1) IN GENERAL.—Except as provided in paragraph (2), 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.

(2) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Amounts made available for the motor carrier safety assistance program established under section 31102 (other than amounts made available to carry out section 31102(l)) that are not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation under that program.

(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. 638; 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; Pub. L. 117-58, div. B, title III, §23001(b), Nov. 15, 2021, 135 Stat. 757.)

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, §404(g), 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 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.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58, §23001(b)(1), added subsec. (a) and struck out former subsec. (a) which authorized appropriations for various programs for fiscal years 2017 to 2020.

Subsec. (b)(2)(A). Pub. L. 117-58, §23001(b)(2)(C), (D), designated first sentence of subsec. (b)(2) as (b)(2)(A)(i), inserted subpar. and cl. headings, inserted “(except subsection (l)(5) of that section)” after “section 31102”, and added cl. (ii).

Subsec. (b)(2)(B). Pub. L. 117-58, §23001(b)(2)(B), designated second sentence of subsec. (b)(2) as (b)(2)(B) and inserted heading.

Subsec. (b)(2)(C). Pub. L. 117-58, §23001(b)(2)(A), designated third sentence of subsec. (b)(2) as (b)(2)(C) and inserted heading.

Subsec. (c). Pub. L. 117-58, §23001(b)(3), in heading, struck out “Partner Training and” before “Program Support” and, in text, substituted “(5)” for “(4)”, struck out “partner training and” before “program support”, and struck out at end “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.”

Subsec. (f)(1). Pub. L. 117-58, §23001(b)(4)(A), substituted “for the next 2 fiscal years” for “for the next fiscal year”.

Subsec. (f)(4). Pub. L. 117-58, §23001(b)(4)(D), added par. (4). Former par. (4) redesignated (5).

Pub. L. 117-58, §23001(b)(4)(B), substituted “for the next 2 fiscal years” for “for the next fiscal year”.

Subsec. (f)(5), (6). Pub. L. 117-58, §23001(b)(4)(C), redesignated pars. (4) and (5) as (5) and (6), respectively.

Subsec. (i). Pub. L. 117-58, §23001(b)(5), designated existing provisions as par. (1), inserted heading, substituted “Except as provided in paragraph (2), amounts not expended” for “Amounts not expended”, and added par. (2).

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: “\$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).

Statutory Notes and Related Subsidiaries

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 regu-

latory 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 Secretary 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

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

¹ So in original. Probably should be “subsection (b)(1),”.

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.

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

EMPLOYEE PROTECTIONS

Pub. L. 105-178, title IV, § 4023, June 9, 1998, 112 Stat. 415, provided that, not later than 2 years after June 9, 1998, the Secretary of Transportation, in conjunction with the Secretary of Labor, was to report to Congress on the effectiveness of existing statutory employee protections under this section, with recommendations to address any statutory changes necessary to strengthen the enforcement of these 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.

(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.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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, which required the Secretary of Transportation to carry out a commercial vehicle information systems and networks program and provided for grants for deployment, was repealed by Pub. L. 114–94, div. A, title V, § 5101(e)(5), Dec. 4, 2015, 129 Stat. 1525, effective Oct. 1, 2016.

[§ 31107. Repealed. Pub. L. 114–94, div. A, title V, § 5101(e)(3), Dec. 4, 2015, 129 Stat. 1525]

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, related to border enforcement grants.

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.

Statutory Notes and Related Subsidiaries

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.

§ 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;

(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	(unclassified).	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.

Editorial Notes

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. Repealed. Pub. L. 114–94, div. A, title V, § 5101(e)(4), Dec. 4, 2015, 129 Stat. 1525]

Section, added Pub. L. 109–59, title IV, §4109(b)(1), Aug. 10, 2005, 119 Stat. 1721, related to performance and registration information system management.

Statutory Notes and Related Subsidiaries

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 are 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) \$360,000,000 for fiscal year 2022;
- (2) \$367,500,000 for fiscal year 2023;
- (3) \$375,000,000 for fiscal year 2024;
- (4) \$382,500,000 for fiscal year 2025; and
- (5) \$390,000,000 for fiscal year 2026.

(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. The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.

(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; amended Pub. L. 115-99, §3, Jan. 3, 2018, 131 Stat. 2242; Pub. L. 117-58, div. B, title III, §23001(a), Nov. 15, 2021, 135 Stat. 756.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-58 added subsec. (a) and struck out former subsec. (a) which authorized appropriations for administrative expenses of the Federal Motor Carrier Safety Administration for fiscal years 2016 to 2020.

2018—Subsec. (c)(1). Pub. L. 115-99 inserted at end “The program authorized under this subsection may support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking, while deferring to existing resources, as practicable.”

Statutory Notes and Related Subsidiaries

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 saddlemount 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-semi-trailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semi-trailer-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-semi-trailer or truck tractor-semi-trailer-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 driveway saddle-mount 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-semi-trailer-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, 96 Stat. 2097, §411(f)(2); added Oct. 18, 1986, Pub. L. 99-500, §101(i) [H.R. 5205, §324(a)], 100 Stat. 1763-308, 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. 1763-308; 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). 49 App.:2311(b).	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. 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. 1763-308; 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(e), 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, 96 Stat. 2097, §411(i); added Oct. 30, 1984, Pub. L. 98-554, §102, 98 Stat. 2829.
31111(g)	49 App.:2311(d). 49 App.:2311(g).	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.

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-semitrailer” 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 handholds 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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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, KANSAS, AND OREGON.—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;

(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 and

(6) Oregon may allow the operation of a truck tractor and 2 property-carrying units not in actual lawful operation on a regular or periodic basis on June 1, 1991, if—

(A) the length of the property-carrying units does not exceed 82 feet 8 inches;

(B) the combination is used only to transport sugar beets; and

(C) the operation occurs on United States Route 20, United States Route 26, United States Route 30, or Oregon Route 201 in the vicinity, or between any, of—

(i) Vale, Oregon;

(ii) Ontario, Oregon; or

(iii) Nyssa, Oregon.

(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.

¹ So in original. Probably should be “State.”

(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 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 Interstate 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; Pub. L. 116-6, div. G, title IV, §423, Feb. 15, 2019, 133 Stat. 474.)

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 sub-

² See 1996 Amendment note below.

³ So in original.

section” are substituted for “Except as modified pursuant to subparagraph (B) or (E) of this subsection” for clarity.

Editorial Notes

AMENDMENTS

2019—Subsec. (c). Pub. L. 116-6 substituted “Kansas, and Oregon” for “and Kansas” in heading and added par. (6).

2015—Subsec. (a)(1). Pub. L. 114-94 inserted before period at end “, but not including a trailer or a semitrailer transported as part of a towaway trailer transporter combination (as defined in section 3111(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.

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).

Statutory Notes and Related Subsidiaries

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 sub-

section 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).	
31113(d)	49 App.:2316(d).	
31113(e)	49 App.:2316(e).	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.

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 31111(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 31111(f) or 31113(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 un-

loading for household goods carriers, motor carriers of passengers, any towaway trailer transporter combination (as defined in section 31111(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 31111(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 31111(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.

Editorial Notes

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114–94 inserted “any towaway trailer transporter combination (as defined in section 31111(a)),” after “passengers,”.

Statutory Notes and Related Subsidiaries

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

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

Statutory Notes and Related Subsidiaries

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 sec-

tions 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

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

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

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

Editorial Notes

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105–178 inserted “and make contracts for” after “conduct”.

Statutory Notes and Related Subsidiaries

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.

¹ See References in Text note below.

“(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 section 31104(a)(1) 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.”

§ 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, com-

mon 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

¹ So in original. There is no subpar. (B).

² So in original. Probably should be “section”.

(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 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 non-compliance, 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.

Editorial Notes

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 non-compliance, 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).

Statutory Notes and Related Subsidiaries

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.)

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.

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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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.

AUTOMATIC EMERGENCY BRAKING

Pub. L. 117-58, div. B, title III, §23010, Nov. 15, 2021, 135 Stat. 766, provided that:

“(a) DEFINITIONS.—In this section:

“(1) AUTOMATIC EMERGENCY BRAKING SYSTEM.—The term ‘automatic emergency braking system’ means a system on a commercial motor vehicle that, based on a predefined distance and closing rate with respect to an obstacle in the path of the commercial motor vehicle—

“(A) alerts the driver of the obstacle; and

“(B) if necessary to avoid or mitigate a collision with the obstacle, automatically applies the brakes of the commercial motor vehicle.

“(2) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given the term in section 31101 of title 49, United States Code.

“(b) FEDERAL MOTOR VEHICLE SAFETY STANDARD.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall—

“(A) prescribe a motor vehicle safety standard under section 30111 of title 49, United States Code, that requires any commercial motor vehicle subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) that is manufactured after the effective date of the standard prescribed under this subparagraph to be equipped with an automatic emergency braking system; and

“(B) as part of the standard under subparagraph (A), establish performance requirements for automatic emergency braking systems.

“(2) CONSIDERATIONS.—Prior to prescribing the motor vehicle safety standard under paragraph (1)(A), the Secretary shall—

“(A) conduct a review of automatic emergency braking systems in use in applicable commercial motor vehicles and address any identified deficiencies with respect to those automatic emergency braking systems in the rulemaking proceeding to prescribe the standard, if practicable; and

“(B) consult with representatives of commercial motor vehicle drivers regarding the experiences of drivers with automatic emergency braking systems in use in applicable commercial motor vehicles, including any malfunctions or unwarranted activations of those automatic emergency braking systems.

“(c) FEDERAL MOTOR CARRIER SAFETY REGULATION.—Not later than 1 year after the date of enactment of

this Act, the Secretary shall prescribe a regulation under section 31136 of title 49, United States Code, that requires that an automatic emergency braking system installed in a commercial motor vehicle manufactured after the effective date of the standard prescribed under subsection (b)(1)(A) that is in operation on or after that date and is subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) be used at any time during which the commercial motor vehicle is in operation.

