

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

| 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 assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.

(e) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(f) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under 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, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

[(5) 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-