

“(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 recommendations 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.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                 |
|-----------------|--------------------|--|
| 31317 .....     | 49 App.:2715.      | Oct. 27, 1986, Pub. L. 99-570, §12018, 100 Stat. 3207-187. |

The text of 49 App.:2715(a) is omitted as surplus because of 49:322(a). The words “(except section 31307)” are added because the source provisions restated in this section do not apply to the source provisions restated in section 31307 of the revised title.

### CHAPTER 315—MOTOR CARRIER SAFETY

| Sec.   |   |
|--------|---|
| 31501. | Definitions.  |
| 31502. | Requirements for qualifications, hours of service, safety, and equipment standards. |
| 31503. | Research, investigation, and testing.   |
| 31504. | Identification of motor vehicles.   |

#### HISTORICAL AND REVISION NOTES

Chapter 315 is a restatement of existing chapter 31 of title 49, United States Code, that is redesignated as chapter 315 by section 1(c) of the bill.

#### § 31501. Definitions

In this chapter—

(1) “migrant worker” means an individual going to or from employment in agriculture as provided under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)) or sec-

tion 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) “motor carrier”, “motor common carrier”, “motor private carrier”, “motor vehicle”, and “United States” have the same meanings given those terms in section 13102 of this title.

(3) “motor carrier of migrant workers”—

(A) means a person (except a motor common carrier) providing transportation referred to in section 13501 of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

(B) does not include a migrant worker providing transportation for migrant workers and their immediate families.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2438, § 3101; renumbered § 31501 and amended Pub. L. 103–272, § 1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 103–429, § 6(26), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104–88, title III, § 308(k)(1), (2), Dec. 29, 1995, 109 Stat. 947, 948.)

#### HISTORICAL AND REVISION NOTES PUB. L. 97–449

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>  |
|------------------------|---------------------------|--|
| 3101(1) .....          | 49:303(a)(23).            | Feb. 4, 1887, ch. 104, 24 Stat. 397, § 203(a)(22), (23); added Aug. 3, 1956, ch. 905, § 1, 70 Stat. 958. |
| 3101(2) .....          | (no source).              |  |
| 3101(3) .....          | 49:303(a)(22).            |  |

In clause (1), the words “going to or from” are substituted for “proceeding to or returning from” for clarity.

Clause (2) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the quoted definitions are found in the revision notes for section 10102 of the revised title.

In clause (3), the words “including any ‘contract common carrier by motor vehicle’ ” are omitted as covered by the definition of “motor carrier”. The words “referred to in section 10521(a) of this title” are substituted for “in interstate or foreign commerce” for clarity and consistency in the revised title. The word “except” is substituted for “but not including” for clarity. The words “at least” are substituted for “or more”, and the words “but the term does not include” are substituted for “except”, for consistency.

PUB. L. 103–429

This amends 49:31501(1) to correct an erroneous cross-reference.

#### Editorial Notes

##### AMENDMENTS

1995—Par. (2). Pub. L. 104–88, § 308(k)(1), substituted “13102” for “10102”.

Par. (3)(A). Pub. L. 104–88, § 308(k)(2), substituted “13501” for “10521(a)”.

1994—Pub. L. 103–272 renumbered section 3101 of this title as this section and amended it generally, restating it without substantive change.

Par. (1). Pub. L. 103–429 substituted “section 3(f)” for “section 203(f)”.

#### Statutory Notes and Related Subsidiaries

##### 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.

##### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

#### EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this chapter with respect to certain farm vehicles and individuals operating those vehicles, see section 32934 of Pub. L. 112–141, set out as a note under section 31136 of this title.

#### § 31502. Requirements for qualifications, hours of service, safety, and equipment standards

(a) APPLICATION.—This section applies to transportation—

(1) described in sections 13501 and 13502 of this title; and

(2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) MOTOR CARRIER AND PRIVATE MOTOR CARRIER REQUIREMENTS.—The Secretary of Transportation may prescribe requirements for—

(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and

(2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) MIGRANT WORKER MOTOR CARRIER REQUIREMENTS.—The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker—

(1) at least 75 miles; and

(2) across the boundary of a State, territory, or possession of the United States.

(d) CONSIDERATIONS.—Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of the requirement.

(e) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding—

(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,

(B) physical testing, reporting, or record-keeping, and

(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

(2) DECLARATION OF EMERGENCY.—An elected State or local government official or elected officials of more than one State or local gov-