“(d) REPORT ON AUTOMATIC EMERGENCY BRAKING IN OTHER COMMERCIAL MOTOR VEHICLES.—

“(1) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a study on equipping a variety of commercial motor vehicles not subject to section 571.136 of title 49, Code of Federal Regulations (relating to Federal Motor Vehicle Safety Standard Number 136) (or a successor regulation) as of that date of enactment with automatic emergency braking systems to avoid or mitigate a collision with an obstacle in the path of the commercial motor vehicle, including an assessment of the feasibility, benefits, and costs associated with installing automatic emergency braking systems on a variety of newly manufactured commercial motor vehicles with a gross vehicle weight rating greater than 10,001 pounds.

“(2) INDEPENDENT RESEARCH.—If the Secretary enters into a contract with a third party to perform research relating to the study required under paragraph (1), the Secretary shall ensure that the third party does not have any financial or contractual ties to, or relationships with—

“(A) a motor carrier that transports passengers or property for compensation;

“(B) the motor carrier industry; or

“(C) an entity producing or supplying automatic emergency braking systems.

“(3) PUBLIC COMMENT.—Not later than 90 days after the date on which the study under paragraph (1) is completed, the Secretary shall—

“(A) issue a notice in the Federal Register containing the findings of the study; and

“(B) provide an opportunity for public comment.

“(4) REPORT TO CONGRESS.—Not later than 90 days after the conclusion of the public comment period under paragraph (3)(B), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives a report that includes—

“(A) the results of the study under paragraph (1);

“(B) a summary of any comments received under paragraph (3)(B); and

“(C) a determination as to whether the Secretary intends to develop performance requirements for automatic emergency braking systems for applicable commercial motor vehicles, including any analysis that led to that determination.

“(5) RULEMAKING.—Not later than 2 years after the date on which the study under paragraph (1) is completed, the Secretary shall—

“(A) determine whether a motor vehicle safety standard relating to equipping the commercial motor vehicles described in that paragraph with automatic emergency braking systems would meet the requirements and considerations described in subsections (a) and (b) of section 30111 of title 49, United States Code; and

“(B) if the Secretary determines that a motor vehicle safety standard described in subparagraph (A) would meet the requirements and considerations described in that subparagraph, initiate a rulemaking to prescribe such a motor vehicle safety standard.”

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, performance 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 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; Pub. L. 117-58, div. B, title III, § 23018, Nov. 15, 2021, 135 Stat. 777, 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;

“(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; or

“(D) drivers transporting livestock (as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) including insects) within a 150 air-mile radius from the final destination of the livestock.

“(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, which related to a pilot program for evaluating effects of maximum on-duty time regulations on winter home heating oil delivery, was repealed by Pub. L. 114-94, div. A, title V, §5101(e)(11), Dec. 4, 2015, 129 Stat. 1526, effective Oct. 1, 2016.

§ 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 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 con-

¹ So in original. Probably should be preceded by “to”.

fidentiality 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 carriers 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 highways.

(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 carriers 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(d), 94 Stat. 822. 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 be-

cause 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.

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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.

Editorial Notes

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.

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

STATE INSPECTION OF PASSENGER-CARRYING COMMERCIAL MOTOR VEHICLES

Pub. L. 117-58, div. B, title III, § 23008, Nov. 15, 2021, 135 Stat. 764, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall solicit additional comment on the advance notice of proposed rulemaking entitled ‘State Inspection Programs for Passenger-Carrier Vehicles’ (81 Fed. Reg. 24769 (April 27, 2016)).

“(b) FINAL RULE.—

“(1) IN GENERAL.—After reviewing all comments received in response to the solicitation under subsection (a), if the Secretary determines that data and information exist to support moving forward with a final rulemaking action, the Secretary shall issue a final rule relating to the advance notice of proposed rulemaking described in that subsection.

“(2) CONSIDERATIONS.—In determining whether to issue a final rule under paragraph (1), the Secretary shall consider the impact of continuing to allow self-inspection as a means to satisfy periodic inspection requirements on the safety of passenger carrier operations.”

UPDATE OF ANNUAL INSPECTION REGULATIONS

Pub. L. 116-260, div. L, title I, § 131, Dec. 27, 2020, 134 Stat. 1844, provided that: “The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, as recommended by GAO-19-264.”

Similar provisions were contained in the following appropriation act:

Pub. L. 116-94, div. H, title I, § 132, Dec. 20, 2019, 133 Stat. 2955.

§ 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 viola-

tion. 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).	

Statutory Notes and Related Subsidiaries

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 operating 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 as-

istance 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 section 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, in-

cluding 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) Repealed. Pub. L. 114-94, div. A, title V, § 5101(e)(1), Dec. 4, 2015, 129 Stat. 1525.]

(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.)

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.

Editorial Notes

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.”

Statutory Notes and Related Subsidiaries

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.

IMPROVING FEDERAL-STATE MOTOR CARRIER SAFETY ENFORCEMENT COORDINATION

Pub. L. 117-58, div. B, title III, §23014, Nov. 15, 2021, 135 Stat. 773, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COVERED STATE.—The term ‘covered State’ means a State that receives Federal funds under the motor carrier safety assistance program established under section 31102 of title 49, United States Code.

“(2) IMMINENT HAZARD.—The term ‘imminent hazard’ has the same meaning as in section 521 of title 49, United States Code.

“(b) REVIEW AND ENFORCEMENT OF STATE OUT-OF-SERVICE ORDERS.—As soon as practicable after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall publish in the Federal Register a process under which the Secretary shall review each out-of-service order issued by a covered State in accordance with section 31144(d) of title 49, United States Code, by not later than 30 days after the date on which the out-of-service order is submitted to the Secretary by the covered State.

“(c) REVIEW AND ENFORCEMENT OF STATE IMMINENT HAZARD DETERMINATIONS.—

“(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a process under which the Secretary shall review imminent hazard determinations made by covered States.

“(2) ENFORCEMENT.—On reviewing an imminent hazard determination under paragraph (1), the Secretary shall pursue enforcement under section 521 of title 49, United States Code, as the Secretary determines to be appropriate.”

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 Ad-

ministrator 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 Secretary 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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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, as amended by Pub. L. 115–105, § 2(a), (b), Jan. 8, 2018, 131 Stat. 2263, provided that:

“(a) IN GENERAL.—In the case of a veteran operator approved by a qualified examiner, the qualified examiner of such operator 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 examiner performing the medical examination meets the requirements of a qualified examiner 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 examiners to perform a medical examination and provide a medical certificate under subsection (a) and include such examiners 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) QUALIFIED EXAMINER.—The term ‘qualified examiner’ means an individual who—

“(A) is employed by the Department of Veterans Affairs as an advanced practice nurse, doctor of chiropractic, doctor of medicine, doctor of osteopathy, physician assistant, or other medical professional;

“(B) is licensed, certified, or registered in a State to perform physical examinations;

“(C) is familiar with the standards for, and physical requirements of, an operator required to be medically certified under section 31149 of title 49, United States Code; and

“(D) has never, with respect to such section, been found to have acted fraudulently, including by fraudulently awarding a medical certificate.

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

“(3) VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER.—The term ‘veteran operator approved by a qualified examiner’ 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.

“(e) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.”

[Pub. L. 115–105, § 2(c), Jan. 8, 2018, 131 Stat. 2264, provided that: “The amendments made by this section [amending section 5403 of Pub. L. 114–94, set out above] shall be incorporated into any rulemaking proceeding related to section 5403 of the FAST Act (49 U.S.C. 31149 note; 129 Stat. 1548) that is being conducted as of the date of the enactment of this Act [Jan. 8, 2018].”]

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.)

Editorial Notes

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 pursu-

ant 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 docu-

ment 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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

Editorial Notes

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.)

Editorial Notes

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)”.

Statutory Notes and Related Subsidiaries

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

Sec.

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

Editorial Notes

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”

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

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 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

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

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

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

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

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

(5) except in section 31306, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug

Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

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

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

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

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

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

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

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

(13) “serious traffic violation” means—

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31301(1)	49 App.:2716(1), (13).	Oct. 27, 1986, Pub. L. 99–570, §12019(1)–(4), (6)–(15), 100 Stat. 3207–187, 3207–188.
31301(2)	49 App.:2716(3).	
31301(3)	49 App.:2716(4).	
31301(4)	49 App.:2716(6).	
31301(5)	49 App.:2716(7).	
31301(6)	49 App.:2716(2).	
31301(7)	49 App.:2716(8).	
31301(8)	49 App.:2716(9).	
31301(9)	49 App.:2716(10).	
31301(10)	49 App.:2716(11).	
31301(11)	49 App.:2716(5).	Oct. 27, 1986, Pub. L. 99–570, §12019(5), 100 Stat. 3207–188; Apr. 2, 1987, Pub. L. 100–17, §133(c)(2), 101 Stat. 172; Dec. 18, 1991, Pub. L. 102–240, §4010, 105 Stat. 2156.
31301(12)	49 App.:2716(12).	
31301(13)	49 App.:2716(14).	
31301(14)	49 App.:2716(15).	

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

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

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

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

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

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

Editorial Notes

AMENDMENTS

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

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

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

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

PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER’S LICENSES

Pub. L. 114–94, div. A, title V, §5401(b), Dec. 4, 2015, 129 Stat. 1547, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation], in consultation with the Secretary of Defense, shall implement the recommendations contained in the report submitted under section 32308 of MAP–21 [Pub. L. 112–141] (49 U.S.C. 31301 note) that are not implemented as a result of the amendment in subsection (a) [amending section 31305 of this title].”

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

“(a) STUDY.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112–141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation], in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to assess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces, who received safety training and operated qualifying motor vehicles during their service, in obtaining commercial driver’s licenses (as defined in section 31301(3) of title 49, United States Code).

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

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

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

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

“(D) identify duplicative application costs;

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

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

“(b) REPORT.—

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

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

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

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

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

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

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

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

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

“(e) DEFINITIONS.—In this section:

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

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

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

EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this chapter with respect to certain farm vehicles and individuals operating those vehicles, see section 32934 of Pub. L. 112-141, set out as a note under section 31136 of this title.

GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS

Pub. L. 109-59, title IV, § 4134, Aug. 10, 2005, 119 Stat. 1744, as amended by Pub. L. 111-147, title IV, § 422(h), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, § 2202(h), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, § 202(h), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, § 122(g), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, § 202(g), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, § 202(g), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, § 32603(g), July 6, 2012, 126 Stat. 808; Pub. L. 113-159, title I, § 1102(g), Aug. 8, 2014, 128 Stat. 1844; Pub. L. 114-21, title I, § 1102(g), May 29, 2015, 129 Stat. 222; Pub. L. 114-41, title I, § 1102(g), July 31, 2015, 129 Stat. 449; Pub. L. 114-73, title I, § 1102(g), Oct. 29, 2015, 129 Stat. 572; Pub. L. 114-87, title I, § 1102(g), Nov. 20, 2015, 129 Stat. 681; Pub. L. 114-94, div. A, title V, § 5105(e), Dec. 4, 2015, 129 Stat. 1529, which established a grant program for persons to train operators of commercial motor vehicles, was repealed by Pub. L. 114-94, div. A, title V, § 5101(e)(7), Dec. 4, 2015, 129 Stat. 1525, effective Oct. 1, 2016.

CDL TASK FORCE

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

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

“(1) State enforcement practices;

“(2) operational procedures to detect and deter fraud;

“(3) needed improvements for seamless information sharing between States;

“(4) effective methods for accurately sharing electronic data between States;

“(5) adequate proof of citizenship;

“(6) updated technology; and

“(7) timely notification from judicial bodies concerning traffic and criminal convictions of commercial driver’s license holders.

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

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

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

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

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

§ 31302. Commercial driver’s license requirement

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

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

HISTORICAL AND REVISION NOTES

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

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

Editorial Notes

AMENDMENTS

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

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

§ 31303. Notification requirements

(a) VIOLATIONS.—An individual operating a commercial motor vehicle, having a driver’s license issued by a State, and violating a State or local law on motor vehicle traffic control (except a parking violation) shall notify the individual’s employer of the violation. If the violation occurred in a State other than the issuing

State, the individual also shall notify a State official designated by the issuing State. The notifications required by this subsection shall be made not later than 30 days after the date the individual is found to have committed the violation.

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

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

§ 31304. Employer responsibilities

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

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

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

(b) DRIVER VIOLATION RECORDS.—

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

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Editorial Notes

AMENDMENTS

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

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

STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS

Pub. L. 112-141, div. C, title II, §32303(b), July 6, 2012, 126 Stat. 791, provided that: “Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination

Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.”

§ 31305. General driver fitness, testing, and training

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

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

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

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

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

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

(B) safety systems of the vehicle;

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

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

(B) has a working knowledge of—

(i) those regulations;

(ii) the handling of hazardous material;

(iii) the operation of emergency equipment used in response to emergencies arising out of the transportation of hazardous material; and

(iv) appropriate response procedures to follow in those emergencies; and

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

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

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

(8) may require—

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

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

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

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

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

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

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

(1) addressing the knowledge and skills that—

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

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

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

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

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

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

(d) **STANDARDS FOR TRAINING AND TESTING OF OPERATORS WHO ARE MEMBERS OF THE ARMED FORCES, RESERVISTS, OR VETERANS.**—

(1) **IN GENERAL.**—Not later than December 31, 2016, the Secretary shall modify the regulations prescribed under subsections (a) and (c) to—

(A) exempt a covered individual from all or a portion of a driving test if the covered individual had experience in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle;

(B) ensure that a covered individual may apply for an exemption under subparagraph (A)—

- (i) while serving in the armed forces or reserve components; and
- (ii) during the 1-year period beginning on the date on which such individual separates from service in the armed forces or reserve components; and

(C) credit the training and knowledge a covered individual received in the armed forces or reserve components driving vehicles similar to a commercial motor vehicle for purposes of satisfying minimum standards for training and knowledge.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ARMED FORCES.—The term “armed forces” has the meaning given that term in section 101(a) of title 10.

(B) COVERED INDIVIDUAL.—The term “covered individual” means an individual over the age of 21 years who is—

- (i) a current or former member of the armed forces; or
- (ii) a current or former member of one of the reserve components.

(C) RESERVE COMPONENTS.—The term “reserve components” means—

- (i) the Army National Guard of the United States;
- (ii) the Army Reserve;
- (iii) the Navy Reserve;
- (iv) the Marine Corps Reserve;
- (v) the Air National Guard of the United States;
- (vi) the Air Force Reserve; and
- (vii) the Coast Guard Reserve.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 106–159, title II, §201(d), Dec. 9, 1999, 113 Stat. 1760; Pub. L. 107–56, title X, §1012(b), Oct. 26, 2001, 115 Stat. 397; Pub. L. 112–141, div. C, title II, §32304(a), (c), July 6, 2012, 126 Stat. 791, 792; Pub. L. 114–94, div. A, title V, §5401(a), Dec. 4, 2015, 129 Stat. 1546; Pub. L. 115–105, §3, Jan. 8, 2018, 131 Stat. 2264.)

HISTORICAL AND REVISION NOTES

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

2018—Subsec. (d). Pub. L. 115–105, §3(1), substituted “Operators Who Are Members of the Armed Forces, Re-

servists, or Veterans” for “Veteran Operators” in heading.

Subsec. (d)(1)(B). Pub. L. 115–105, §3(2), substituted “subparagraph (A)—” for “subparagraph (A) during, at least,” added cl. (i), and inserted “(ii) during” before “the 1-year period”.

Subsec. (d)(2)(B)(i). Pub. L. 115–105, §3(3)(A), inserted “current or” before “former”.

Subsec. (d)(2)(B)(ii). Pub. L. 115–105, §3(3), inserted “current or” before “former” and “one of” before “the reserve components”.

2015—Subsec. (d). Pub. L. 114–94 added subsec. (d).
2012—Pub. L. 112–141, §32304(c), substituted “General driver fitness, testing, and training” for “General driver fitness and testing” in section catchline.

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

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

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

Statutory Notes and Related Subsidiaries

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.

MODIFICATION OF RESTRICTIONS ON CERTAIN COMMERCIAL DRIVER’S LICENSES

Pub. L. 117–58, div. B, title III, §23019, Nov. 15, 2021, 135 Stat. 777, provided that: “The Administrator of the Federal Motor Carrier Safety Administration shall revise section 383.3(f)(3)(ii) of title 49, Code of Federal Regulations (or a successor regulation), to provide that a restricted commercial driver’s license issued to an employee in a farm-related service industry shall be limited to the applicable seasonal periods defined by the State issuing the restricted commercial driver’s license, subject to the condition that the total number of days in any calendar year during which the restricted commercial driver’s license is valid does not exceed 210.”

REPORT ON COMMERCIAL DRIVER’S LICENSE SKILLS TEST DELAYS

Pub. L. 114–94, div. A, title V, §5506, Dec. 4, 2015, 129 Stat. 1553, provided that: “Not later than 18 months after the date of enactment of this Act [Dec. 4, 2015], and each year thereafter, the Administrator of the Federal Motor Carrier Safety Administration 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 report that—

“(1) describes, for each State, the status of skills testing for applicants for a commercial driver’s license, including—

“(A) the average wait time from the date an applicant requests to take a skills test to the date the applicant has the opportunity to complete such test;

“(B) the average wait time from the date an applicant, upon failure of a skills test, requests a retest to the date the applicant has the opportunity to complete such retest;

“(C) the actual number of qualified commercial driver’s license examiners available to test applicants; and

“(D) the number of testing sites available through the State department of motor vehicles and whether this number has increased or decreased from the previous year; and

“(2) describes specific steps that the Administrator is taking to address skills testing delays in States that have average skills test or retest wait times of more than 7 days from the date an applicant requests to test or retest to the date the applicant has the opportunity to complete such test or retest.”

HAZARDOUS MATERIALS ENDORSEMENT EXEMPTION

Pub. L. 114-94, div. A, title VII, § 7208, Dec. 4, 2015, 129 Stat. 1593, provided that: “The Secretary [of Transportation] shall allow a State, at the discretion of the State, to waive the requirement for a holder of a Class A commercial driver’s license to obtain a hazardous materials endorsement under part 383 of title 49, Code of Federal Regulations, if the license holder—

“(1) is acting within the scope of the license holder’s employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and

“(2) is operating a service vehicle that is—

“(A) transporting diesel in a quantity of 3,785 liters (1,000 gallons) or less; and

“(B) clearly marked with a ‘flammable’ or ‘combustible’ placard, as appropriate.”

COMMERCIAL MOTOR VEHICLE OPERATOR REQUIREMENTS RELATING TO SLEEP DISORDERS

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

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

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

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

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

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

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

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

lin in order to be exempted from the physical qualification standards to operate a commercial motor vehicle in interstate commerce.

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

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

CDL SCHOOL BUS ENDORSEMENT

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

“(1) include a driving skills test in a school bus; and

“(2) address proper safety procedures for—

“(A) loading and unloading children; and

“(B) using emergency exits; and

“(C) traversing highway rail grade crossings.”

MEDICAL CERTIFICATE

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

INSULIN TREATED DIABETES MELLITUS

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

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

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

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

“(2) evaluate the Department’s policy and actions to permit certain insulin treated diabetes mellitus

individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

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

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

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

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

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

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

PERFORMANCE-BASED CDL TESTING

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

“(a) REVIEW.—Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual’s knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

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

DRIVER FATIGUE

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

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

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

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

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

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

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

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

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

§ 31306. Alcohol and controlled substances testing

(a) DEFINITION.—In this section and section 31306a, “controlled substance” means any sub-

stance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Secretary of Transportation.

