

1 **TITLE IV—MOTOR CARRIER**
2 **SAFETY**

3 **SECTION 4001. SHORT TITLE.**

4 This title may be cited as the “Motor Carrier Safety
5 Reauthorization Act of 2005”.

6 **Subtitle A—Commercial Motor**
7 **Vehicle Safety**

8 **SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) MOTOR CARRIER SAFETY GRANTS.—Section
10 31104(a) of title 49, United States Code, is amended to
11 read as follows:

12 “(a) IN GENERAL.—Subject to subsection (f), there
13 are authorized to be appropriated from the Highway Trust
14 Fund (other than the Mass Transit Account) to carry out
15 section 31102—

16 “(1) \$188,480,000 for fiscal year 2005;

17 “(2) \$188,000,000 for fiscal year 2006;

18 “(3) \$197,000,000 for fiscal year 2007;

19 “(4) \$202,000,000 for fiscal year 2008; and

20 “(5) \$209,000,000 for fiscal year 2009.”.

21 (b) ADMINISTRATIVE EXPENSES.—Section 31104 of
22 such title is amended by adding the following at the end:

23 “(i) ADMINISTRATIVE EXPENSES.—



1 “(1) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated from the
3 Highway Trust Fund (other than the Mass Transit
4 Account) for the Secretary of Transportation to pay
5 administrative expenses of the Federal Motor Car-
6 rier Safety Administration—

7 “(A) \$254,849,000 for fiscal year 2005;

8 “(B) \$213,000,000 for fiscal year 2006;

9 “(C) \$223,000,000 for fiscal year 2007;

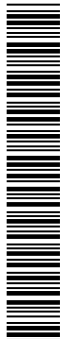
10 “(D) \$228,000,000 for fiscal year 2008;

11 and

12 “(E) \$234,000,000 for fiscal year 2009.

13 “(2) USE OF FUNDS.—The funds authorized by
14 this subsection shall be used for personnel costs; ad-
15 ministrative infrastructure; rent; information tech-
16 nology; programs for research and technology, infor-
17 mation management, regulatory development, the
18 administration of the performance and registration
19 information system management, and outreach and
20 education; other operating expenses; and such other
21 expenses as may from time to time become necessary
22 to implement statutory mandates of the Administra-
23 tion not funded from other sources.

24 “(j) AVAILABILITY OF FUNDS; CONTRACT AUTHOR-
25 ITY.—



1 “(1) PERIOD OF AVAILABILITY.—The amounts
2 made available under this section shall remain avail-
3 able until expended.

4 “(2) INITIAL DATE OF AVAILABILITY.—Author-
5 izations from the Highway Trust Fund (other than
6 the Mass Transit Account) by this section shall be
7 available for obligation on the date of their appor-
8 tionment or allocation or on October 1 of the fiscal
9 year for which they are authorized, whichever occurs
10 first.

11 “(3) CONTRACT AUTHORITY.—Approval by the
12 Secretary of a grant with funds made available
13 under this section imposes upon the United States
14 a contractual obligation for payment of the Govern-
15 ment’s share of costs incurred in carrying out the
16 objectives of the grant.”.

17 (c) GRANT PROGRAMS.—There are authorized to be
18 appropriated from the Highway Trust Fund (other than
19 the Mass Transit Account) the following sums for the fol-
20 lowing Federal Motor Carrier Safety Administration pro-
21 grams:

22 (1) COMMERCIAL DRIVER’S LICENSE PROGRAM
23 IMPROVEMENT GRANTS.—For commercial driver’s li-
24 cense program improvement grants under section



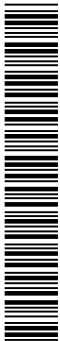
1 31313 of title 49, United States Code \$25,000,000
2 for each of fiscal years 2006 through 2009.

3 (2) BORDER ENFORCEMENT GRANTS.—For bor-
4 der enforcement grants under section 31107 of such
5 title \$32,000,000 for each of fiscal years 2006,
6 2007, 2008, and 2009.

7 (3) PERFORMANCE AND REGISTRATION INFOR-
8 MATION SYSTEM MANAGEMENT GRANT PROGRAM.—
9 For the performance and registration information
10 system management grant program under section
11 31109 of such title \$5,000,000 for each of fiscal
12 years 2006, 2007, 2008, and 2009.

13 (4) COMMERCIAL VEHICLE INFORMATION SYS-
14 TEMS AND NETWORKS DEPLOYMENT.—For carrying
15 out the commercial vehicle information systems and
16 networks deployment program under section 4126 of
17 this Act, \$25,000,000 for each of fiscal years 2006
18 through 2009.

19 (5) SAFETY DATA IMPROVEMENT GRANTS.—
20 For safety data improvement grants under section
21 4128 of this Act \$2,000,000 for fiscal year 2006
22 and \$3,000,000 for each of fiscal years 2007
23 through 2009.



1 (d) PERIOD OF AVAILABILITY.—The amounts made
2 available under subsection (b) of this section shall remain
3 available until expended.

4 (e) INITIAL DATE OF AVAILABILITY.—Amounts au-
5 thorized to be appropriated from the Highway Trust Fund
6 (other than the Mass Transit Account) by subsection (b)
7 shall be available for obligation on the date of their appor-
8 tionment or allocation or on October 1 of the fiscal year
9 for which they are authorized, whichever occurs first.

10 (f) CONTRACT AUTHORITY.—Approval by the Sec-
11 retary of a grant with funds made available under sub-
12 section (b) imposes upon the United States a contractual
13 obligation for payment of the Government's share of costs
14 incurred in carrying out the objectives of the grant.

15 **SEC. 4102. INCREASED PENALTIES FOR OUT-OF-SERVICE**
16 **VIOLATIONS AND FALSE RECORDS.**

17 (a) RECORDKEEPING AND REPORTING VIOLA-
18 TIONS.—Section 521(b)(2)(B) of title 49, United States
19 Code, is amended—

20 (1) in clause (i) by striking “\$500” and insert-
21 ing “\$1,000”; and

22 (2) by striking “\$5,000” each place it appears
23 and inserting “\$10,000”.



