

State under section 104(b)(1), (3), and (4)¹ of title 23 on the first day of the fiscal year after the first fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(b) **SECOND FISCAL YEAR.**—The Secretary shall withhold up to 10 percent of the amount required to be apportioned to a State under section 104(b)(1), (3), and (4)¹ of title 23 on the first day of each fiscal year after the 2d fiscal year beginning after September 30, 1992, throughout which the State does not comply substantially with a requirement of section 31311(a) of this title.

(c) **PENALTIES IMPOSED IN FISCAL YEAR 2012 AND THEREAFTER.**—Effective beginning on October 1, 2011—

(1) the penalty for the first instance of non-compliance by a State under this section shall be not more than an amount equal to 4 percent of funds required to be apportioned to the non-compliant State under paragraphs (1) and (2) of section 104(b) of title 23; and

(2) the penalty for subsequent instances of noncompliance shall be not more than an amount equal to 8 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23.

(d) **AVAILABILITY FOR APPORTIONMENT.**—Amounts withheld under this section from apportionment to a State after September 30, 1995, are not available for apportionment to the State.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1028; Pub. L. 105–178, title IV, §4011(g), (h), June 9, 1998, 112 Stat. 408; Pub. L. 105–206, title IX, §9010, July 22, 1998, 112 Stat. 863; Pub. L. 109–59, title IV, §4124(c), Aug. 10, 2005, 119 Stat. 1738; Pub. L. 112–141, div. A, title I, §1404(j), July 6, 2012, 126 Stat. 559.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31314(a)	49 App.:2710(a).	Oct. 27, 1986, Pub. L. 99–570, §12011, 100 Stat. 3207–183.
31314(b)	49 App.:2710(b).	
31314(c)	49 App.:2710(c)(1).	
31314(d)	49 App.:2710(c)(2), (3).	
31314(e)	49 App.:2710(c)(4).	

In this section, the word “amounts” is substituted for “funds” and “sums” for consistency in the revised title.

In subsection (e), the words “by the Secretary” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 104(b)(1), (3), and (4) of title 23, referred to in subssecs. (a) and (b), probably refers to section 104(b)(1), (3), and (4) of title 23 prior to the general amendment of section 104 by Pub. L. 112–141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

AMENDMENTS

2012—Subsecs. (c), (d). Pub. L. 112–141 added subsec. (c) and redesignated former subsec. (c) as (d).

¹ See References in Text note below.

2005—Subsecs. (a), (b). Pub. L. 109–59 inserted “up to” after “withhold”.

1998—Subsecs. (a), (b). Pub. L. 105–178, §4011(h)(1), as added by Pub. L. 105–206, substituted “section 104(b)(1), (3), and (4) of title 23” for “section 104(b)(1), (3), and (5) of title 23”.

Pub. L. 105–178, §4011(g)(1), substituted “section 104(b)(1), (3), and (5) of title 23” for “section 104(b)(1), (2), (5), and (6) of title 23”.

Subsec. (c). Pub. L. 105–178, §4011(g)(2), struck out par. (2) designation and struck out par. (1) which read as follows: “Amounts withheld under this section from apportionment to a State before October 1, 1995, remain available for apportionment to the State as follows:

“(A) If the amounts would have been apportioned under section 104(b)(5)(B) of title 23 but for this section, the amounts remain available until the end of the 2d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.

“(B) If the amounts would have been apportioned under section 104(b)(1), (2), or (6) of title 23 but for this section, the amounts remain available until the end of the 3d fiscal year following the fiscal year for which the amounts are authorized to be appropriated.”

Subsec. (d). Pub. L. 105–178, §4011(h)(2), as added by Pub. L. 105–206, struck out heading and text of subsec. (d). Text read as follows: “If, at the end of the period for which amounts withheld under this section from apportionment are available for apportionment to a State under subsection (c)(1) of this section, the State has not substantially complied with all of the requirements of section 31311(a) of this title for a 365-day period, the amounts lapse or, for amounts withheld from apportionment under section 104(b)(5) of title 23, the amounts lapse and are available for projects under section 118(b) of title 23.”