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

(B) The regulations prescribed under subparagraph (A) shall permit motor carriers—

(i) to conduct preemployment testing of commercial motor vehicle operators for the use of alcohol; and

(ii) to use hair testing as an acceptable alternative to urine testing—

(I) in conducting preemployment testing for the use of a controlled substance; and

(II) in conducting random testing for the use of a controlled substance if the operator was subject to hair testing for preemployment testing.

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

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

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

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

(C) shall provide an exemption from hair testing for commercial motor vehicle operators with established religious beliefs that prohibit the cutting or removal of hair.

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

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

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

(A) comprehensive standards for every aspect of laboratory controlled substances

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

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

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

(D) laboratory protocols and cut-off levels for hair testing to detect the use of a controlled substance;

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

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

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

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath and body fluid samples, including urine and blood, through the development of regulations that may be necessary and in consultation with the Secretary of Health and Human Services;

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

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

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

(e) **REHABILITATION.**—The Secretary of Transportation shall prescribe regulations estab-

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

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

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

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

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

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

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

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

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1017; Pub. L. 104-59, title III, § 342(c), Nov. 28, 1995, 109 Stat. 609; Pub. L. 112-141, div. C, title II, § 32402(a)(1), July 6, 2012, 126 Stat. 795; Pub. L. 114-94, div. A, title V, § 5402(a), Dec. 4, 2015, 129 Stat. 1547.)

HISTORICAL AND REVISION NOTES

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

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31306(j)	49 App.:2717(f)(1).	

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

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

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

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

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

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

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

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

Editorial Notes

AMENDMENTS

2015—Subsec. (b)(1)(A). Pub. L. 114-94, § 5402(a)(1)(B), struck out at end “The regulations shall permit such motor carriers to conduct preemployment testing of such employees for the use of alcohol.”

Subsec. (b)(1)(B), (C). Pub. L. 114-94, § 5402(a)(1)(A), (C), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (b)(2)(C). Pub. L. 114-94, § 5402(a)(2), added subpar. (C).

Subsec. (c)(2). Pub. L. 114-94, § 5402(a)(3)(A), inserted “for urine testing, and technical guidelines for hair testing,” before “including mandatory guidelines” in introductory provisions.

Subsec. (c)(2)(D). Pub. L. 114-94, § 5402(a)(3)(B)–(D), added subpar. (D).

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

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

Statutory Notes and Related Subsidiaries

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.

HAIR TESTING GUIDELINES

Pub. L. 115-271, title VIII, §8106, Oct. 24, 2018, 132 Stat. 4106, provided that:

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Oct. 24, 2018], and annually thereafter until the date that the Secretary of Health and Human Services publishes in the Federal Register a final notice of scientific and technical guidelines for hair testing in accordance with section 5402(b) of the Fixing America’s Surface Transportation Act (Public Law 114-94; 129 Stat. 1312) [set out below], the Secretary of Health and Human Services 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 report on—

- “(1) the status of the hair testing guidelines;
- “(2) an explanation for why the hair testing guidelines have not been issued; and
- “(3) an estimated date of completion of the hair testing guidelines.

“(b) REQUIREMENT.—To the extent practicable and consistent with the objective of the hair testing described in subsection (a) to detect illegal or unauthorized use of substances by the individual being tested, the final notice of scientific and technical guidelines under that subsection, as determined by the Secretary of Health and Human Services, shall eliminate the risk of positive test results, of the individual being tested, caused solely by the drug use of others and not caused by the drug use of the individual being tested.”

Pub. L. 114-94, div. A, title V, §5402(b), Dec. 4, 2015, 129 Stat. 1548, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary of Health and Human Services shall issue scientific and technical guidelines for hair testing as a method of detecting the use of a controlled substance for purposes of section 31306 of title 49, United States Code.”

DRUG TEST RESULTS STUDY

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

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

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

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

- “(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;
- “(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and
- “(3) whether a process should be established to allow drivers—
 - “(A) to correct errors in their records; and
 - “(B) to expunge information from their records after a reasonable period of time.

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

POST-ACCIDENT ALCOHOL TESTING

Pub. L. 105-178, title IV, §4020, June 9, 1998, 112 Stat. 414, required the Secretary of Transportation to con-

duct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under this section to obtain more timely information and provided the study would also assess the impact of post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements under this section, and required the Secretary to transmit to Congress a report and recommendations on the study not later than 18 months after June 9, 1998.

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

(a) ESTABLISHMENT.—

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

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

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

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

(3) CONTENTS.—The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

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

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

(b) DESIGN OF CLEARINGHOUSE.—

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

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

(B) the findings and recommendations contained in the Government Accountability Office's May 2008 report to Congress entitled "Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Iden-

tify Illegal Drug Users and Keep Them off the Road."

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

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

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

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

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

(E) storing and transmitting data;

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

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

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

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

(A) for an employee, that is entered into the clearinghouse during the 7-day period immediately following an employer's inquiry about the employee; and

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

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

(5) FUTURE NEEDS.—

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

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

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

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

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

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

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

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

(III) the Motor Carrier Management Information System for preemployment

- screening services under section 31150; and
- (IV) other data systems, as appropriate; and
- (ii) any change to the administration of the current testing program, such as forms, that is necessary to collect data for the clearinghouse.
- (c) STANDARD FORMATS.—The Secretary shall develop standard formats to be used—
- (1) by an authorized user of the clearinghouse to—
- (A) request a record from the clearinghouse; and
- (B) obtain the consent of an individual who is the subject of a request from the clearinghouse, if applicable; and
- (2) to notify an individual that a positive alcohol or controlled substances test result, refusing to test, and a violation of any of the prohibitions under subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.
- (d) PRIVACY.—A release of information from the clearinghouse shall—
- (1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);
- (2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and
- (3) not be made to any person or entity unless expressly authorized or required by law.
- (e) FEES.—
- (1) AUTHORITY TO COLLECT FEES.—Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.
- (2) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.
- (3) LIMITATION.—The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.
- (f) EMPLOYER REQUIREMENTS.—
- (1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE.—The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.
- (2) APPLICABILITY OF EXISTING REQUIREMENTS.—Each employer and service agent shall continue to comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.
- (3) EMPLOYMENT PROHIBITIONS.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall utilize the clearinghouse to determine whether any employment prohibitions exist and shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 3-year period—
- (A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations—
- (i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or
- (ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;
- (B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or
- (ii) refused to take an alcohol or controlled substance test and completed the required return-to-duty process under title 49, Code of Federal Regulations; and
- (C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
- (4) ANNUAL REVIEW.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall request and review a commercial motor vehicle operator's record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.
- (g) REPORTING OF RECORDS.—
- (1) IN GENERAL.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to the Secretary any record generated after the clearinghouse is initiated of an individual who—
- (A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;
- (B) tests positive for alcohol or a controlled substance in violation of the regulations; or
- (C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).
- (2) INCLUSION OF RECORDS IN CLEARINGHOUSE.—The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).
- (3) MODIFICATIONS AND DELETIONS.—If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.
- (4) NOTIFICATION.—The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when—
- (A) a record relating to the individual is received by the clearinghouse;
- (B) a record in the clearinghouse relating to the individual is modified or deleted, and

include in the notification the reason for the modification or deletion; or

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

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

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

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

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

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

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

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

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

(h) AUTHORIZED USERS.—

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

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

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

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

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

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

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

(ii) the information received pursuant to the request.

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

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

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

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

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

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

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

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

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

(i) NATIONAL TRANSPORTATION SAFETY BOARD.—The Secretary shall establish a process for the National Transportation Safety Board to request and receive an individual's record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.

(j) ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.—

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

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

(B) to verify the accuracy of a record;

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

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

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

(k) PENALTIES.—

(1) IN GENERAL.—An employer, employee, medical review officer, or service agent who violates any provision of this section shall be subject to civil penalties under section

521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.

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

(l) COMPATIBILITY OF STATE AND LOCAL LAWS.—

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

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

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

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

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

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

(A) verified positive alcohol or drug test result;

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

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

(m) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

(5) EMPLOYER.—The term “employer” means a person or entity employing, or seeking to

employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.

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

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

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

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

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

The Privacy Act of 1974, referred to in subsec. (d)(1), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 552a of Title 5 and Tables.

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

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

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

(b) REQUIREMENTS.—The Secretary of Transportation shall maintain regulations estab-

lishing minimum training requirements for operators of longer combination vehicles. The training shall include certification of an operator's proficiency by an instructor who has met the requirements established by the Secretary.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 112-141, div. C, title II, §32931(c), July 6, 2012, 126 Stat. 829; Pub. L. 114-94, div. A, title V, §5508(b)(5), Dec. 4, 2015, 129 Stat. 1554.)

HISTORICAL AND REVISION NOTES

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

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

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

Editorial Notes

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-94, §5508(b)(5), amended Pub. L. 112-141, §32931(c). See 2012 Amendment note below.

2012—Subsec. (b). Pub. L. 112-141, §32931(c), as amended by Pub. L. 114-94, §5508(b)(5), substituted "The Secretary of Transportation shall maintain" for "Not later than December 18, 1994, the Secretary of Transportation shall prescribe".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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)(5) 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.

§ 31308. Commercial driver's license

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

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

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

(B) present certification of completion of driver training that meets the requirements

established by the Secretary under section 31305(c);

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

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

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

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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

Editorial Notes

AMENDMENTS

2012—Par. (1). Pub. L. 112-141 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "an individual issued a commercial driver's license pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title;".

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

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

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

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

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

1998—Par. (2). Pub. L. 105-178 inserted before semicolon "and each license issued after January 1, 2001, in-

clude unique identifiers (which may include biometric identifiers) to minimize fraud and duplication”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

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

EFFECTIVE DATE OF 2008 AMENDMENT

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

DEADLINE FOR ISSUANCE OF REGULATIONS

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

COMMERCIAL LEARNER’S PERMIT FOR INDIVIDUALS UNDER AGE 18

Pub. L. 114-113, div. L, title I, §132, Dec. 18, 2015, 129 Stat. 2850, provided that: “None of the funds limited or otherwise made available under this Act, or any other Act, hereafter, shall be used by the Secretary to enforce any regulation prohibiting a State from issuing a commercial learner’s permit to individuals under the age of eighteen if the State had a law authorizing the issuance of commercial learner’s permits to individuals under eighteen years of age as of May 9, 2011.”