1 (b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Sec-
2 tion 31310(i)(2) of title 49, United States Code, is
3 amended—

4 (1) by striking “Not later than December 18,
5 1992, the” and inserting “The”;

6 (2) in subparagraph (A)—

7 (A) by striking “90 days” and inserting
8 “180 days”; and

9 (B) by striking “\$1,000” and inserting
10 “\$2,500”;

11 (3) in subparagraph (B)—

12 (A) by striking “one year” and inserting
13 “2 years”; and

14 (B) by striking “\$1,000; and” and insert-
15 ing “\$5,000;”;

16 (4) in subparagraph (C) by striking “\$10,000.”
17 and inserting “\$25,000; and”; and

18 (5) by adding at the end the following:

19 “(D) an employer that knowingly and willfully
20 allows or requires an employee to operate a commer-
21 cial motor vehicle in violation of an out-of-service
22 order shall, upon conviction, be subject for each of-
23 fense to imprisonment for a term not to exceed one
24 year or a fine under title 18, or both.”.



1 **SEC. 4103. PENALTY FOR DENIAL OF ACCESS TO RECORDS.**

2 Section 521(b) of title 49, United States Code, is
3 amended—

4 (1) by striking “(b)(1)(A) If the Secretary” and
5 inserting the following:

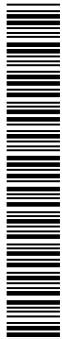
6 “(b) VIOLATIONS RELATING TO COMMERCIAL
7 MOTOR VEHICLE SAFETY REGULATION AND OPERA-
8 TORS.—

9 “(1) NOTICE.—

10 “(A) IN GENERAL.—If the Secretary”; and

11 (2) by adding at the end of paragraph (2) the
12 following:

13 “(E) COPYING OF RECORDS AND ACCESS
14 TO EQUIPMENT, LANDS, AND BUILDINGS.—A
15 person subject to chapter 51 or a motor carrier,
16 broker, freight forwarder, or owner or operator
17 of a commercial motor vehicle subject to part B
18 of subtitle VI who fails to allow promptly, upon
19 demand, the Secretary (or an employee des-
20 ignated by the Secretary) to inspect and copy
21 any record or inspect and examine equipment,
22 lands, buildings and other property in accord-
23 ance with sections 504(c), 5121(c), and
24 14122(b) shall be liable to the United States
25 for a civil penalty not to exceed \$1,000 for each
26 offense. Each day the Secretary is denied the



1 right to inspect and copy any record or inspect
2 and examine equipment, lands, buildings and
3 other property shall constitute a separate of-
4 fense, except that the total of all civil penalties
5 against any violator for all offenses related to
6 a single violation shall not exceed \$10,000. It
7 shall be a defense to such penalty that the
8 records did not exist at the time of the Sec-
9 retary's request or could not be timely produced
10 without unreasonable expense or effort. Nothing
11 in this subparagraph amends or supersedes any
12 remedy available to the Secretary under section
13 502(d), section 507(c), or any other provision
14 of this title.”.

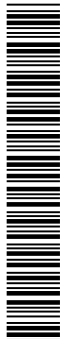
15 **SEC. 4104. REVOCATION OF OPERATING AUTHORITY.**

16 Section 13905(e) of title 49, United States Code, is
17 amended—

18 (1) by striking paragraph (1) and inserting the
19 following:

20 “(1) PROTECTION OF SAFETY.—Notwith-
21 standing subchapter II of chapter 5 of title 5, the
22 Secretary—

23 “(A) may suspend the registration of a
24 motor carrier, a freight forwarder, or a broker
25 for failure to comply with requirements of the



1 Secretary pursuant to section 13904(c) or
2 13906 or an order or regulation of the Sec-
3 retary prescribed under those sections; and

4 “(B) shall revoke the registration of a
5 motor carrier that has been prohibited from op-
6 erating in interstate commerce for failure to
7 comply with the safety fitness requirements of
8 section 31144.”;

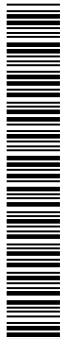
9 (2) in paragraph (2) by striking “may suspend
10 a registration” and inserting “shall revoke the reg-
11 istration”; and

12 (3) by striking paragraph (3) and inserting the
13 following:

14 “(3) NOTICE; PERIOD OF SUSPENSION.—The
15 Secretary may suspend or revoke under this sub-
16 section the registration only after giving notice of
17 the suspension or revocation to the registrant. A
18 suspension remains in effect until the registrant
19 complies with the applicable sections or, in the case
20 of a suspension under paragraph (2), until the Sec-
21 retary revokes the suspension.”.

22 **SEC. 4105. STATE LAWS RELATING TO VEHICLE TOWING.**

23 (a) STATE LAWS RELATING TO VEHICLE TOWING.—
24 Section 14501(c) of title 49, United States Code, is
25 amended by adding at the end the following:



1 “(5) LIMITATION ON STATUTORY CONSTRUC-
2 TION.—Nothing in this section shall be construed to
3 prevent a State from requiring that, in the case of
4 a motor vehicle to be towed from private property
5 without the consent of the owner or operator of the
6 vehicle, the person towing the vehicle have prior
7 written authorization from the property owner or
8 lessee (or an employee or agent thereof) or that such
9 owner or lessee (or an employee or agent thereof) be
10 present at the time the vehicle is towed from the
11 property, or both.”.

12 (b) PREDATORY TOW TRUCK OPERATIONS.—

13 (1) STUDY.—The Secretary shall conduct a
14 study—

15 (A) to identify issues related to the protec-
16 tion of the rights of individuals whose motor ve-
17 hicles are towed;

18 (B) to establish the scope and geographic
19 reach of any issues so identified, and

20 (C) to identify potential remedies for those
21 issues.