Pub. L. 105–178, §4011(g)(3), (4), redesignated subsec. (e) as (d) and struck out heading and text of former subsec. (d). Text read as follows:

“(1) If, before the last day of the period for which amounts withheld under this section from apportionment are to remain available for apportionment to a State under subsection (c)(1) of this section, the State substantially complies with all of the requirements of section 31311(a) of this title for a period of 365 days, the Secretary, on the day following the last day of that period, shall apportion to the State the withheld amounts remaining available for apportionment to that State.

“(2) Amounts apportioned under paragraph (1) of this subsection remain available for expenditure until the end of the 3d fiscal year following the fiscal year in which the amounts are apportioned. Amounts not obligated at the end of that period lapse or, for amounts apportioned under section 104(b)(5) of title 23, lapse and are available for projects under section 118(b) of title 23.”

Subsec. (e). Pub. L. 105–178, §4011(g)(4), redesignated subsec. (e) as (d).

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 1998 AMENDMENT

Title IX of Pub. L. 105–206 effective simultaneously with enactment of Pub. L. 105–178 and to be treated as included in Pub. L. 105–178 at time of enactment, and provisions of Pub. L. 105–178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105–206 to be treated as not enacted, see section 9016 of Pub. L. 105–206, set out as a note under section 101 of Title 23, Highways.

§ 31315. Waivers, exemptions, and pilot programs

(a) **WAIVERS.**—The Secretary may grant a waiver that relieves a person from compliance in

whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

- (1) for a period not in excess of 3 months;
- (2) limited in scope and circumstances;
- (3) for nonemergency and unique events; and
- (4) subject to such conditions as the Secretary may impose.

(b) EXEMPTIONS.—

(1) IN GENERAL.—Upon receipt of a request pursuant to this subsection, the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

(2) LENGTH OF EXEMPTION AND RENEWAL.—An exemption may be granted under paragraph (1) for no longer than 5 years and may be renewed, upon request, for subsequent 5-year periods if the Secretary continues to make the finding under paragraph (1).

(3) OPPORTUNITY FOR RESUBMISSION.—If the Secretary denies an application under paragraph (1) and the applicant can reasonably address the reason for the denial, the Secretary may allow the applicant to resubmit the application.

(4) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if—

(A) the person fails to comply with the terms and conditions of such exemption;

(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or

(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.

(B) The time period during which the requested exemption would apply.

(C) An analysis of the safety impacts the requested exemption may cause.

(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

(6) NOTICE AND COMMENT.—

(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from

the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) UPON GRANTING A REQUEST.—Upon granting a request and before the effective date of the exemption, the Secretary shall publish in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person granted the exemption, the provisions from which the person is exempt, the effective period, and the terms and conditions of the exemption.

(C) AFTER DENYING A REQUEST.—After denying a request for exemption, the Secretary shall publish in the Federal Register (or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

(7) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

(8) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(9) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before the effective date of an exemption, the Secretary shall notify a State safety compliance and enforcement agency, and require the agency to notify the State's roadside inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to the exemption.

(c) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed

under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

- (A) A scheduled life of each pilot program of not more than 3 years.
- (B) A specific data collection and safety analysis plan that identifies a method for comparison.
- (C) A reasonable number of participants necessary to yield statistically valid findings.
- (D) An oversight plan to ensure that participants comply with the terms and conditions of participation.
- (E) Adequate countermeasures to protect the health and safety of study participants and the general public.
- (F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

(d) PREEMPTION OF STATE RULES.—During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the

waiver or exemption or participating in the pilot program.

(e) REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety.

(f) WEB SITE.—The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page of the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.

