

The words “Not later than July 15, 1988” are omitted as obsolete.

### Editorial Notes

#### AMENDMENTS

2012—Par. (1). Pub. L. 112-141 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “an individual issued a commercial driver’s license pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title.”.

2008—Pub. L. 110-244 amended Pub. L. 109-59, § 4122(2)(A). See 2005 Amendment note below.

2005—Pub. L. 109-59, § 4122(2)(B), substituted “the licenses and permits” for “the licenses” in introductory provisions.

Pub. L. 109-59, § 4122(2)(A), as amended by Pub. L. 110-244, inserted “and learner’s permits” after “licenses” in introductory provisions.

Par. (2). Pub. L. 109-59, § 4122(2)(D), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 109-59, § 4122(2)(C), (E), redesignated pars. (2) and (3) as (3) and (4), respectively, and inserted “or learner’s permit” after “license” wherever appearing.

1998—Par. (2). Pub. L. 105-178 inserted before semicolon “and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by 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.

#### 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.

#### DEADLINE FOR ISSUANCE OF REGULATIONS

Pub. L. 105-178, title IV, § 4011(c)(2), June 9, 1998, 112 Stat. 407, provided that: “Not later than 180 days after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall issue regulations to carry out the amendment made by paragraph (1) [amending this section].”

#### COMMERCIAL LEARNER’S PERMIT FOR INDIVIDUALS UNDER AGE 18

Pub. L. 114-113, div. L, title I, § 132, Dec. 18, 2015, 129 Stat. 2850, provided that: “None of the funds limited or otherwise made available under this Act, or any other Act, hereafter, shall be used by the Secretary to enforce any regulation prohibiting a State from issuing a commercial learner’s permit to individuals under the age of eighteen if the State had a law authorizing the issuance of commercial learner’s permits to individuals under eighteen years of age as of May 9, 2011.”

### § 31309. Commercial driver’s license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall maintain an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators

of commercial motor vehicles. The system shall be coordinated with activities carried out under section 31106. The Secretary shall consult with the States in carrying out this section.

(b) CONTENTS.—(1) At a minimum, the information system under this section shall include for each operator of a commercial motor vehicle—

(A) information the Secretary considers appropriate to ensure identification of the operator;

(B) the name, address, and physical description of the operator;

(C) the social security account number of the operator or other number or information the Secretary considers appropriate to identify the operator;

(D) the name of the State that issued the license or learner’s permit to the operator;

(E) the dates between which the license or learner’s permit is valid; and

(F) whether the operator had a commercial motor vehicle driver’s license or learner’s permit revoked, suspended, or canceled by a State, lost the right to operate a commercial motor vehicle in a State for any period, or has been disqualified from operating a commercial motor vehicle.

(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver’s license or learner’s permit under section 31308(3).

(c) AVAILABILITY OF INFORMATION.—Information in the information system shall be made available and subject to review and correction in accordance with the policy developed under section 31106(e).

(d) FEE SYSTEM.—The Secretary may establish a fee system for using the information system. Fees collected under this subsection in a fiscal year shall equal as nearly as possible the costs of operating the information system in that fiscal year. The Secretary shall deposit fees collected under this subsection in the Highway Trust Fund (except the Mass Transit Account).

(e) MODERNIZATION PLAN.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall develop and publish a comprehensive national plan to modernize the information system under this section that—

(A) complies with applicable Federal information technology security standards;

(B) provides for the electronic exchange of all information including the posting of convictions;

(C) contains self auditing features to ensure that data is being posted correctly and consistently by the States;

(D) integrates the commercial driver’s license and the medical certificate; and

(E) provides a schedule for modernization of the system.

(2) CONSULTATION.—The plan shall be developed in consultation with representatives of the motor carrier industry, State safety enforcement agencies, and State licensing agencies designated by the Secretary.

(3) STATE FUNDING OF FUTURE EFFORTS.—The plan shall specify that States will fund future

efforts to modernize the commercial driver's information system.

(4) DEADLINE FOR STATE PARTICIPATION.—

(A) IN GENERAL.—The plan shall specify—

(i) a date by which all States shall be operating commercial driver's license information systems that are compatible with the modernized information system under this section; and

(ii) that States must use the systems to receive and submit conviction and disqualification data.

