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TITLE 49--TRANSPORTATION

SUBTITLE VI--MOTOR VEHICLE AND DRIVER PROGRAMS

PART B--COMMERCIAL

CHAPTER 313--COMMERCIAL MOTOR VEHICLE OPERATORS

Sec. 31301. Definitions

In this chapter--

- (1) ``alcohol'' has the same meaning given the term ``alcoholic beverage'' in section 158(c) of title 23.
- (2) ``commerce'' means trade, traffic, and transportation--
 - (A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or
 - (B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.
- (3) ``commercial driver's license'' means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.
- (4) ``commercial motor vehicle'' means a motor vehicle used in commerce to transport passengers or property that--
 - (A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;
 - (B) is designed to transport at least 16 passengers including the driver; or
 - (C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if--
 - (i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;
 - (ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and
 - (iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, ``controlled substance'' has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) ``driver's license'' means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) ``employee'' means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) ``employer'' means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) ``felony'' means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) ``hazardous material'' has the same meaning given that term in section 5102 of this title.

(11) ``motor vehicle'' means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(12) ``serious traffic violation'' means--

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies;

(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards--

(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

(G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(13) ``State'' means a State of the United States and the District of Columbia.

(14) ``United States'' means the States of the United States and the District of Columbia.

178, title IV, Sec. 4011(a), June 9, 1998, 112 Stat. 407; Pub. L. 106-159, title II, Sec. 201(a)(3), (c), Dec. 9, 1999, 113 Stat. 1759, 1760.)

Historical and Revision Notes

Revised Section Source (Statutes at Large)	Source (U.S. Code)
31301(1)..... Oct. 27, 1986, Pub. L. 99-570, Sec.	49 App.:2716(1), (13).
12019(1)-(4), (6)-(15), 100 Stat. 3207-187, 3207-188.	
31301(2).....	49 App.:2716(3).
31301(3).....	49 App.:2716(4).
31301(4).....	49 App.:2716(6).
31301(5).....	49 App.:2716(7).
31301(6).....	49 App.:2716(2).
31301(7).....	49 App.:2716(8).
31301(8).....	49 App.:2716(9).
31301(9).....	49 App.:2716(10).
31301(10).....	49 App.:2716(11).
31301(11)..... Oct. 27, 1986, Pub. L. 99-570, Sec.	49 App.:2716(5).
12019(5), 100 Stat. 3207-188; Apr. 2, 1987, Pub. L. 100-17, Sec. 133(c)(2), 101 Stat. 172; Dec. 18, 1991, Pub. L. 102-240, Sec. 4010, 105 Stat. 2156.	
31301(12).....	49 App.:2716(12).
31301(13).....	49 App.:2716(14).
31301(14).....	49 App.:2716(15).

In clause (1), the text of 49 App.:2716(13) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (4)(A), the words ``at least 26,001 pounds'' are substituted for ``26,001 or more pounds'', and the word ``prescribes'' is substituted for ``determines appropriate'', for consistency in the revised title.

In clause (4)(B), the words ``at least 16 passengers'' are substituted for ``more than 15 passengers'' for consistency.

Clause (4)(C)(i) is substituted for ``and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A))'' to eliminate unnecessary words. In subclause (iii), the words ``deny the application of this exception'' are substituted for ``waive the application of the preceding sentence'' for clarity and because of the restatement.

In clause (11), the words ``public streets, roads, or'' are added for consistency in the revised title.

In clause (12)(C), the words ``involving a fatality'' are substituted for ``arising in connection with a fatal traffic accident'' to eliminate unnecessary words.

Amendments

1999--Par. (12)(C). Pub. L. 106-159, Sec. 201(a)(3), inserted `` , other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies'' after ``a fatality''.

Par. (12)(D) to (G). Pub. L. 106-159, Sec. 201(c), added subpars. (D) to (F) and redesignated former subpar. (D) as (G).

1998--Par. (4)(A). Pub. L. 105-178, Sec. 4011(a)(1), inserted ``or gross vehicle weight'' after ``rating'' first two places that term appears and `` , whichever is greater, '' after ``26,001 pounds''.

Par. (4)(C)(ii). Pub. L. 105-178, Sec. 4011(a)(2), inserted ``is'' before ``transporting'' in two places and before ``not otherwise regulated''.

Exemptions From Requirements Relating to Commercial Motor Vehicles and Their Operators

For provisions relating to waiver of requirements of this chapter with respect to vehicles used for snow or ice removal, see section 345(a)(5) of Pub. L. 104-59, set out as a note under section 31136 of this title.