§ 31309. Commercial driver’s license information system

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

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

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

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

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

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

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

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

been disqualified from operating a commercial motor vehicle.

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

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

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

(e) MODERNIZATION PLAN.—

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

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

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

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

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

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

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

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

(4) DEADLINE FOR STATE PARTICIPATION.—

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

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

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

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

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

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

(5) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) and modernize the information sys-

tem under this section to meet the requirements of the plan.

(f) FUNDING.—At the Secretary’s discretion, a State may use, subject to section 31313(a),¹ the funds made available to the State under section 31313¹ to modernize its commercial driver’s license information system to be compatible with the modernized information system under this section.

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

HISTORICAL AND REVISION NOTES

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

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

Section 31313, referred to in subsection (f), was amended generally by Pub. L. 114–94, div. A, title V, §5104(a), Dec. 4, 2015, 129 Stat. 1527, and, as so amended, section relates to financial assistance program for implementation of commercial driver’s license program. Provisions contained in former section 31313(a) are now similar to those contained in section 31313(a)(2) and (b).

AMENDMENTS

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

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

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

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

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

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

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

Subsec. (b). Pub. L. 105–178, §4011(d)(3), (8), redesignated subsec. (d) as (b) and struck out heading and text of former subsec. (b). Text read as follows: “If the Secretary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.”

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

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

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

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

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

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

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

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

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

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

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

Statutory Notes and Related Subsidiaries

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.

¹ See References in Text note below.

GRANTS FOR MODERNIZATION OF COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEMS

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

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary [of Transportation] may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code, if the State is in substantial compliance with the requirements of section 31311 of such title and this section, as determined by the Secretary.

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

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

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

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

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

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

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

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

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

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

“(e) CONTRACT AUTHORITY AND AVAILABILITY.—

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

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

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

IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

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

“(a) PILOT PROGRAM.—

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

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

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

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

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

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

“(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.”

§ 31310. Disqualifications

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

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

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

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

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

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

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

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

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

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

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

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

(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is re-

voked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

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

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

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

(d) LIFETIME DISQUALIFICATION WITHOUT REINSTATEMENT.—

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

(2) HUMAN TRAFFICKING VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9)¹ of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)).

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

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

(f) EMERGENCY DISQUALIFICATION.—

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

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

(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

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

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

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

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

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

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

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

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

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

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

¹ See References in Text note below.

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

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

(j) GRADE-CROSSING VIOLATIONS.—

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

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

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

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

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

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1022; Pub. L. 104-88, title IV, § 403(a), Dec. 29, 1995, 109 Stat. 956; Pub. L. 106-159, title II, § 201(a)(1), (2), (b), Dec. 9, 1999, 113 Stat. 1758, 1759; Pub. L. 109-59, title IV, § 4102(b), Aug. 10, 2005, 119 Stat. 1715; Pub. L. 112-141, div. C, title II, §§ 32204, 32507, 32931(d), July 6, 2012, 126 Stat. 785, 804, 829; Pub. L. 115-106, § 2, Jan. 8, 2018, 131 Stat. 2265.)

HISTORICAL AND REVISION NOTES

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

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

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

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

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

In subsection (g)(2), before clause (A), the words “Not later than December 18, 1992, the Secretary shall pre-

scribe regulations” are substituted for “The Secretary shall issue regulations” and 49 App.:2718(c) to eliminate executed words. The word “individuals” is substituted for “persons” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (C), the words “permits, authorizes” are omitted as being included in “allows”.

Editorial Notes

REFERENCES IN TEXT

Paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)), referred to in subsec. (d)(2), was redesignated par. (11) of section 103 of that Act by Pub. L. 115-427, § 2(1), Jan. 9, 2019, 132 Stat. 5503, and is classified to section 7102(11) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

2018—Subsec. (d). Pub. L. 115-106 substituted “Lifetime Disqualification Without Reinstatement” for “Controlled Substance Violations” in heading, inserted par. (1) designation and heading, and added par. (2).

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

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

Subsec. (k). Pub. L. 112-141, § 32204, added subsec. (k).

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Notes and Related Subsidiaries

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.

REGULATIONS

Pub. L. 104-88, title IV, § 403(b), Dec. 29, 1995, 109 Stat. 956, provided that: “The initial regulations required

under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act [Dec. 29, 1995].”

§ 31311. Requirements for State participation

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

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

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

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

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

(5) Not later than the time period prescribed by the Secretary by regulation, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) is an active duty member of—

(I) the armed forces (as that term is defined in section 101(a) of title 10); or

(II) the reserve components (as that term is defined in section 31305(d)(2) of this title); and

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

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

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

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

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

¹ See References in Text note below.

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

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

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

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

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

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

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

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

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

(19) The State shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) PRIORITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1023; Pub. L. 104-88, title IV, §403(c), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105-178, title IV, §401(e), June 9, 1998, 112 Stat. 408; Pub. L. 106-159, title II, §202, Dec. 9, 1999, 113 Stat. 1760; Pub. L. 109-59, title IV, §4123(b), Aug. 10, 2005, 119 Stat. 1735; Pub. L. 112-141, div. C, title II, §§32203(b), 32302(d), 32305(b), July 6, 2012, 126 Stat. 784, 790, 792; Pub. L. 112-196, §2, Oct. 19, 2012, 126 Stat. 1459; Pub. L. 114-94, div. A, title V, §5401(d), Dec. 4, 2015, 129 Stat. 1547.)

HISTORICAL AND REVISION NOTES

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

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

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

Editorial Notes

REFERENCES IN TEXT

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

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

AMENDMENTS

2015—Subsec. (a)(12)(C)(ii). Pub. L. 114-94 amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and".

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

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

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

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

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

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

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

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

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

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

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

Subsec. (a)(9). Pub. L. 106-159, §202(c), amended par. (9) generally. Prior to amendment, par. (9) read as follows: "If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a driver's license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the

violation not later than 10 days after the date the individual is found to have committed the violation.”

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

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

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

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

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

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

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

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

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

Statutory Notes and Related Subsidiaries

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 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.

REGULATIONS

Pub. L. 114-94, div. A, title V, §5401(c), Dec. 4, 2015, 129 Stat. 1547, provided that: “Not later than December 31, 2015, the Secretary [of Transportation] shall issue final regulations to implement the exemption to the domicile requirement under section 31311(a)(12)(C) of title 49, United States Code.”

STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

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

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

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

§ 31312. Decertification authority

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

(1) prohibit that State from carrying out licensing procedures under this chapter; and

(2) prohibit that State from issuing any commercial driver’s licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

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

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

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

Editorial Notes

PRIOR PROVISIONS

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

§ 31313. Commercial driver’s license program implementation financial assistance program

(a) FINANCIAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of Transportation shall administer a financial assistance program for commercial driver’s license program implementation for the purposes described in paragraphs (2) and (3).

(2) STATE COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION GRANTS.—In carrying out the program, the Secretary may make a grant to a State agency in a fiscal year—

(A) to assist the State in complying with the requirements of section 31311; and

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

(i) for computer hardware and software;

(ii) for publications, testing, personnel, training, and quality control;

(iii) for commercial driver’s license program coordinators; and

(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator’s commercial driver’s license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012 (49 U.S.C. 31304 note).

(3) PRIORITY ACTIVITIES.—The Secretary may make a grant to or enter into a cooperative agreement with a State agency, local government, or any person in a fiscal year for research, development and testing, demonstra-

tion projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety that—

- (A) benefit all jurisdictions of the United States;
- (B) address national safety concerns and circumstances;
- (C) address emerging issues relating to commercial driver’s license improvements;
- (D) support innovative ideas and solutions to commercial driver’s license program issues;
- (E) support, in addition to funds otherwise available for such purposes, the recognition, prevention, and reporting of human trafficking; or
- (F) address other commercial driver’s license issues, as determined by the Secretary.

(b) PROHIBITIONS.—A recipient may not use financial assistance funds awarded under this section to rent, lease, or buy land or buildings.

(c) REPORT.—The Secretary shall issue an annual report on the activities carried out under this section.

(d) APPORTIONMENT.—All amounts made available to carry out this section for a fiscal year shall be apportioned to a recipient described in subsection (a)(3) according to criteria prescribed by the Secretary.

(e) FUNDING.—For fiscal years beginning after September 30, 2016, this section shall be funded under section 31104.

(Added Pub. L. 109–59, title IV, § 4124(a), Aug. 10, 2005, 119 Stat. 1736; amended Pub. L. 112–141, div. C, title II, § 32604(a), (b)(1), July 6, 2012, 126 Stat. 808, 809; Pub. L. 114–94, div. A, title V, § 5104(a), Dec. 4, 2015, 129 Stat. 1527; Pub. L. 115–99, § 4, Jan. 3, 2018, 131 Stat. 2242.)

Editorial Notes

REFERENCES IN TEXT

Section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (a)(2)(B)(iv), is section 32303(b) of title II of div. C of Pub. L. 112–141, which is set out as a note under section 31304 of this title.

PRIOR PROVISIONS

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

AMENDMENTS

2018—Subsec. (a)(3)(E), (F). Pub. L. 115–99 added subpar. (E) and redesignated former subpar. (E) as (F).

2015—Pub. L. 114–94 amended section generally. Prior to amendment, section related to grants for commercial driver’s license program implementation.

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

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

Statutory Notes and Related Subsidiaries

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.

RELIEF FOR RECIPIENTS OF FINANCIAL ASSISTANCE AWARDS FOR FISCAL YEARS 2019 AND 2020

Period of availability during which a recipient may expend grant amounts under this section extended for amounts awarded for fiscal years 2019 and 2020, see section 441 of div. N of Pub. L. 116–260, set out as a note under section 31102 of this title.

