

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—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31141(h)	49 App.:2507(h). 49 App.:2507(i).	Oct. 30, 1984, Pub. L. 98-554, §208(h), 98 Stat. 2838; Nov. 18, 1988, Pub. L. 100-690, §9109, 102 Stat. 4530.

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), redesignated 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—

HISTORICAL AND REVISION NOTES

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

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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. 117-328, div. L, title I, §131, Dec. 29, 2022, 136 Stat. 5119, 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 acts:

Pub. L. 117-103, div. L, title I, §131, Mar. 15, 2022, 136 Stat. 706.

Pub. L. 116-260, div. L, title I, §131, Dec. 27, 2020, 134 Stat. 1844.

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 violation. If disclosure becomes necessary, the Secretary shall take every practical means within the Secretary's authority to ensure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss because of the disclosure.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31143(a)	49 App.:2511(a).	Oct. 30, 1984, Pub. L. 98-554, §212, 98 Stat. 2941.
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