22 (2) REPORT.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary shall
24 submit to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on



1 Transportation and Infrastructure of the House of
2 Representatives a report on the results of the study.

3 **SEC. 4106. MOTOR CARRIER SAFETY GRANTS.**

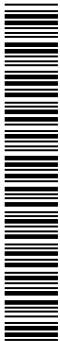
4 (a) STATE PLAN CONTENTS.—Section 31102(b)(1)
5 of title 49, United States Code, is amended—

6 (1) by striking subparagraph (A) and inserting
7 the following:

8 “(A) implements performance-based activities,
9 including deployment of technology to enhance the
10 efficiency and effectiveness of commercial motor ve-
11 hicle safety programs;”;

12 (2) by striking subparagraph (E) and inserting
13 the following:

14 “(E) provides that the total expenditure of
15 amounts of the State and its political subdivi-
16 sions (not including amounts of the Govern-
17 ment) for commercial motor vehicle safety pro-
18 grams for enforcement of commercial motor ve-
19 hicle size and weight limitations, drug interdic-
20 tion, and State traffic safety laws and regula-
21 tions under subsection (c) of this section will be
22 maintained at a level at least equal to the aver-
23 age level of that expenditure for the 3 full fiscal
24 years beginning after October 1 of the year 5



1 years prior to the beginning of each Govern-
2 ment fiscal year.”;

3 (3) by striking subparagraph (Q) and inserting
4 the following:

5 “(Q) provides that the State has established a
6 program to ensure that—

7 “(i) accurate, complete, and timely
8 motor carrier safety data is collected and
9 reported to the Secretary; and

10 “(ii) the State will participate in a na-
11 tional motor carrier safety data correction
12 system prescribed by the Secretary;”;

13 (4) by aligning subparagraph (R) with subpara-
14 graph (S);

15 (5) by striking “and” at the end of subpara-
16 graph (S);

17 (6) by striking the period at the end of sub-
18 paragraph (T) and inserting a semicolon; and

19 (7) by adding at the end the following:

20 “(U) provides that the State will include in the
21 training manual for the licensing examination to
22 drive a noncommercial motor vehicle and a commer-
23 cial motor vehicle, information on best practices for
24 driving safely in the vicinity of noncommercial and
25 commercial motor vehicles;



1 “(V) provides that the State will enforce the
2 registration requirements of section 13902 by pro-
3 hibiting the operation of any vehicle discovered to be
4 operated by a motor carrier without a registration
5 issued under such section or to operate beyond the
6 scope of such registration;

7 “(W) provides that the State will conduct com-
8 prehensive and highly visible traffic enforcement and
9 commercial motor vehicle safety inspection programs
10 in high-risk locations and corridors; and

11 “(X) except in the case of an imminent or obvi-
12 ous safety hazard, ensures that an inspection of a
13 vehicle transporting passengers for a motor carrier
14 of passengers is conducted at a station, terminal,
15 border crossing, maintenance facility, destination, or
16 other location where a motor carrier may make a
17 planned stop.”.

18 (b) USE OF GRANTS TO ENFORCE OTHER LAWS.—

19 Section 31102 of such title is amended—

20 (1) by striking subsection (c) and inserting the
21 following:

22 “(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—

23 A State may use amounts received under a grant under
24 subsection (a)—

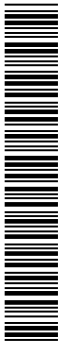


1 “(1) for the following activities if the activities
2 are carried out in conjunction with an appropriate
3 inspection of the commercial motor vehicle to enforce
4 Government or State commercial motor vehicle safe-
5 ty regulations:

6 “(A) enforcement of commercial motor ve-
7 hicle size and weight limitations at locations
8 other than fixed weight facilities, at specific lo-
9 cations such as steep grades or mountainous
10 terrains where the weight of a commercial
11 motor vehicle can significantly affect the safe
12 operation of the vehicle, or at ports where inter-
13 modal shipping containers enter and leave the
14 United States; and

15 “(B) detection of the unlawful presence of
16 a controlled substance (as defined under section
17 102 of the Comprehensive Drug Abuse Preven-
18 tion and Control Act of 1970 (21 U.S.C. 802))
19 in a commercial motor vehicle or on the person
20 of any occupant (including the operator) of the
21 vehicle; and

22 “(2) for documented enforcement of State traf-
23 fic laws and regulations designed to promote the
24 safe operation of commercial motor vehicles, includ-
25 ing documented enforcement of such laws and regu-



1 lations relating to noncommercial motor vehicles
2 when necessary to promote the safe operation of
3 commercial motor vehicles if the number of motor
4 carrier safety activities (including roadside safety in-
5 spections) conducted in the State is maintained at a
6 level at least equal to the average level of such ac-
7 tivities conducted in the State in fiscal years 2003,
8 2004, and 2005; except that the State may not use
9 more than 5 percent of the basic amount the State
10 receives under the grant under subsection (a) for en-
11 forcement activities relating to noncommercial motor
12 vehicles described in this paragraph unless the Sec-
13 retary determines a higher percentage will result in
14 significant increases in commercial motor vehicle
15 safety.”; and

16 (2) by adding at the end the following:

17 “(e) ANNUAL REPORT.—The Secretary shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Commerce, Science and Transportation of the Senate an
21 annual report that—

22 “(1) analyzes commercial motor vehicle safety
23 trends among the States and documents the most ef-
24 fective commercial motor vehicle safety programs
25 implemented with grants under this section; and



1 “(2) describes the effect of activities carried out
2 with grants made under this section on commercial
3 motor vehicle safety.”.