§ 31314. Withholding amounts for State non-compliance

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

(b) SECOND FISCAL YEAR.—The Secretary shall withhold up to 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4)¹ of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

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

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31314(a)	49 App.:2710(a).	Oct. 27, 1986, Pub. L. 99–570, § 12011, 100 Stat. 3207–183.

¹ See References in Text note below.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31314(b)	49 App.:2710(b).	
31314(c)	49 App.:2710(c)(1).	
31314(d)	49 App.:2710(c)(2), (3).	
31314(e)	49 App.:2710(c)(4).	

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

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

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

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

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

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

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

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

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

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

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

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

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

“(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in

which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.”

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

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

EFFECTIVE DATE OF 1998 AMENDMENT

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

§ 31315. Waivers, exemptions, and pilot programs

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

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

(b) **EXEMPTIONS.**—

(1) **IN GENERAL.**—Upon receipt of a request pursuant to this subsection, the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

(2) **LENGTH OF EXEMPTION AND RENEWAL.**—An exemption may be granted under paragraph (1) for no longer than 5 years and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).

(3) **OPPORTUNITY FOR RESUBMISSION.**—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

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

- (A) the person fails to comply with the terms and conditions of such exemption;
- (B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or
- (C) continuation of the exemption would not be consistent with the goals and objec-

tives of this chapter or section 31136, as the case may be.

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

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

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

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

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

(6) **NOTICE AND COMMENT.**—

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

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

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

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

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

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

(c) **PILOT PROGRAMS.**—

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

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

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

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

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

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

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

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

(3) **AUTHORITY TO REVOKE PARTICIPATION.**—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and condi-

tions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

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

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

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

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

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

(g) **LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.**—(1) The Secretary may not—

(A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or

(B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19, 1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

(A) paragraph (1) of this subsection;

(B) a minimum age requirement of the United States Government for operation of the vehicle; and

(C) a medical or physical condition that—

(i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;

(ii) existed on July 1, 1988;

(iii) has not substantially worsened; and

(iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1029; Pub. L. 105–178, title IV, §4007(a), June 9, 1998, 112 Stat. 401; Pub. L. 112–141, div. C, title II, §32913, July 6, 2012, 126 Stat. 818; Pub. L. 114–94, div. A, title V, §§5202(1), 5206(a), Dec. 4, 2015, 129 Stat. 1534, 1537.)

HISTORICAL AND REVISION NOTES

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

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

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(5), probably means the date of enactment of Pub. L. 105–178, which amended this section generally and was approved June 9, 1998.

CODIFICATION

The text of section 31136(f) of this title, which was redesignated subsec. (g) and transferred to this section by Pub. L. 114–94, §5202(1), was based on Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1003.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114–94, §5206(a)(1), substituted “this subsection” for “paragraph (3)” and struck out at end “An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.”

Subsec. (b)(2) to (9). Pub. L. 114–94, §5206(a)(2), (3), added pars. (2) and (3) and redesignated former pars (2) to (7) as (4) to (9), respectively.

Subsec. (g). Pub. L. 114–94, §5202(1), redesignated subsec. (f) of section 31136 of this title as (g) and transferred it to this section. See Codification note above.

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

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

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

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

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

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

1998—Pub. L. 105–178 amended section catchline and text generally. Prior to amendment, text read as follows: “After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.”

Statutory Notes and Related Subsidiaries

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.

APPRENTICESHIP PILOT PROGRAM

Pub. L. 117–58, div. B, title III, § 23022, Nov. 15, 2021, 135 Stat. 778, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPRENTICE.—The term ‘apprentice’ means an individual who—

“(A) is under the age of 21; and
“(B) holds a commercial driver’s license.

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

“(3) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given the term in section 390.5 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Nov. 15, 2021]).

“(4) DRIVING TIME.—The term ‘driving time’ has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(5) EXPERIENCED DRIVER.—The term ‘experienced driver’ means an individual who—

“(A) is not younger than 26 years of age;
“(B) has held a commercial driver’s license for the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii);
“(C) during the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii), has had no—

“(i) preventable accidents reportable to the Department [of Transportation]; or
“(ii) pointed moving violations; and
“(D) has a minimum of 5 years of experience driving a commercial motor vehicle in interstate commerce.

“(6) ON-DUTY TIME.—The term ‘on-duty time’ has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(7) POINTED MOVING VIOLATION.—The term ‘pointed moving violation’ means a violation that results in

points being added to the license of a driver, or a similar comparable violation, as determined by the Secretary [of Transportation].

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Nov. 15, 2021], the Secretary shall establish, in accordance with section 31315(c) of title 49, United States Code, a pilot program allowing employers to establish the apprenticeship programs described in paragraph (2).

“(2) DESCRIPTION OF APPRENTICESHIP PROGRAM.—An apprenticeship program referred to in paragraph (1) is a program that consists of the following requirements:

“(A) 120-HOUR PROBATIONARY PERIOD.—

“(i) IN GENERAL.—The apprentice shall complete 120 hours of on-duty time, of which not less than 80 hours shall be driving time in a commercial motor vehicle.

“(ii) PERFORMANCE BENCHMARKS.—To complete the 120-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:

“(I) Interstate, city traffic, rural 2-lane, and evening driving.

“(II) Safety awareness.

“(III) Speed and space management.

“(IV) Lane control.

“(V) Mirror scanning.

“(VI) Right and left turns.

“(VII) Logging and complying with rules relating to hours of service.

“(B) 280-HOUR PROBATIONARY PERIOD.—

“(i) IN GENERAL.—After completing the 120-hour probationary period under subparagraph (A), an apprentice shall complete 280 hours of on-duty time, of which not less than 160 hours shall be driving time in a commercial motor vehicle.

“(ii) PERFORMANCE BENCHMARKS.—To complete the 280-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:

“(I) Backing and maneuvering in close quarters.

“(II) Pretrip inspections.

“(III) Fueling procedures.

“(IV) Weighing loads, weight distribution, and sliding tandems.

“(V) Coupling and uncoupling procedures.

“(VI) Trip planning, truck routes, map reading, navigation, and permits.

“(C) RESTRICTIONS FOR PROBATIONARY PERIODS.—During the 120-hour probationary period under subparagraph (A) and the 280-hour probationary period under subparagraph (B)—

“(i) an apprentice may only drive a commercial motor vehicle that has—

“(I) an automatic manual or automatic transmission;

“(II) an active braking collision mitigation system;

“(III) a forward-facing video event capture system; and

“(IV) a governed speed of 65 miles per hour—

“(aa) at the pedal; and

“(bb) under adaptive cruise control; and

“(ii) an apprentice shall be accompanied in the passenger seat of the commercial motor vehicle by an experienced driver.

“(D) RECORDS RETENTION.—The employer of an apprentice shall maintain records, in a manner required by the Secretary, relating to the satisfaction of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii) by the apprentice.

“(E) REPORTABLE INCIDENTS.—If an apprentice is involved in a preventable accident reportable to the Department or a pointed moving violation while driving a commercial motor vehicle as part of an

apprenticeship program described in this paragraph, the apprentice shall undergo remediation and additional training until the apprentice can demonstrate, to the satisfaction of the employer, competence in each of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii).

“(F) COMPLETION OF PROGRAM.—An apprentice shall be considered to have completed an apprenticeship program on the date on which the apprentice completes the 280-hour probationary period under subparagraph (B).

“(G) MINIMUM REQUIREMENTS.—

“(i) IN GENERAL.—Nothing in this section prevents an employer from imposing any additional requirement on an apprentice participating in an apprenticeship program established under this section.

“(ii) TECHNOLOGIES.—Nothing in this section prevents an employer from requiring or installing in a commercial motor vehicle any technology in addition to the technologies described in subparagraph (C)(i).

“(3) APPRENTICES.—An apprentice may—

“(A) drive a commercial motor vehicle in interstate commerce while participating in the 120-hour probationary period under paragraph (2)(A) or the 280-hour probationary period under paragraph (2)(B) pursuant to an apprenticeship program established by an employer in accordance with this section; and

“(B) drive a commercial motor vehicle in interstate commerce after the apprentice completes an apprenticeship program described in paragraph (2), unless the Secretary determines there exists a safety concern.

“(4) LIMITATION.—The Secretary may not allow more than 3,000 apprentices at any 1 time to participate in the pilot program established under paragraph (1).

“(c) TERMINATION.—Effective beginning on the date that is 3 years after the date of establishment of the pilot program under subsection (b)(1)—

“(1) the pilot program shall terminate; and

“(2) any driver under the age of 21 who has completed an apprenticeship program described in subsection (b)(2) may drive a commercial motor vehicle in interstate commerce, unless the Secretary determines there exists a safety concern.

“(d) NO EFFECT ON LICENSE REQUIREMENT.—Nothing in this section exempts an apprentice from any requirement to hold a commercial driver’s license in order to operate a commercial motor vehicle.

“(e) DATA COLLECTION.—The Secretary shall collect and analyze—

“(1) data relating to any incident in which an apprentice participating in the pilot program established under subsection (b)(1) is involved;

“(2) data relating to any incident in which a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved; and

“(3) such other data relating to the safety of apprentices aged 18 to 20 years operating in interstate commerce as the Secretary determines to be necessary.

“(f) LIMITATION.—A driver under the age of 21 participating in the pilot program under this section may not—

“(1) transport—

“(A) a passenger; or

“(B) hazardous cargo; or

“(2) operate a commercial motor vehicle—

“(A) in special configuration; or

“(B) with a gross vehicle weight rating of more than 80,000 pounds.

