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§ 31136. United States Government regulations

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(a) Minimum Safety Standards.— Subject to section [30103](#) (a) of this title, the Secretary of Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that—

- (1)** commercial motor vehicles are maintained, equipped, loaded, and operated safely;
- (2)** the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely;
- (3)** the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely; and
- (4)** the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators.

(b) Eliminating and Amending Existing Regulations.— The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under section [5103](#) of this title until an equivalent or more stringent regulation has been prescribed under section [5103](#).

(c) Procedures and Considerations.—

(1) A regulation under this section shall be prescribed under section [553](#) of title [5](#) (without regard to sections [556](#) and [557](#) of title [5](#)).

(2) Before prescribing regulations under this section, the Secretary shall consider, to the extent practicable and consistent with the purposes of this chapter—

- (A)** costs and benefits; and
- (B)** State laws and regulations on commercial motor vehicle safety, to minimize their unnecessary preemption.

(d) Effect of Existing Regulations.— If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle

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safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

(e) Exemptions.— The Secretary may grant in accordance with section 31315 waivers and exemptions from, or conduct pilot programs with respect to, any regulations prescribed under this section.

(f) 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.

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