(g) LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.—(1) The Secretary may not—

- (A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or
- (B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19, 1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

- (A) paragraph (1) of this subsection;
- (B) a minimum age requirement of the United States Government for operation of the vehicle; and
- (C) a medical or physical condition that—
 - (i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;
 - (ii) existed on July 1, 1988;
 - (iii) has not substantially worsened; and
 - (iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1029; Pub. L. 105–178, title IV, § 4007(a), June 9, 1998, 112 Stat. 401; Pub. L. 112–141, div. C, title II, § 32913, July 6, 2012, 126 Stat. 818; Pub. L. 114–94, div. A, title V, §§ 5202(1), 5206(a), Dec. 4, 2015, 129 Stat. 1534, 1537.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31315	49 App.:2711.	Oct. 27, 1986, Pub. L. 99-570, § 12013, 100 Stat. 3207-186.

The words “Notwithstanding any other provision of this chapter” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(5), probably means the date of enactment of Pub. L. 105-178, which amended this section generally and was approved June 9, 1998.

CODIFICATION

The text of section 31136(f) of this title, which was redesignated subsec. (g) and transferred to this section by Pub. L. 114-94, §5202(1), was based on Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1003.

AMENDMENTS

2015—Subsec. (b)(1). Pub. L. 114-94, §5206(a)(1), substituted “this subsection” for “paragraph (3)” and struck out at end “An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.”

Subsec. (b)(2) to (9). Pub. L. 114-94, §5206(a)(2), (3), added pars. (2) and (3) and redesignated former pars (2) to (7) as (4) to (9), respectively.

Subsec. (g). Pub. L. 114-94, §5202(1), redesignated subsec. (f) of section 31136 of this title as (g) and transferred it to this section. See Codification note above.

2012—Subsec. (b)(4)(A). Pub. L. 112-141, §32913(a)(1), inserted “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”.

Subsec. (b)(4)(B). Pub. L. 112-141, §32913(a)(2), amended subpar. (B) generally. Prior to amendment, text read as follows: “Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.”

Subsec. (b)(4)(C). Pub. L. 112-141, §32913(a)(3), inserted “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”.

Subsec. (b)(7). Pub. L. 112-141, §32913(b), amended par. (7) generally. Prior to amendment, text read as follows: “Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.”

Subsec. (c)(1). Pub. L. 112-141, §32913(c), struck out “in the Federal Register” after “shall publish”.

Subsecs. (e), (f). Pub. L. 112-141, §32913(d), added subsecs. (e) and (f).

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as follows: “After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by 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.

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.

APPRENTICESHIP PILOT PROGRAM

Pub. L. 117-58, div. B, title III, §23022, Nov. 15, 2021, 135 Stat. 778, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPRENTICE.—The term ‘apprentice’ means an individual who—

“(A) is under the age of 21; and

“(B) holds a commercial driver’s license.

“(2) COMMERCIAL DRIVER’S LICENSE.—The term ‘commercial driver’s license’ has the meaning given the term in section 31301 of title 49, United States Code.

“(3) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given the term in section 390.5 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act [Nov. 15, 2021]).

“(4) DRIVING TIME.—The term ‘driving time’ has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(5) EXPERIENCED DRIVER.—The term ‘experienced driver’ means an individual who—

“(A) is not younger than 26 years of age;

“(B) has held a commercial driver’s license for the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(i);

“(C) during the 2-year period ending on the date on which the individual serves as an experienced driver under subsection (b)(2)(C)(ii), has had no—

“(i) preventable accidents reportable to the Department [of Transportation]; or

“(ii) pointed moving violations; and

“(D) has a minimum of 5 years of experience driving a commercial motor vehicle in interstate commerce.

“(6) ON-DUTY TIME.—The term ‘on-duty time’ has the meaning given the term in section 395.2 of title 49, Code of Federal Regulations (as in effect on the date of enactment of this Act).

“(7) POINTED MOVING VIOLATION.—The term ‘pointed moving violation’ means a violation that results in points being added to the license of a driver, or a similar comparable violation, as determined by the Secretary [of Transportation].

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Nov. 15, 2021], the Secretary shall establish, in accordance with section 31315(c) of title 49, United States Code, a pilot program allowing employers to establish the apprenticeship programs described in paragraph (2).

