

(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.

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| <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 Administrator of the Federal Motor Carrier Safety Administration shall revise the regulations under part 385 of title 49, Code of Federal Regulations, as necessary, to incorporate by reference the certification standards for roadside inspectors issued by the Commercial Vehicle Safety Alliance.”

**§ 31149. Medical program**

(a) **MEDICAL REVIEW BOARD.**—

(1) **ESTABLISHMENT AND FUNCTION.**—The Secretary of Transportation shall establish a Medical Review Board to provide the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research.

(2) **COMPOSITION.**—The Medical Review Board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration.

(b) **CHIEF MEDICAL EXAMINER.**—The Secretary shall appoint a chief medical examiner who shall be an employee of the Federal Motor Carrier Safety Administration and who shall hold a position under section 3104 of title 5, United States Code, relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, United States Code, relating to pay for certain senior-level positions.

(c) **MEDICAL STANDARDS AND REQUIREMENTS.**—

(1) **IN GENERAL.**—The Secretary, with the advice of the Medical Review Board and the chief medical examiner, shall—

(A) establish, review, and revise—

(i) medical standards for operators of commercial motor vehicles that will ensure that the physical condition of opera-