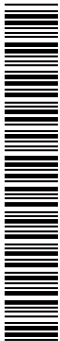
4 **SEC. 4107. HIGH PRIORITY ACTIVITIES AND NEW ENTRANTS**
5 **AUDITS.**

6 (a) HIGH PRIORITY ACTIVITIES.—Section 31104 of
7 title 49, United States Code (as amended by section 4101
8 of this Act), is amended by adding at the end the fol-
9 lowing:

10 “(k) HIGH-PRIORITY ACTIVITIES.—

11 “(1) CRITERIA.—The Secretary shall establish
12 safety performance criteria to be used to distribute
13 high priority program funds under this subsection.

14 “(2) SET ASIDE.—The Secretary may set aside
15 from amounts made available by subsection (a) up
16 to \$15,000,000 for each of fiscal years 2006 through
17 2009 for States, local governments, and organiza-
18 tions representing government agencies or officials
19 described in paragraph (3) for carrying out high pri-
20 ority activities and projects that improve commercial
21 motor vehicle safety and compliance with commercial
22 motor vehicle safety regulations (including activities
23 and projects that are national in scope), increase
24 public awareness and education, demonstrate new



1 technologies, and reduce the number and rate of ac-
2 cidents involving commercial motor vehicles.

3 “(3) DESCRIPTION OF RECIPIENTS.—Amounts
4 set aside under this subsection shall be allocated by
5 the Secretary only to State agencies, local govern-
6 ments, and organizations representing government
7 agencies or officials that use and train qualified offi-
8 cers and employees in coordination with State motor
9 vehicle safety agencies.

10 “(4) LIMITATION.—At least 90 percent of the
11 amounts set aside for a fiscal year under this sub-
12 section shall be awarded in grants to State agencies
13 and local government agencies.”.

14 (b) NEW ENTRANT AUDITS.—Section 31104 of such
15 title is amended—

16 (1) by redesignating the second subsection as
17 subsection (f); and

18 (2) by adding at the end of such subsection the
19 following:

20 “(5) NEW ENTRANT AUDITS.—

21 “(A) GRANTS.—The Secretary may make
22 grants to States and local governments for new
23 entrant motor carrier audits under this sub-
24 section without requiring a matching contribu-
25 tion from such States and local governments.



1 “(B) SET ASIDE.—The Secretary shall set
2 aside from amounts made available by section
3 31104(a) up to \$29,000,000 per fiscal year for
4 audits of new entrant motor carriers conducted
5 pursuant to this paragraph.

6 “(C) DETERMINATION.—If the Secretary
7 determines that a State or local government is
8 not able to use government employees to con-
9 duct new entrant motor carrier audits, the Sec-
10 retary may use the funds set aside under this
11 paragraph to conduct audits for such States or
12 local governments.”.

13 **SEC. 4108. DATA QUALITY IMPROVEMENT.**

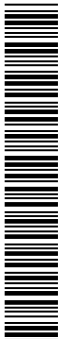
14 (a) IN GENERAL.—Section 31106(a)(3) of title 49,
15 United States Code, is amended—

16 (1) by striking “and” at the end of subpara-
17 graph (D);

18 (2) by striking the period at the end of sub-
19 paragraph (E) and inserting a semicolon; and

20 (3) by adding at the end the following:

21 “(F) ensure, to the maximum extent prac-
22 tical, all the data is complete, timely, and accu-
23 rate across all information systems and initia-
24 tives; and



1 “(G) establish and implement a national
2 motor carrier safety data correction system.”.

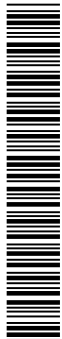
3 (b) **REPORT ON STATUS OF SAFETY FITNESS RAT-**
4 **ING SYSTEM REVISION.**—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committee on Commerce, Science, and Transpor-
7 tation of the Senate and the Committee on Transportation
8 and Infrastructure of the House of Representatives a re-
9 port on the status of revision of the safety fitness rating
10 system of motor carriers.

11 **SEC. 4109. PERFORMANCE AND REGISTRATION INFORMA-**
12 **TION SYSTEM MANAGEMENT.**

13 (a) **DESIGN AND CONDITIONS FOR PARTICIPATION.**—
14 Section 31106(b) of title 49, United States Code, is
15 amended by striking paragraphs (2), (3), and (4) and in-
16 serting the following:

17 “(2) **DESIGN.**—The program shall link Federal
18 motor carrier safety information systems with State
19 commercial vehicle registration and licensing systems
20 and shall be designed to enable a State to—

21 “(A) determine the safety fitness of a
22 motor carrier or registrant when licensing or
23 registering the registrant or motor carrier or
24 while the license or registration is in effect; and



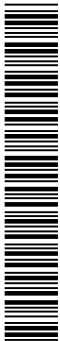
1 “(B) deny, suspend, or revoke the commer-
2 cial motor vehicle registrations of a motor car-
3 rier or registrant that has been issued an oper-
4 ations out-of-service order by the Secretary.

5 “(3) CONDITIONS FOR PARTICIPATION.—The
6 Secretary shall require States, as a condition of par-
7 ticipation in the program, to—

8 “(A) comply with the uniform policies, pro-
9 cedures, and technical and operational stand-
10 ards prescribed by the Secretary under sub-
11 section (a)(4);

12 “(B) possess or seek the authority to pos-
13 sess for a time period no longer than deter-
14 mined reasonable by the Secretary, to impose
15 sanctions relating to commercial motor vehicle
16 registration on the basis of a Federal safety fit-
17 ness determination; and

18 “(C) establish and implement a process to
19 cancel the motor vehicle registration and seize
20 the registration plates of a vehicle when an em-
21 ployer is found liable under section
22 31310(i)(2)(C) for knowingly allowing or re-
23 quiring an employee to operate such a commer-
24 cial motor vehicle in violation of an out-of-serv-
25 ice order.



1 “(4) GRANTS.—From the funds authorized by
2 section 31104(i), the Secretary may make a grant in
3 a fiscal year to a State to implement the perform-
4 ance and registration information system manage-
5 ment requirements of this subsection.”.