“(g) REPORT TO CONGRESS.—Not later than 120 days after the date of conclusion of the pilot program under subsection (b), the Secretary shall submit to Congress a report including—

“(1) the findings and conclusions resulting from the pilot program, including with respect to technologies or training provided by commercial motor carriers

for apprentices as part of the pilot program to successfully improve safety;

“(2) an analysis of the safety record of apprentices participating in the pilot program, as compared to other commercial motor vehicle drivers;

“(3) the number of drivers that discontinued participation in the apprenticeship program before completion;

“(4) a comparison of the safety records of participating drivers before, during, and after the probationary periods under subparagraphs (A) and (B) of subsection (b)(2);

“(5) a comparison, for each participating driver, of average on-duty time, driving time, and time spent away from home terminal before, during, and after the probationary periods referred to in paragraph (4); and

“(6) a recommendation, based on the data collected, regarding whether the level of safety achieved by the pilot program is equivalent to, or greater than, the level of safety for equivalent commercial motor vehicle drivers aged 21 years or older.

“(h) RULE OF CONSTRUCTION.—Nothing in this section affects the authority of the Secretary under section 31315 of title 49, United States Code, with respect to the pilot program established under subsection (b)(1), including the authority to revoke participation in, and terminate, the pilot program under paragraphs (3) and (4) of subsection (c) of that section.

“(i) DRIVER COMPENSATION STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall offer to enter into a contract with the Transportation Research Board under which the Transportation Research Board shall conduct a study of the impacts of various methods of driver compensation on safety and driver retention, including—

“(A) hourly pay;

“(B) payment for detention time; and

“(C) other payment methods used in the industry as of the date on which the study is conducted.

“(2) CONSULTATION.—In conducting the study under paragraph (1), the Transportation Research Board shall consult with—

“(A) labor organizations representing commercial motor vehicle drivers;

“(B) representatives of the motor carrier industry, including owner-operators; and

“(C) such other stakeholders as the Transportation Research Board determines to be relevant.”

ADMINISTRATIVE EXEMPTIONS

Pub. L. 114-94, div. A, title V, §5206(b), Dec. 4, 2015, 129 Stat. 1537, provided that:

“(1) IN GENERAL.—The Secretary [of Transportation] shall make permanent the following limited exemptions:

“(A) Perishable construction products, as published in the Federal Register on April 2, 2015 (80 Fed. Reg. 17819).

“(B) Transport of commercial bee hives, as published in the Federal Register on June 19, 2015 (80 Fed. Reg. 35425).

“(C) Safe transport of livestock, as published in the Federal Register on June 12, 2015 (80 Fed. Reg. 33584).

“(2) ADDITIONAL ADMINISTRATIVE EXEMPTIONS.—Any exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, that is in effect on the date of enactment of this Act [Dec. 4, 2015]—

“(A) except as otherwise provided in section 31315(b) of title 49, shall be valid for a period of 5 years from the date such exemption was granted; and

“(B) may be subject to renewal under section 31315(b)(2) of title 49, United States Code.”

COMMERCIAL DRIVER PILOT PROGRAM

Pub. L. 114-94, div. A, title V, §5404, Dec. 4, 2015, 129 Stat. 1549, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall establish a pilot program under section 31315(c) of title 49, United States Code, to study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

“(b) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents in which—

“(1) a covered driver participating in the pilot program is involved; and

“(2) a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved.

“(c) LIMITATIONS.—A driver participating in the pilot program may not—

“(1) transport—

“(A) passengers; or

“(B) hazardous cargo; or

“(2) operate a vehicle in special configuration.

“(d) WORKING GROUP.—

“(1) ESTABLISHMENT.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representatives of the armed forces, industry, drivers, safety advocacy organizations, and State licensing and enforcement officials.

“(2) DUTIES.—The working group shall review the data collected under subsection (b) and provide recommendations to the Secretary on the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

“(e) REPORT.—Not later than 1 year after the date on which the pilot program is concluded, the Secretary shall submit to Congress a report describing the findings of the pilot program and the recommendations of the working group.

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

“(1) ACCIDENT.—The term ‘accident’ has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

“(2) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 101(a) of title 10, United States Code.

“(3) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given that term in section 31301 of title 49, United States Code.

“(4) COVERED DRIVER.—The term ‘covered driver’ means an individual who is—

“(A) between the ages of 18 and 21;

“(B) a member or former member of the—

“(i) armed forces; or

“(ii) reserve components (as defined in section 31305(d)(2) of title 49, United States Code, as added by this Act); and

“(C) qualified in a Military Occupational Specialty to operate a commercial motor vehicle or similar vehicle.”

PROTECTION OF EXISTING EXEMPTIONS

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

§ 31316. Limitation on statutory construction

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

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

HISTORICAL AND REVISION NOTES

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

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

§ 31317. Procedure for prescribing regulations

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

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

HISTORICAL AND REVISION NOTES

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

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

CHAPTER 315—MOTOR CARRIER SAFETY

Sec.

31501. Definitions.

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

31503. Research, investigation, and testing.

31504. Identification of motor vehicles.

HISTORICAL AND REVISION NOTES

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

§ 31501. Definitions

In this chapter—

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

(2) “motor carrier”, “motor common carrier”, “motor private carrier”, “motor vehicle”, and “United States” have the same meanings given those terms in section 13102 of this title.

(3) “motor carrier of migrant workers”—

(A) means a person (except a motor common carrier) providing transportation referred to in section 13501 of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

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

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2438, §3101; renumbered §31501 and amended Pub. L. 103-272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 103-429, §6(26), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104-88, title III, §308(k)(1), (2), Dec. 29, 1995, 109 Stat. 947, 948.)

HISTORICAL AND REVISION NOTES
PUB. L. 97-449

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

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

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

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

PUB. L. 103-429

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

Editorial Notes

AMENDMENTS

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

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

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

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

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 1994 AMENDMENT

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

EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER
FOR CERTAIN FARM VEHICLES

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

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

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

(1) described in sections 13501 and 13502 of this title; and

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

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

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

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

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

(1) at least 75 miles; and

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

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

(e) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

(B) physical testing, reporting, or record-keeping, and

(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the Field Administrator of the Federal Motor Carrier Safety Administration with jurisdiction over the area covered by the declaration.

(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Field Administrator a report of each safety-related incident or accident that occurred during the emergency period involving—

(A) a utility service vehicle driver to which the declaration applied; or

(B) a utility service vehicle of the driver to which the declaration applied.

(4) DEFINITIONS.—In this subsection, the following definitions apply:

(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term “driver of a utility service vehicle” means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4)¹ of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613).

(B) UTILITY SERVICE VEHICLE.—The term “utility service vehicle” has the meaning that term has under section 345(e)(6)¹ of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 614–615).

(f) READY MIXED CONCRETE DELIVERY VEHICLES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 395.1(e)(1)(ii) of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status shall not apply to any driver of a ready mixed concrete delivery vehicle if—

(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show—

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day; and

(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

(2) DEFINITION.—In this section, the term “driver of a ready mixed concrete delivery vehicle” means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle’s propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2438, §3102; Pub. L. 98–554, title II, §206(h), Oct. 30, 1984, 98 Stat. 2835; renumbered §31502 and amended Pub. L. 103–272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 104–88, title III, §308(k)(3), Dec. 29, 1995, 109 Stat. 948; Pub. L. 105–178, title IV, §4012(a), June 9, 1998, 112 Stat. 408; Pub. L. 109–59, title IV, §4145(b), Aug. 10, 2005, 119 Stat.

1749; Pub. L. 114–94, div. A, title V, §5521, Dec. 4, 2015, 129 Stat. 1559.)

HISTORICAL AND REVISION NOTES

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

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

Section 345 of the National Highway System Designation Act of 1995, referred to in subsec. (e)(4), is section 345 of Pub. L. 104–59, which was set out as a note under section 31136 of this title, prior to repeal by Pub. L. 109–59, title IV, §4115(d), Aug. 10, 2005, 119 Stat. 1726. The text of 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 as a note under section 31136 of this title.

AMENDMENTS

2015—Subsec. (f). Pub. L. 114–94 added subsec. (f).

2005—Subsec. (e)(2). Pub. L. 109–59, §4145(b)(1), substituted “Field Administrator of the Federal Motor

¹ See References in Text note below.

² So in original. Probably should be followed by a period.

Carrier Safety Administration” for “Regional Director of the Federal Highway Administration”.

Subsec. (e)(3). Pub. L. 109-59, §4145(b)(2), substituted “Field Administrator” for “Regional Director” in introductory provisions.

1998—Subsec. (e). Pub. L. 105-178 added subsec. (e).

1995—Subsec. (a)(1). Pub. L. 104-88 substituted “13501 and 13502” for “10521 and 10522”.

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

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

Statutory Notes and Related Subsidiaries

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.

SAVINGS PROVISION

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

CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS

Pub. L. 105-178, title IV, §4012(b), June 9, 1998, 112 Stat. 409, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] may not be construed—

“(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

“(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver’s license for that driver.

“(2) DEFINITIONS.—In this subsection, the following definitions apply:

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

“(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term ‘driver of a utility service vehicle’ has the meaning that term has under section 31502(e)(2) of such title [probably should be section 31502(e)(4)(A) of such title].

“(C) REGULATION.—The term ‘regulation’ has the meaning that term has under section 31132 of such title.

“(D) UTILITY SERVICE VEHICLE.—The term ‘utility service vehicle’ has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 [Pub. L. 104-59] (49 U.S.C. 31136 note; 109 Stat. 614-615).”

STUDY OF ADEQUACY OF PARKING FACILITIES

Pub. L. 105-178, title IV, §4027, June 9, 1998, 112 Stat. 417, directed the Secretary to conduct a study on the adequacy of parking facilities at commercial truck stops and to transmit a report on the study and authorized appropriations for fiscal years 1999, 2000, and 2001.

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to exemptions from regulations prescribed under this section as to maximum driving and on-duty time for drivers used by motor carriers, see section 345 of Pub. L. 104-59, set out as a note under section 31136 of this title.

§ 31503. Research, investigation, and testing

(a) GENERAL AUTHORITY.—The Secretary of Transportation may investigate and report on the need for regulation by the United States Government of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter I of chapter 135 of this title and a motor private carrier. The Secretary shall use the services of each department, agency, or instrumentality of the Government and each organization of motor carriers having special knowledge of a matter being investigated.