“(2) DESCRIPTION OF APPRENTICESHIP PROGRAM.—An apprenticeship program referred to in paragraph (1) is a program that consists of the following requirements:

“(A) 120-HOUR PROBATIONARY PERIOD.—

“(i) IN GENERAL.—The apprentice shall complete 120 hours of on-duty time, of which not less than 80 hours shall be driving time in a commercial motor vehicle.

“(ii) PERFORMANCE BENCHMARKS.—To complete the 120-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:

“(I) Interstate, city traffic, rural 2-lane, and evening driving.

“(II) Safety awareness.

“(III) Speed and space management.

- “(IV) Lane control.
- “(V) Mirror scanning.
- “(VI) Right and left turns.
- “(VII) Logging and complying with rules relating to hours of service.
- “(B) 280-HOUR PROBATIONARY PERIOD.—
 - “(i) IN GENERAL.—After completing the 120-hour probationary period under subparagraph (A), an apprentice shall complete 280 hours of on-duty time, of which not less than 160 hours shall be driving time in a commercial motor vehicle.
 - “(ii) PERFORMANCE BENCHMARKS.—To complete the 280-hour probationary period under clause (i), the employer of an apprentice shall determine that the apprentice is competent in each of the following areas:
 - “(I) Backing and maneuvering in close quarters.
 - “(II) Pretrip inspections.
 - “(III) Fueling procedures.
 - “(IV) Weighing loads, weight distribution, and sliding tandems.
 - “(V) Coupling and uncoupling procedures.
 - “(VI) Trip planning, truck routes, map reading, navigation, and permits.
 - “(C) RESTRICTIONS FOR PROBATIONARY PERIODS.—During the 120-hour probationary period under subparagraph (A) and the 280-hour probationary period under subparagraph (B)—
 - “(i) an apprentice may only drive a commercial motor vehicle that has—
 - “(I) an automatic manual or automatic transmission;
 - “(II) an active braking collision mitigation system;
 - “(III) a forward-facing video event capture system; and
 - “(IV) a governed speed of 65 miles per hour—
 - “(aa) at the pedal; and
 - “(bb) under adaptive cruise control; and
 - “(ii) an apprentice shall be accompanied in the passenger seat of the commercial motor vehicle by an experienced driver.
 - “(D) RECORDS RETENTION.—The employer of an apprentice shall maintain records, in a manner required by the Secretary, relating to the satisfaction of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii) by the apprentice.
 - “(E) REPORTABLE INCIDENTS.—If an apprentice is involved in a preventable accident reportable to the Department or a pointed moving violation while driving a commercial motor vehicle as part of an apprenticeship program described in this paragraph, the apprentice shall undergo remediation and additional training until the apprentice can demonstrate, to the satisfaction of the employer, competence in each of the performance benchmarks described in subparagraphs (A)(ii) and (B)(ii).
 - “(F) COMPLETION OF PROGRAM.—An apprentice shall be considered to have completed an apprenticeship program on the date on which the apprentice completes the 280-hour probationary period under subparagraph (B).
 - “(G) MINIMUM REQUIREMENTS.—
 - “(i) IN GENERAL.—Nothing in this section prevents an employer from imposing any additional requirement on an apprentice participating in an apprenticeship program established under this section.
 - “(ii) TECHNOLOGIES.—Nothing in this section prevents an employer from requiring or installing in a commercial motor vehicle any technology in addition to the technologies described in subparagraph (C)(i).
- “(3) APPRENTICES.—An apprentice may—
