

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

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

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

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

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

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; Pub. L. 117-286, §4(a)(309), Dec. 27, 2022, 136 Stat. 4340, 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 chapter 10 of title 5, United States Code, 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 Fed-

eral 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 industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

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

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

STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

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

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

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

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

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

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

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

“(1) crash causation and prevention;

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

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

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

“(5) research methods and statistical analysis; and

“(6) other relevant topics.

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

“(e) REPORTS.—

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

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

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

DATA COLLECTION AND ANALYSIS

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

§ 31101. Definitions

In this subchapter—

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

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

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

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

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

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

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

(3) “employer”—

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

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

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

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31101	49 App.:2301(1), (3)–(6).	Jan. 6, 1983, Pub. L. 97-424, § 401(1), (3)–(6), 96 Stat. 2154, 2155.
	49 App.:2301(2).	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