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

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2439, §3103; renumbered §31503 and amended Pub. L. 103-272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1030; Pub. L. 104-88, title III, §308(k)(4), Dec. 29, 1995, 109 Stat. 948.)

HISTORICAL AND REVISION NOTES

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

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

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

Editorial Notes

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “subchapter I of chapter 135” for “subchapter II of chapter 105”.

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

Sec. 31707. Limitations on statutory construction. [31708. Repealed.]

Statutory Notes and Related Subsidiaries

Editorial Notes

EFFECTIVE DATE OF 1995 AMENDMENT

AMENDMENTS

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.

1998—Pub. L. 105-178, title IV, §4013, June 9, 1998, 112 Stat. 409, struck out items 31702 “Working group”, 31703 “Grants”, and 31708 “Authorization of appropriations”.

§ 31504. Identification of motor vehicles

§ 31701. Definitions

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

In this chapter—

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

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

(2) require each of those motor private carriers and motor carriers of migrant workers to pay the reasonable cost of the plate.

(A) the International Registration Plan, has the same meaning given the term “apportionable vehicle” under the Plan; and

(B) the International Fuel Tax Agreement, has the same meaning given the term “qualified motor vehicle” under the Agreement.

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

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

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

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

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

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

(6) “State” means the 48 contiguous States and the District of Columbia.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1031.)

HISTORICAL AND REVISION NOTES

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 3104(a) and 3104(b) with their respective sources.

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 31701 with source 49:11506 (note).

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

Statutory Notes and Related Subsidiaries

Editorial Notes

OPERATION OF TRAILERS

AMENDMENTS

Pub. L. 105-277, div. C, title I, §109, Oct. 21, 1998, 112 Stat. 2681-586, provided that:

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

“(a) REGISTRATION OF TRAILERS.—A State that requires annual registration of container chassis and the apportionment of fees for such registrations in accordance with the International Registration Plan (as defined under section 31701 of title 49, United States Code) shall not limit the operation, or require the registration, in the State of a container chassis (or impose fines or penalties on the operation of a container chassis for being operated in the State without a registration issued by the State) if such chassis—

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

“(1) is registered under the laws of another State; and

Sec. 31701. Definitions. [31702, 31703. Repealed.] 31704. Vehicle registration. 31705. Fuel use tax. 31706. Enforcement.

“(2) is operating under a trip permit issued by the State.

“(b) LIMITATION ON REGISTRATION OF TRAILERS.—A State described in subsection (a) may not deny the use

of trip permits for the operation in the State of a container chassis that is registered under the laws of another State.

“(c) SAFETY REGULATION.—This section shall apply to registration requirements only and shall not affect the ability of the State to regulate for safety.

“(d) PENALTIES.—No State described in subsection (a), political subdivision of such a State, or person may impose or collect any fee, penalty, fine, or other form of damages which is based in whole or in part upon the nonpayment of a State registration fee (including related weight and licensing fees assessed as part of registration) attributable to a container chassis operated in the State (and registered in another State) before the date of enactment of this Act [Oct. 21, 1998], unless it is shown by the State, political subdivision, or person that such container chassis was not operated in the State under a trip permit issued by the State.

“(e) CONTAINER CHASSIS DEFINED.—In this section, the term ‘container chassis’ means a trailer, semi-trailer, or auxiliary axle used exclusively for the transportation of ocean shipping containers.”

§§ 31702, 31703. Repealed. Pub. L. 105-178, title IV, § 4013, June 9, 1998, 112 Stat. 409

Section 31702, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1031, related to establishment and purposes of working group of State and local government officials to propose procedures to resolve disputes among States participating in the International Registration Plan and in the International Fuel Tax Agreement.

Section 31703, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1032, related to grants to States and appropriate persons to facilitate participation in the International Registration Plan and in the International Fuel Tax Agreement.

§ 31704. Vehicle registration

After September 30, 1996, a State that is not participating in the International Registration Plan may not establish, maintain, or enforce a commercial motor vehicle registration law, regulation, or agreement that limits the operation in that State of a commercial motor vehicle that is not registered under the laws of the State, if the vehicle is registered under the laws of a State participating in the Plan.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1032.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31704, 49:11506 (note), Dec. 18, 1991, Pub. L. 102-240, § 4008(f), 105 Stat. 2154.

The words ‘a State that is not participating in the International Registration Plan may not’ are substituted for ‘no State (other than a State which is participating in the International Registration Plan) shall’ for consistency in the revised title and to eliminate unnecessary words.

§ 31705. Fuel use tax

(a) REPORTING REQUIREMENTS.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that has a fuel use tax reporting requirement (including any tax reporting form) only if the requirement conforms with the International Fuel Tax Agreement.

(b) PAYMENT.—After September 30, 1996, a State may establish, maintain, or enforce a law or regulation that provides for the payment of a fuel use tax only if the law or regulation con-

forms with the International Fuel Tax Agreement as it applies to collection of a fuel use tax by a single base State and proportional sharing of fuel use taxes charged among the States where a commercial motor vehicle is operated.

(c) LIMITATION.—If the International Fuel Tax Agreement is amended, a State not participating in the Agreement when the amendment is made is not subject to the conformity requirements of subsections (a) and (b) of this section in regard to the amendment until after a reasonable time, but not earlier than the expiration of—

(1) the 365-day period beginning on the first day that States participating in the Agreement are required to comply with the amendment; or

(2) the 365-day period beginning on the day the relevant office of the State receives written notice of the amendment from the Secretary of Transportation.

(d) NONAPPLICATION.—This section does not apply to a State that was participating in the Regional Fuel Tax Agreement on January 1, 1991, and that continues to participate in that Agreement after that date.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1032.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31705, 49:11506 (note), Dec. 18, 1991, Pub. L. 102-240, § 4008(g), 105 Stat. 2154.

In subsection (b), the words ‘as it applies to’ are substituted for ‘with respect to’ for clarity.

In subsection (c), before clause (1), the words ‘a State not participating in the Agreement when the amendment is made is not subject to the conformity requirements of subsections (a) and (b) of this section in regard to the amendment’ are substituted for ‘conformity by a State that is not participating in such Agreement when such amendment is made may not be required with respect to such amendment’ for clarity.

§ 31706. Enforcement

(a) CIVIL ACTIONS.—On request of the Secretary of Transportation, the Attorney General may bring a civil action in a court of competent jurisdiction to enforce compliance with sections 31704 and 31705 of this title.

(b) VENUE.—An action under this section may be brought only in the State in which an order is required to enforce compliance.

(c) RELIEF.—Subject to section 1341 of title 28, the court, on a proper showing—

(1) shall issue a temporary restraining order or a preliminary or permanent injunction; and

(2) may require by the injunction that the State or any person comply with sections 31704 and 31705 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1033.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31706, 49:11506 (note), Dec. 18, 1991, Pub. L. 102-240, § 4008(h), 105 Stat. 2155.

In subsection (a), the words "bring a civil action . . . to enforce compliance" are substituted for "commence . . . a civil action for such injunctive relief as may be appropriate to ensure compliance" for consistency in the revised title and to eliminate unnecessary words.

In subsection (b), the words "an order is required to enforce compliance" are substituted for "relief is required to ensure such compliance" for consistency in the revised title.

§ 31707. Limitations on statutory construction

Sections 31704 and 31705 of this title do not limit the amount of money a State may charge for registration of a commercial motor vehicle or the amount of any fuel use tax a State may impose.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1033.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31707, 49:11506 (note), Dec. 18, 1991, Pub. L. 102-240, § 4008(i), 105 Stat. 2155.

§ 31708. Repealed. Pub. L. 105-178, title IV, § 4013, June 9, 1998, 112 Stat. 409]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1033, related to authorization of appropriations for working group under section 31702 of this title and for grants under section 31703 of this title.

PART C—INFORMATION, STANDARDS, AND REQUIREMENTS

CHAPTER 321—GENERAL

- Sec. 32101. Definitions. 32102. Authorization of appropriations.

§ 32101. Definitions

In this part (except chapter 329 and except as provided in section 33101)—

(1) "bumper standard" means a minimum performance standard that substantially reduces—

- (A) the damage to the front or rear end of a passenger motor vehicle from a low-speed collision (including a collision with a fixed barrier) or from towing the vehicle; or (B) the cost of repairing the damage.

(2) "insurer" means a person in the business of issuing, or reinsuring any part of, a passenger motor vehicle insurance policy.

(3) "interstate commerce" means commerce between a place in a State and—

- (A) a place in another State; or (B) another place in the same State through another State.

(4) "make", when describing a passenger motor vehicle, means the trade name of the manufacturer of the vehicle.

(5) "manufacturer" means a person—

- (A) manufacturing or assembling passenger motor vehicles or passenger motor vehicle equipment; or (B) importing motor vehicles or motor vehicle equipment for resale.

(6) "model", when describing a passenger motor vehicle, means a category of passenger

motor vehicles based on the size, style, and type of a make of vehicle.

(7) "motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(8) "motor vehicle accident" means an accident resulting from the maintenance or operation of a passenger motor vehicle or passenger motor vehicle equipment.

(9) "multipurpose passenger vehicle" means a passenger motor vehicle constructed on a truck chassis or with special features for occasional off-road operation.

(10) "passenger motor vehicle" means a motor vehicle with motive power designed to carry not more than 12 individuals, but does not include—

- (A) a motorcycle; or (B) a truck not designed primarily to carry its operator or passengers.

(11) "passenger motor vehicle equipment" means—

- (A) a system, part, or component of a passenger motor vehicle as originally made; (B) a similar part or component made or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a passenger motor vehicle; or (C) a device made or sold for use in towing a passenger motor vehicle.

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

(13) "United States district court" means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1034; Pub. L. 103-429, §6(27), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 32101(1) through 32101(13) with corresponding source citations.

In clause (1), the text of 15:1901(11) is omitted as surplus because the complete title of the Secretary of Transportation is used the first time the term appears