(B) FACTORS TO CONSIDER.—In establishing the date under subparagraph (A), the Secretary shall consider the following:

(i) Availability and cost of technology and equipment needed to comply with subparagraph (A).

(ii) Time necessary to install, and test the operation of, such technology and equipment.

(5) IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) and modernize the information system under this section to meet the requirements of the plan.

(f) FUNDING.—At the Secretary's discretion, a State may use, subject to section 31313(a),<sup>1</sup> the funds made available to the State under section 31313<sup>1</sup> to modernize its commercial driver's license information system to be compatible with the modernized information system under this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105-178, title IV, §4011(d), June 9, 1998, 112 Stat. 407; Pub. L. 109-59, title IV, §§4122(2)(E), 4123(a), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110-244, title III, §301(h), June 6, 2008, 122 Stat. 1616; Pub. L. 112-141, div. C, title II, §§32305(a), 32933(e), July 6, 2012, 126 Stat. 792, 830.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31309(a) .....	49 App.:2706(a).	Oct. 27, 1986, Pub. L. 99-570, §12007, 100 Stat. 3207-175.
31309(b) .....	49 App.:2706(b).	
31309(c) .....	49 App.:2706(c).	
31309(d)(1) ..	49 App.:2706(d).	
31309(d)(2) ..	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100-690, §9105(a), 102 Stat. 4530.
31309(e) .....	49 App.:2706(e).	
31309(f) .....	49 App.:2706(f), (g).	
	49 App.:2706 (note).	Nov. 18, 1988, Pub. L. 100-690, §9105(b), 102 Stat. 4530.

In subsection (a), the words “Not later than January 1, 1989” are omitted as obsolete. The words “shall consult with” are substituted for “consult” for clarity.

In subsection (b), the text of 49 App.:2706(b)(1) is omitted as executed. The words “utilizing such system” are omitted as surplus.

In subsection (f), the text of 49 App.:2706(g) and section 9105(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4530) is omitted as obsolete.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

<sup>1</sup> See References in Text note below.

Section 31313, referred to in subsec. (f), was amended generally by Pub. L. 114-94, div. A, title V, §5104(a), Dec. 4, 2015, 129 Stat. 1527, and, as so amended, section relates to financial assistance program for implementation of commercial driver's license program. Provisions contained in former section 31313(a) are now similar to those contained in section 31313(a)(2) and (b).

AMENDMENTS

2012—Subsec. (b)(2). Pub. L. 112-141, §32933(e), substituted “section 31308(3)” for “section 31308(2)”.

Subsec. (e)(4)(A). Pub. L. 112-141, §32305(a)(1), amended subpar. (A) generally. Prior to amendment, text read as follows: “The Secretary shall establish in the plan a date by which all States must be operating commercial driver's license information systems that are compatible with the modernized information system under this section.”

Subsec. (f). Pub. L. 112-141, §32305(a)(2), substituted “use, subject to section 31313(a),” for “use”.

2008—Subsec. (f). Pub. L. 110-244 substituted “31313” for “31318”.

2005—Subsec. (b)(1)(D) to (F), (2). Pub. L. 109-59, §4122(2)(E), inserted “or learner's permit” after “license”.

Subsecs. (e), (f). Pub. L. 109-59, §4123(a), added subsecs. (e) and (f).

1998—Subsec. (a). Pub. L. 105-178, §4011(d)(1), (2), substituted “maintain an information system” for “make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section, an information system” and inserted “The system shall be coordinated with activities carried out under section 31106.” before “The Secretary shall consult”.

Subsec. (b). Pub. L. 105-178, §4011(d)(3), (8), redesignated subsec. (d) as (b) and struck out heading and text of former subsec. (b). Text read as follows: “If the Secretary decides that an information system used by a State or States about the driving status of operators of motor vehicles or another State-operated information system could be used to carry out this section, and the State or States agree to the use of the system for carrying out this section, the Secretary may make an agreement with the State or States to use the system as provided in this section and section 31311(c) of this title. An agreement made under this subsection shall contain terms the Secretary considers necessary to carry out this chapter.”