 - “(A) drive a commercial motor vehicle in interstate commerce while participating in the 120-hour probationary period under paragraph (2)(A) or the 280-hour probationary period under paragraph (2)(B) pursuant to an apprenticeship program established by an employer in accordance with this section; and
 - “(B) drive a commercial motor vehicle in interstate commerce after the apprentice completes an apprenticeship program described in paragraph (2), unless the Secretary determines there exists a safety concern.
 - “(4) LIMITATION.—The Secretary may not allow more than 3,000 apprentices at any 1 time to participate in the pilot program established under paragraph (1).
 - “(c) TERMINATION.—Effective beginning on the date that is 3 years after the date of establishment of the pilot program under subsection (b)(1)—
 - “(1) the pilot program shall terminate; and
 - “(2) any driver under the age of 21 who has completed an apprenticeship program described in subsection (b)(2) may drive a commercial motor vehicle in interstate commerce, unless the Secretary determines there exists a safety concern.
 - “(d) NO EFFECT ON LICENSE REQUIREMENT.—Nothing in this section exempts an apprentice from any requirement to hold a commercial driver’s license in order to operate a commercial motor vehicle.
 - “(e) DATA COLLECTION.—The Secretary shall collect and analyze—
 - “(1) data relating to any incident in which an apprentice participating in the pilot program established under subsection (b)(1) is involved;
 - “(2) data relating to any incident in which a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved; and
 - “(3) such other data relating to the safety of apprentices aged 18 to 20 years operating in interstate commerce as the Secretary determines to be necessary.
 - “(f) LIMITATION.—A driver under the age of 21 participating in the pilot program under this section may not—
 - “(1) transport—
 - “(A) a passenger; or
 - “(B) hazardous cargo; or
 - “(2) operate a commercial motor vehicle—
 - “(A) in special configuration; or
 - “(B) with a gross vehicle weight rating of more than 80,000 pounds.
 - “(g) REPORT TO CONGRESS.—Not later than 120 days after the date of conclusion of the pilot program under subsection (b), the Secretary shall submit to Congress a report including—
 - “(1) the findings and conclusions resulting from the pilot program, including with respect to technologies or training provided by commercial motor carriers for apprentices as part of the pilot program to successfully improve safety;
 - “(2) an analysis of the safety record of apprentices participating in the pilot program, as compared to other commercial motor vehicle drivers;
 - “(3) the number of drivers that discontinued participation in the apprenticeship program before completion;
 - “(4) a comparison of the safety records of participating drivers before, during, and after the probationary periods under subparagraphs (A) and (B) of subsection (b)(2);
 - “(5) a comparison, for each participating driver, of average on-duty time, driving time, and time spent away from home terminal before, during, and after the probationary periods referred to in paragraph (4); and
 - “(6) a recommendation, based on the data collected, regarding whether the level of safety achieved by the pilot program is equivalent to, or greater than, the level of safety for equivalent commercial motor vehicle drivers aged 21 years or older.
 - “(h) RULE OF CONSTRUCTION.—Nothing in this section affects the authority of the Secretary under section 31315 of title 49, United States Code, with respect to the pilot program established under subsection (b)(1), including the authority to revoke participation in, and terminate, the pilot program under paragraphs (3) and (4) of subsection (c) of that section.

