

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by section 32302(b) of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

Pub. L. 112-141, div. C, title II, § 32302(c)(2)(B), July 6, 2012, 126 Stat. 789, as amended by Pub. L. 114-94, div. A, title V, § 5508(b)(3), Dec. 4, 2015, 129 Stat. 1554, provided that: “The amendments made by section 32302(c)(1) of this Act [amending this section] shall take effect on the date the oversight policies and procedures are established pursuant to subparagraph (A).”

[Pub. L. 114-94, div. A, title V, § 5508(b), Dec. 4, 2015, 129 Stat. 1554, provided that the amendment made by section 5508(b)(3) to section 32302(c)(2)(B) of Pub. L. 112-141, set out above, is effective as of July 6, 2012, and as if included in Pub. L. 112-141 as enacted.]

EFFECTIVE DATE

Pub. L. 109-59, title IV, § 4116(f), Aug. 10, 2005, 119 Stat. 1728, as amended by Pub. L. 110-244, title III, § 301(d), June 6, 2008, 122 Stat. 1616, provided that: “The amendments made by subsections (a) and (b) [enacting this section and amending section 31136 of this title] shall take effect on the 365th day following the date of enactment of this Act [Aug. 10, 2005].”

[Amendment by Pub. L. 110-244 to section 4116(f) of Pub. L. 109-59, set out above, effective as of the date of enactment of Pub. L. 109-59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109-59 as of that date, and provisions of Pub. L. 109-59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110-244 to be treated as not enacted, see section 121(b) of Pub. L. 110-244, set out as an Effective Date of 2008 note under section 101 of Title 23, Highways.]

MEDICAL CERTIFICATION OF VETERANS FOR COMMERCIAL DRIVER'S LICENSES

Pub. L. 114-94, div. A, title V, § 5403, Dec. 4, 2015, 129 Stat. 1548, as amended by Pub. L. 115-105, § 2(a), (b), Jan. 8, 2018, 131 Stat. 2263, provided that:

“(a) IN GENERAL.—In the case of a veteran operator approved by a qualified examiner, the qualified examiner of such operator may, subject to the requirements of subsection (b), perform a medical examination and provide a medical certificate for purposes of compliance with the requirements of section 31149 of title 49, United States Code.

“(b) CERTIFICATION.—The certification described under subsection (a) shall include—

“(1) assurances that the examiner performing the medical examination meets the requirements of a qualified examiner under this section; and

“(2) certification that the physical condition of the operator is adequate to enable such operator to operate a commercial motor vehicle safely.

“(c) NATIONAL REGISTRY OF MEDICAL EXAMINERS.—The Secretary [of Transportation], in consultation with the Secretary of Veterans Affairs, shall develop a process for qualified examiners to perform a medical examination and provide a medical certificate under subsection (a) and include such examiners on the national registry of medical examiners established under section 31149(d) of title 49, United States Code.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) QUALIFIED EXAMINER.—The term ‘qualified examiner’ means an individual who—

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

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

“(C) is familiar with the standards for, and physical requirements of, an operator required to be

medically certified under section 31149 of title 49, United States Code; and

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

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

“(3) VETERAN OPERATOR APPROVED BY A QUALIFIED EXAMINER.—The term ‘veteran operator approved by a qualified examiner’ means an operator of a commercial motor vehicle who—

“(A) is a veteran who is enrolled in the health care system established under section 1705(a) of title 38, United States Code; and

“(B) is required to have a current valid medical certificate pursuant to section 31149 of title 49, United States Code.

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

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

DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS

Pub. L. 112-141, div. C, title II, § 32302(a), July 6, 2012, 126 Stat. 788, provided that: “Not later than 1 year after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.”

INTERNAL OVERSIGHT POLICY

Pub. L. 112-141, div. C, title II, § 32302(c)(2)(A), July 6, 2012, 126 Stat. 789, provided that: “Not later than 2 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation] shall establish an oversight policy and procedure to carry out section 31149(c)(1)(G) of title 49, United States Code, as added by section 32302(c)(1) of this Act.”

§ 31150. Safety performance history screening

(a) IN GENERAL.—The Secretary of Transportation shall provide persons conducting pre-employment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall—

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant's written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator's crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the pre-employment assessment of an operator-applicant.

(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED.—In this section, the term "serious driver-related violation" means a violation by an operator of a commercial motor vehicle that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.

(Added Pub. L. 109-59, title IV, § 4117(a), Aug. 10, 2005, 119 Stat. 1728.)

Editorial Notes

REFERENCES IN TEXT

The Fair Credit Reporting Act, referred to in subsection (b)(1), is title VI of Pub. L. 90-321, as added by Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1127, which is classified generally to subchapter III (§ 1681 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

§ 31151. Roadability

(a) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—

(1) IN GENERAL.—The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.

(2) INTERMODAL EQUIPMENT SAFETY REGULATIONS.—The Secretary shall issue the regulations under this section as a subpart of the Federal motor carrier safety regulations.

(3) CONTENTS.—The regulations issued under this section shall include, at a minimum—

(A) a requirement to identify intermodal equipment providers responsible for the inspection and maintenance of intermodal equipment that is interchanged or intended for interchange to motor carriers in intermodal transportation;

(B) a requirement to match intermodal equipment readily to an intermodal equipment provider through a unique identifying number;

(C) a requirement that an intermodal equipment provider identified under subparagraph (A) systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, inter-

modal equipment described in subparagraph (A) that is intended for interchange with a motor carrier;

(D) a requirement to ensure that each intermodal equipment provider identified under subparagraph (A) maintains a system of maintenance and repair records for such equipment;

(E) requirements that—

(i) a specific list of intermodal equipment components or items be identified for the visual or audible inspection of which a driver is responsible before operating the equipment over the road; and

(ii) the inspection under clause (i) be conducted as part of the Federal requirement in effect on the date of enactment of this section that a driver be satisfied that the intermodal equipment components are in good working order before the equipment is operated over the road;

(F) a requirement that a facility at which an intermodal equipment provider regularly makes intermodal equipment available for interchange have an operational process and space readily available for a motor carrier to have an equipment defect identified pursuant to subparagraph (E) repaired or the equipment replaced prior to departure;

(G) a program for the evaluation and audit of compliance by intermodal equipment providers with applicable Federal motor carrier safety regulations;

(H) a civil penalty structure consistent with section 521(b) of title 49, United States Code, for intermodal equipment providers that fail to attain satisfactory compliance with applicable Federal motor carrier safety regulations; and

(I) a prohibition on intermodal equipment providers from placing intermodal equipment in service on the public highways to the extent such providers or their equipment are found to pose an imminent hazard;

(J) a process by which motor carriers and agents of motor carriers shall be able to request the Federal Motor Carrier Safety Administration to undertake an investigation of an intermodal equipment provider identified under subparagraph (A) that is alleged to be not in compliance with the regulations under this section;

(K) a process by which equipment providers and agents of equipment providers shall be able to request the Administration to undertake an investigation of a motor carrier that is alleged to be not in compliance with the regulations issued under this section;

(L) a process by which a driver or motor carrier transporting intermodal equipment is required to report to the intermodal equipment provider or the provider's designated agent any actual damage or defect in the intermodal equipment of which the driver or motor carrier is aware at the time the intermodal equipment is returned to the intermodal equipment provider or the provider's designated agent;

(M) a requirement that any actual damage or defect identified in the process estab-