Subsec. (c). Pub. L. 105-178, §4011(d)(3), (8), redesignated subsec. (e) as (c) and struck out heading and text of former subsec. (c). Text read as follows: “If the Secretary does not make an agreement under subsection (b) of this section, the Secretary shall establish an information system about the driving status and licensing of operators of commercial motor vehicles as provided in this section.”

Subsec. (d). Pub. L. 105-178, §4011(d)(8), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsec. (d)(2). Pub. L. 105-178, §4011(d)(4), added par. (2) and struck out former par. (2) which read as follows: “Not later than December 31, 1990, the Secretary shall prescribe regulations on minimum uniform standards for a biometric identification system to ensure the identification of operators of commercial motor vehicles.”

Subsec. (e). Pub. L. 105-178, §4011(d)(8), redesignated subsec. (e) as (c).

Pub. L. 105-178, §4011(d)(5), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows:

“(1) On request of a State, the Secretary or the operator of the information system, as the case may be, may make available to the State information in the information system under this section.

“(2) On request of an employee, the Secretary or the operator of the information system, as the case may be, may make available to the employee information in the information system about the employee.

“(3) On request of an employer or prospective employer of an employee and after notification to the em-

ployee, the Secretary or the operator of the information system, as the case may be, may make available to the employer or prospective employer information in the information system about the employee.

“(4) On the request of the Secretary, the operator of the information system shall make available to the Secretary information about the driving status and licensing of operators of commercial motor vehicles (including information required by subsection (d)(1) of this section).”

Subsec. (f). Pub. L. 105-178, §4011(d)(8), redesignated subsec. (f) as (d).

Pub. L. 105-178, §4011(d)(6), (7), substituted “The Secretary may establish” for “If the Secretary establishes an information system under this section, the Secretary shall establish”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by 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.

##### GRANTS FOR MODERNIZATION OF COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEMS

Pub. L. 109-59, title IV, §4123(c)-(e), Aug. 10, 2005, 119 Stat. 1735, 1736, as amended by Pub. L. 111-147, title IV, §422(f), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(f), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(f), Mar. 4, 2011, 125 Stat. 17, provided that:

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary [of Transportation] may make a grant to a State or organization representing agencies and officials of a State in a fiscal year to modernize the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code, if the State is in substantial compliance with the requirements of section 31311 of such title and this section, as determined by the Secretary.

“(2) CRITERIA.—The Secretary shall establish criteria for the distribution of grants and notify each State annually of such criteria.

“(3) USE OF GRANT.—A State may use a grant under this subsection only to implement improvements that are consistent with the modernization plan developed by the Secretary.

“(4) GOVERNMENT SHARE.—A grant under this subsection to a State or organization may not be for more than 80 percent of the costs incurred by the State or organization in a fiscal year in modernizing the commercial driver's license information system of the State to be compatible with the modernized commercial driver's license information system under section 31309 of title 49, United States Code. In determining these costs, the Secretary shall include in-kind contributions of the State.

“(d) FUNDING.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

“(1) \$5,000,000 for fiscal year 2006;

“(2) \$7,000,000 for fiscal year 2007;

“(3) \$8,000,000 for fiscal year 2008;

“(4) \$8,000,000 for fiscal year 2009;

“(5) \$8,000,000 for fiscal year 2010; and

“(6) \$8,000,000 for fiscal year 2011.

“(e) CONTRACT AUTHORITY AND AVAILABILITY.—

“(1) PERIOD OF AVAILABILITY.—The amounts made available under subsection (d) shall remain available until expended.

“(2) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (d) shall be available for obligation on the date of their apportionment or allocation or on Octo-

ber 1 of the fiscal year for which they are authorized, whichever occurs first.

“(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (d) imposes upon the United States a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.”

##### IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

Pub. L. 105-178, title IV, §4022, June 9, 1998, 112 Stat. 415, provided that:

“(a) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

“(2) PURPOSE.—The purpose of the program shall be to—

“(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

“(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

“(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

“(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

“(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.”

#### §31310. Disqualifications

(a) BLOOD ALCOHOL CONCENTRATION LEVEL.—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol is .04 percent.

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section);

(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.