“(i) DRIVER COMPENSATION STUDY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall offer to enter into a contract with the Transportation Research Board under which the Transportation Research Board shall conduct a study of the impacts of various methods of driver compensation on safety and driver retention, including—

“(A) hourly pay;

“(B) payment for detention time; and

“(C) other payment methods used in the industry as of the date on which the study is conducted.

“(2) CONSULTATION.—In conducting the study under paragraph (1), the Transportation Research Board shall consult with—

“(A) labor organizations representing commercial motor vehicle drivers;

“(B) representatives of the motor carrier industry, including owner-operators; and

“(C) such other stakeholders as the Transportation Research Board determines to be relevant.”

ADMINISTRATIVE EXEMPTIONS

Pub. L. 114–94, div. A, title V, § 5206(b), Dec. 4, 2015, 129 Stat. 1537, provided that:

“(1) IN GENERAL.—The Secretary [of Transportation] shall make permanent the following limited exemptions:

“(A) Perishable construction products, as published in the Federal Register on April 2, 2015 (80 Fed. Reg. 17819).

“(B) Transport of commercial bee hives, as published in the Federal Register on June 19, 2015 (80 Fed. Reg. 35425).

“(C) Safe transport of livestock, as published in the Federal Register on June 12, 2015 (80 Fed. Reg. 33584).

“(2) ADDITIONAL ADMINISTRATIVE EXEMPTIONS.—Any exemption from any provision of the regulations under part 395 of title 49, Code of Federal Regulations, that is in effect on the date of enactment of this Act [Dec. 4, 2015]—

“(A) except as otherwise provided in section 31315(b) of title 49, shall be valid for a period of 5 years from the date such exemption was granted; and

“(B) may be subject to renewal under section 31315(b)(2) of title 49, United States Code.”

COMMERCIAL DRIVER PILOT PROGRAM

Pub. L. 114–94, div. A, title V, § 5404, Dec. 4, 2015, 129 Stat. 1549, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall establish a pilot program under section 31315(c) of title 49, United States Code, to study the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

“(b) DATA COLLECTION.—The Secretary shall collect and analyze data relating to accidents in which—

“(1) a covered driver participating in the pilot program is involved; and

“(2) a driver under the age of 21 operating a commercial motor vehicle in intrastate commerce is involved.

“(c) LIMITATIONS.—A driver participating in the pilot program may not—

“(1) transport—

“(A) passengers; or

“(B) hazardous cargo; or

“(2) operate a vehicle in special configuration.

“(d) WORKING GROUP.—

“(1) ESTABLISHMENT.—The Secretary shall conduct, monitor, and evaluate the pilot program in consultation with a working group to be established by the Secretary consisting of representatives of the armed forces, industry, drivers, safety advocacy organizations, and State licensing and enforcement officials.

“(2) DUTIES.—The working group shall review the data collected under subsection (b) and provide rec-

ommendations to the Secretary on the feasibility, benefits, and safety impacts of allowing a covered driver to operate a commercial motor vehicle in interstate commerce.

“(e) REPORT.—Not later than 1 year after the date on which the pilot program is concluded, the Secretary shall submit to Congress a report describing the findings of the pilot program and the recommendations of the working group.

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

“(1) ACCIDENT.—The term ‘accident’ has the meaning given that term in section 390.5 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act.

“(2) ARMED FORCES.—The term ‘armed forces’ has the meaning given that term in section 101(a) of title 10, United States Code.

“(3) COMMERCIAL MOTOR VEHICLE.—The term ‘commercial motor vehicle’ has the meaning given that term in section 31301 of title 49, United States Code.

“(4) COVERED DRIVER.—The term ‘covered driver’ means an individual who is—

“(A) between the ages of 18 and 21;

“(B) a member or former member of the—

“(i) armed forces; or

“(ii) reserve components (as defined in section 31305(d)(2) of title 49, United States Code, as added by this Act); and

“(C) qualified in a Military Occupational Specialty to operate a commercial motor vehicle or similar vehicle.”

PROTECTION OF EXISTING EXEMPTIONS

For provisions making amendment by section 4007 of Pub. L. 105–178 inapplicable to or otherwise not affecting waiver, exemption, or pilot program in effect the day before June 9, 1998, under this chapter or section 31136(e) of this title, see section 4007(d) of Pub. L. 105–178, set out as a note under section 31136 of this title.

§ 31316. Limitation on statutory construction

This chapter does not affect the authority of the Secretary of Transportation to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or a lesser gross vehicle weight rating the Secretary decides is appropriate under section 31301(4)(A) of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31316	49 App.:2714.	Oct. 27, 1986, Pub. L. 99–570, §12017, 100 Stat. 3207–187.

The words “This chapter does not affect” are substituted for “Nothing in this chapter shall be construed to diminish, limit, or otherwise affect” to eliminate unnecessary words.

§ 31317. Procedure for prescribing regulations

Regulations prescribed by the Secretary of Transportation to carry out this chapter (except section 31307) shall be prescribed under section 553 of title 5 without regard to sections 556 and 557 of title 5.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1029.)