6 (b) PERFORMANCE AND REGISTRATION INFORMA-
7 TION SYSTEM MANAGEMENT GRANTS.—

8 (1) IN GENERAL.—Subchapter I of chapter 311
9 of title 49, United States Code, is further amended
10 by adding at the end the following:

11 “**§ 31109. Performance and registration information**
12 **System management**

13 “The Secretary of Transportation may make a grant
14 to a State to implement the performance and registration
15 information system management requirements of section
16 31106(b).”.

17 (2) CONFORMING AMENDMENT.—The analysis
18 for such subchapter is amended by adding at the
19 end the following:

 “31109. Performance and registration information system management.”.

20 **SEC. 4110. BORDER ENFORCEMENT GRANTS.**

21 (a) IN GENERAL.—Chapter 311 of title 49, United
22 States Code, is amended—

23 (1) by striking the heading for subchapter I
24 and inserting the following:



1 “SUBCHAPTER I—GENERAL AUTHORITY AND
2 STATE GRANTS”; and

3 (2) by striking section 31107 and inserting the
4 following:

5 **“§ 31107. Border enforcement grants**

6 “(a) GENERAL AUTHORITY.—The Secretary of
7 Transportation may make a grant in a fiscal year to an
8 entity or State that shares a land border with another
9 country for carrying out border commercial motor vehicle
10 safety programs and related enforcement activities and
11 projects.

12 “(b) MAINTENANCE OF EXPENDITURES.—The Sec-
13 retary may make a grant to a State under this section
14 only if the State agrees that the total expenditure of
15 amounts of the State and political subdivisions of the
16 State, exclusive of amounts from the United States, for
17 carrying out border commercial motor vehicle safety pro-
18 grams and related enforcement activities and projects will
19 be maintained at a level at least equal to the average level
20 of that expenditure by the State and political subdivisions
21 of the State for the last 2 fiscal years of the State or the
22 Federal Government ending before October 1, 2005,
23 whichever the State designates.

24 “(c) GOVERNMENTS SHARE OF COSTS.—The Sec-
25 retary shall reimburse a State under a grant made under



1 this section an amount that is not more than 100 percent
2 of the costs incurred by the State in a fiscal year for car-
3 rying out border commercial motor vehicle safety pro-
4 grams and related enforcement activities and projects.

5 “(d) AVAILABILITY AND REALLOCATION OF
6 AMOUNTS.—Allocations to a State remain available for ex-
7 penditure in the State for the fiscal year in which they
8 are allocated and for the next fiscal year. Amounts not
9 expended by a State during those 2 fiscal years are avail-
10 able to the Secretary for reallocation under this section.”.

11 (b) CLERICAL AMENDMENTS.—

12 (1) ITEM RELATING TO SUBCHAPTER I.—The
13 analysis for such chapter is amended by striking the
14 item relating to subchapter I and inserting the fol-
15 lowing:

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”.

16 (2) ITEM RELATING TO SECTION 31107.—The
17 analysis for such chapter is amended by striking the
18 item relating to section 31107 and inserting the fol-
19 lowing:

“31107. Border enforcement grants.”.

20 **SEC. 4111. MOTOR CARRIER RESEARCH AND TECHNOLOGY**
21 **PROGRAM.**

22 (a) IN GENERAL.—Section 31108 of title 49, United
23 States Code, is amended to read as follows:



1 **“§ 31108. Motor carrier research and technology pro-**
2 **gram**

3 “(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY
4 TRANSFER ACTIVITIES.—

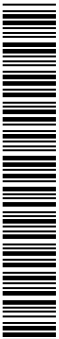
5 “(1) ESTABLISHMENT.—The Secretary of
6 Transportation shall establish and carry out a motor
7 carrier and motor coach research and technology
8 program.

9 “(2) MULTIYEAR PLAN.—The program must in-
10 clude a multi-year research plan that focuses on
11 nonredundant innovative research and shall be co-
12 ordinated with other research programs or projects
13 ongoing or planned within the Department of Trans-
14 portation, as appropriate.

15 “(3) RESEARCH, DEVELOPMENT, AND TECH-
16 NOLOGY TRANSFER ACTIVITIES.—The Secretary may
17 carry out under the program research, development,
18 technology, and technology transfer activities with
19 respect to—

20 “(A) the causes of accidents, injuries, and
21 fatalities involving commercial motor vehicles;

22 “(B) means of reducing the number and
23 severity of accidents, injuries, and fatalities in-
24 volving commercial motor vehicles;



1 “(C) improving the safety and efficiency of
2 commercial motor vehicles through technological
3 innovation and improvement;

4 “(D) improving technology used by en-
5 forcement officers when conducting roadside in-
6 spections and compliance reviews to increase ef-
7 ficiency and information transfers; and

8 “(E) increasing the safety and security of
9 hazardous materials transportation.

10 “(4) TESTS AND DEVELOPMENT.—The Sec-
11 retary may test, develop, or assist in testing and de-
12 veloping any material, invention, patented article, or
13 process related to the research and technology pro-
14 gram.

15 “(5) TRAINING.—The Secretary may use the
16 funds made available to carry out this section for
17 training or education of commercial motor vehicle
18 safety personnel, including training in accident re-
19 construction and detection of controlled substances
20 or other contraband and stolen cargo or vehicles.

21 “(6) PROCEDURES.—The Secretary may carry
22 out this section—

23 “(A) independently;



1 “(B) in cooperation with other Federal de-
2 partments, agencies, and instrumentalities and
3 Federal laboratories; or

4 “(C) by making grants to, or entering into
5 contracts and cooperative agreements with, any
6 Federal laboratory, State agency, authority, as-
7 sociation, institution, for-profit or nonprofit cor-
8 poration, organization, foreign country, or per-
9 son.

10 “(7) DEVELOPMENT AND PROMOTION OF USE
11 OF PRODUCTS.—The Secretary shall use funds made
12 available to carry out this section to develop, admin-
13 ister, communicate, and promote the use of products
14 of research, technology, and technology transfer pro-
15 grams under this section.

16 “(b) COLLABORATIVE RESEARCH AND DEVELOP-
17 MENT.—

18 “(1) IN GENERAL.—To advance innovative solu-
19 tions to problems involving commercial motor vehicle
20 and motor carrier safety, security, and efficiency,
21 and to stimulate the deployment of emerging tech-
22 nology, the Secretary may carry out, on a cost-
23 shared basis, collaborative research and development
24 with—



1 “(A) non-Federal entities, including State
2 and local governments, foreign governments,
3 colleges and universities, corporations, institu-
4 tions, partnerships, and sole proprietorships
5 that are incorporated or established under the
6 laws of any State; and

7 “(B) Federal laboratories.

8 “(2) COOPERATIVE AGREEMENTS.—In carrying
9 out this subsection, the Secretary may enter into co-
10 operative research and development agreements (as
11 defined in section 12 of the Stevenson-Wydler Tech-
12 nology Innovation Act of 1980 (15 U.S.C. 3710a)).

13 “(3) COST SHARING.—

14 “(A) FEDERAL SHARE.—The Federal
15 share of the cost of activities carried out under
16 a cooperative research and development agree-
17 ment entered into under this subsection shall
18 not exceed 50 percent; except that, if there is
19 substantial public interest or benefit associated
20 with any such activity, the Secretary may ap-
21 prove a greater Federal share.

22 “(B) TREATMENT OF DIRECTLY INCURRED
23 NON-FEDERAL COSTS.—All costs directly in-
24 curred by the non-Federal partners, including
25 personnel, travel, and hardware or software de-



1 velopment costs, shall be credited toward the
2 non-Federal share of the cost of the activities
3 described in subparagraph (A).

4 “(4) USE OF TECHNOLOGY.—The research, de-
5 velopment, or use of a technology under a coopera-
6 tive research and development agreement entered
7 into under this subsection, including the terms
8 under which the technology may be licensed and the
9 resulting royalties may be distributed, shall be sub-
10 ject to the Stevenson-Wydler Technology Innovation
11 Act of 1980 (15 U.S.C. 3701 et seq.).”

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 311 of such title is amended by striking the item relat-
14 ing to section 31108 and inserting the following:

 “31108. Motor carrier research and technology program.”

15 **SEC. 4112. NEBRASKA CUSTOM HARVESTERS LENGTH EX-**
16 **EMPTION.**

17 (a) IN GENERAL.—Section 31112(c) of title 49,
18 United States Code, is amended by adding at the end the
19 following:

20 “(5) Nebraska may allow the operation of a
21 truck tractor and 2 trailers or semitrailers not in ac-
22 tual lawful operation on a regular or periodic basis
23 on June 1, 1991, if the length of the property-car-
24 rying units does not exceed 81 feet 6 inches and
25 such combination is used only to transport equip-



1 ment utilized by custom harvesters under contract to
 2 agricultural producers to harvest one or more of
 3 wheat, soybeans, and milo during the harvest
 4 months for such crops, as defined by the State of
 5 Nebraska.”.

6 (b) CONFORMING AMENDMENT.—Such section
 7 31112(c) is amended by striking the subsection designa-
 8 tion and heading and inserting the following:

9 “(c) SPECIAL RULES FOR WYOMING, OHIO, ALASKA,
 10 IOWA, AND NEBRASKA.—”.

11 **SEC. 4113. PATTERN OF SAFETY VIOLATIONS BY MOTOR**
 12 **CARRIER MANAGEMENT.**

13 (a) DUTIES OF EMPLOYERS AND EMPLOYEES.—Sec-
 14 tion 31135 of title 49, United States Code, is amended—

15 (1) by inserting “(a) In General.—” before
 16 “Each”; and

17 (2) by adding at the end the following:

18 “(b) PATTERN OF NONCOMPLIANCE.—If the Sec-
 19 retary finds that an officer of a motor carrier engages or
 20 has engaged in a pattern or practice of avoiding compli-
 21 ance, or masking or otherwise concealing noncompliance,
 22 with regulations on commercial motor vehicle safety pre-
 23 scribed under this subchapter, while serving as an officer
 24 of any motor carrier, the Secretary may suspend, amend,



1 or revoke any part of the motor carrier's registration
2 under section 13905.

3 “(c) REGULATIONS.—Not later than 1 year after the
4 date of enactment of this subsection, the Secretary shall
5 by regulation establish standards to implement subsection
6 (b).

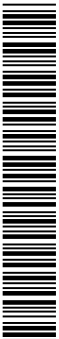
7 “(d) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) MOTOR CARRIER.—The term ‘motor car-
10 rier’ has the meaning such term has under section
11 13102.

12 “(2) OFFICER.—The term ‘officer’ means an
13 owner, director, chief executive officer, chief oper-
14 ating officer, chief financial officer, safety director,
15 vehicle maintenance supervisor, and driver super-
16 visor of a motor carrier, regardless of the title at-
17 tached to those functions, and any person, however
18 designated, exercising controlling influence over the
19 operations of a motor carrier.”.

20 (b) CROSS REFERENCE.—Section 13902(a)(1)(B) of
21 such title is amended to read as follows:

22 “(B)(i) any safety regulations imposed by
23 the Secretary;



1 “(ii) the duties of employers and employees
2 established by the Secretary under section
3 31135; and

4 “(iii) the safety fitness requirements estab-
5 lished by the Secretary under section 31144;
6 and”.

7 **SEC. 4114. INTRASTATE OPERATIONS OF INTERSTATE**
8 **MOTOR CARRIERS.**

9 (a) IN GENERAL.—Section 31144(a) of title 49,
10 United States Code, is amended to read as follows:

11 “(a) IN GENERAL.—The Secretary shall—

12 “(1) determine whether an owner or operator is
13 fit to operate safely commercial motor vehicles, uti-
14 lizing among other things the accident record of an
15 owner or operator operating in interstate commerce
16 and the accident record and safety inspection record
17 of such owner or operator—

18 “(A) in operations that affect interstate
19 commerce within the United States; and

20 “(B) in operations in Canada and Mexico
21 if the owner or operator also conducts oper-
22 ations within the United States;

23 “(2) periodically update such safety fitness de-
24 terminations;



1 “(3) make such final safety fitness determina-
2 tions readily available to the public; and

3 “(4) prescribe by regulation penalties for viola-
4 tions of this section consistent with section 521.”.

5 (b) PROHIBITED TRANSPORTATION.—The first sub-
6 section (c) of section 31144 of such title is amended by
7 adding at the end the following:

8 “(5) TRANSPORTATION AFFECTING INTER-
9 STATE COMMERCE.—Owners or operators of com-
10 mercial motor vehicles prohibited from operating in
11 interstate commerce pursuant to paragraphs (1)
12 through (3) of this section may not operate any
13 commercial motor vehicle that affects interstate
14 commerce until the Secretary determines that such
15 owner or operator is fit.”.

16 (c) DETERMINATION OF UNFITNESS BY STATE.—
17 Section 31144 of such title is amended—

18 (1) by redesignating subsections (d), (e), and
19 the second subsection (c) as subsections (e), (f), and
20 (g), respectively; and

21 (2) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) DETERMINATION OF UNFITNESS BY STATE.—
24 If a State that receives motor carrier safety assistance
25 program funds under section 31102 determines, by apply-



1 ing the standards prescribed by the Secretary under sub-
2 section (b), that an owner or operator of a commercial
3 motor vehicle that has its principal place of business in
4 that State and operates in intrastate commerce is unfit
5 under such standards and prohibits the owner or operator
6 from operating such vehicle in the State, the Secretary
7 shall prohibit the owner or operator from operating such
8 vehicle in interstate commerce until the State determines
9 that the owner or operator is fit.”.

10 **SEC. 4115. TRANSFER PROVISION.**

11 (a) IN GENERAL.—Title II of the Motor Carrier Safe-
12 ty Improvement Act of 1999 (113 Stat. 1748–1773) is
13 amended by inserting after section 228—

14 (1) the following:

15 **“SEC. 229. CERTAIN EXEMPTIONS.”**; and

16 (2) the text of section 345 of the National
17 Highway System Designation Act of 1995 (49
18 U.S.C. 31136 note).

19 (b) CLERICAL AMENDMENT.—The table of contents
20 for such Act is amended by inserting after the item relat-
21 ing to section 228 the following:

“Sec. 229. Certain exemptions.”.

22 (c) CONFORMING AMENDMENT.—Section 229 of such
23 Act (as added by this section) is amended by striking sub-
24 section (f).



1 (d) CONFORMING REPEAL.—Section 345 of the Na-
2 tional Highway System Designation Act of 1995 (49
3 U.S.C. 31136 note; 109 Stat. 613) is repealed.

4 **SEC. 4116. MEDICAL PROGRAM.**

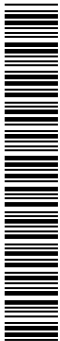
5 (a) IN GENERAL.—Subchapter III of chapter 311 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

8 **“§ 31149. Medical program**

9 “(a) MEDICAL REVIEW BOARD.—

10 “(1) ESTABLISHMENT AND FUNCTION.—The
11 Secretary of Transportation shall establish a Medical
12 Review Board to provide the Federal Motor Carrier
13 Safety Administration with medical advice and rec-
14 ommendations on medical standards and guidelines
15 for the physical qualifications of operators of com-
16 mercial motor vehicles, medical examiner education,
17 and medical research.

18 “(2) COMPOSITION.—The Medical Review
19 Board shall be appointed by the Secretary and shall
20 consist of 5 members selected from medical institu-
21 tions and private practice. The membership shall re-
22 flect expertise in a variety of medical specialties rel-
23 evant to the driver fitness requirements of the Fed-
24 eral Motor Carrier Safety Administration.



1 “(b) CHIEF MEDICAL EXAMINER.—The Secretary
2 shall appoint a chief medical examiner who shall be an
3 employee of the Federal Motor Carrier Safety Administra-
4 tion and who shall hold a position under section 3104 of
5 title 5, United States Code, relating to employment of spe-
6 cially qualified scientific and professional personnel, and
7 shall be paid under section 5376 of title 5, United States
8 Code, relating to pay for certain senior-level positions.

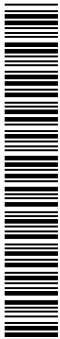
9 “(c) MEDICAL STANDARDS AND REQUIREMENTS.—

10 “(1) IN GENERAL.—The Secretary, with the ad-
11 vice of the Medical Review Board and the chief med-
12 ical examiner, shall—

13 “(A) establish, review, and revise—

14 “(i) medical standards for operators
15 of commercial motor vehicles that will en-
16 sure that the physical condition of opera-
17 tors of commercial motor vehicles is ade-
18 quate to enable them to operate the vehi-
19 cles safely;

20 “(ii) requirements for periodic phys-
21 ical examinations of such operators per-
22 formed by medical examiners who have, at
23 a minimum, self-certified that they have
24 completed training in physical and medical
25 examination standards and are listed on a



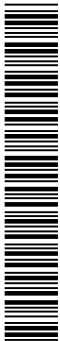
1 national registry maintained by the De-
2 partment of Transportation; and

3 “(B) require each such operator to have a
4 current valid medical certificate;

5 “(C) conduct periodic reviews of a select
6 number of medical examiners on the national
7 registry to ensure that proper examinations of
8 such operators are being conducted;

9 “(D) develop, as appropriate, specific
10 courses and materials for medical examiners
11 listed in the national registry established under
12 this section, and require those medical exam-
13 iners to, at a minimum, self-certify that they
14 have completed specific training, including re-
15 fresher courses, to be listed in the registry;

16 “(E) require medical examiners to trans-
17 mit the name of the applicant and numerical
18 identifier, as determined by the Administrator
19 of the Federal Motor Carrier Safety Adminis-
20 tration, for any completed medical examination
21 report required under section 391.43 of title 49,
22 Code of Federal Regulations, electronically to
23 the chief medical examiner on monthly basis;
24 and



1 “(F) periodically review a representative
2 sample of the medical examination reports asso-
3 ciated with the name and numerical identifiers
4 of applicants transmitted under subparagraph
5 (E) for errors, omissions, or other indications of
6 improper certification.

7 “(2) MONITORING PERFORMANCE.—The Sec-
8 retary shall investigate patterns of errors or im-
9 proper certification by a medical examiner. If the
10 Secretary finds that a medical examiner has issued
11 a medical certificate to an operator of a commercial
12 motor vehicle who fails to meet the applicable stand-
13 ards at the time of the examination or that a med-
14 ical examiner has falsely claimed to have completed
15 training in physical and medical examination stand-
16 ards as required by this section, the Secretary may
17 remove such medical examiner from the registry and
18 may void the medical certificate of the applicant or
19 holder.

20 “(d) NATIONAL REGISTRY OF MEDICAL EXAM-
21 INERS.—The Secretary, acting through the Federal Motor
22 Carrier Safety Administration—

23 “(1) shall establish and maintain a current na-
24 tional registry of medical examiners who are quali-



1 fied to perform examinations and issue medical cer-
2 tificates;

3 “(2) shall remove from the registry the name of
4 any medical examiner that fails to meet or maintain
5 the qualifications established by the Secretary for
6 being listed in the registry or otherwise does not
7 meet the requirements of this section or regulation
8 issued under this section;

9 “(3) shall accept as valid only medical certifi-
10 cates issued by persons on the national registry of
11 medical examiners; and

12 “(4) may make participation of medical exam-
13 iners in the national registry voluntary if such a
14 change will enhance the safety of operators of com-
15 mercial motor vehicles.

16 “(e) REGULATIONS.—The Secretary such regulations
17 as may be necessary to carry out this section.”.

18 (b) MEDICAL EXAMINERS.—Section 31136(a)(3) of
19 such title is amended to read as follows:

20 “(3) the physical condition of operators of com-
21 mercial motor vehicles is adequate to enable them to
22 operate the vehicles safely and the periodic physical
23 examinations required of such operators are per-
24 formed by medical examiners who have received
25 training in physical and medical examination stand-



1 ards and, after the national registry maintained by
2 the Department of Transportation under section
3 31149(d) is established, are listed on such registry;
4 and”.

5 (c) DEFINITION OF MEDICAL EXAMINER.—Section
6 31132 of such title is amended—

7 (1) by redesignating paragraphs (6) through
8 (10) as paragraphs (7) through (11), respectively;
9 and

10 (2) by inserting after paragraph (5) the fol-
11 lowing:

12 “(6) ‘medical examiner’ means an individual li-
13 censed, certified, or registered in accordance with
14 regulations issued by the Federal Motor Carrier
15 Safety Administration as a medical examiner.”.

16 (d) FUNDING.—Amounts made available pursuant to
17 section 31104(i) of title 49, United States Code, shall be
18 used by the Secretary to carry out section 31149 of title
19 49, United States Code.

20 (e) CLERICAL AMENDMENT.—The analysis for such
21 subchapter is amended by inserting after the item relating
22 to section 31148 the following:

“31149. Medical program.”.

23 (f) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the 365th day following
25 the date of enactment of this Act.



1 **SEC. 4117. SAFETY PERFORMANCE HISTORY SCREENING.**

2 (a) IN GENERAL.—Subchapter III of chapter 311 of
3 title 49, United States Code (as amended by section 4116
4 of this Act), is amended by adding at the end the fol-
5 lowing:

6 **“§ 31150. Safety performance history screening**

7 “(a) IN GENERAL.—The Secretary of Transportation
8 shall provide persons conducting preemployment screening
9 services for the motor carrier industry electronic access
10 to the following reports contained in the Motor Carrier
11 Management Information System:

12 “(1) Commercial motor vehicle accident reports.

13 “(2) Inspection reports that contain no driver-
14 related safety violations.

15 “(3) Serious driver-related safety violation in-
16 spection reports.

17 “(b) CONDITIONS ON PROVIDING ACCESS.—Before
18 providing a person access to the Motor Carrier Manage-
19 ment Information System under subsection (a), the Sec-
20 retary shall—

21 “(1) ensure that any information that is re-
22 leased to such person will be in accordance with the
23 Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)
24 and all other applicable Federal law;



1 “(2) ensure that such person will not conduct
2 a screening without the operator-applicant’s written
3 consent;

4 “(3) ensure that any information that is re-
5 leased to such person will not be released to any per-
6 son or entity, other than the motor carrier request-
7 ing the screening services or the operator-applicant,
8 unless expressly authorized or required by law; and

9 “(4) provide a procedure for the operator-appli-
10 cant to correct inaccurate information in the System
11 in a timely manner.

12 “(c) DESIGN.—The process for providing access to
13 the Motor Carrier Management Information System under
14 subsection (a) shall be designed to assist the motor carrier
15 industry in assessing an individual operator’s crash and
16 serious safety violation inspection history as a preemploy-
17 ment condition. Use of the process shall not be mandatory
18 and may only be used during the preemployment assess-
19 ment of an operator-applicant.

20 “(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION
21 DEFINED.—In this section, the term ‘serious driver-re-
22 lated violation’ means a violation by an operator of a com-
23 mercial motor vehicle that the Secretary determines will
24 result in the operator being prohibited from continuing to



1 operate a commercial motor vehicle until the violation is
2 corrected.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 subchapter (as amended by section 4116 of this Act) is
5 amended by adding at the end the following:

“31150. Safety performance history screening.”.

6 **SEC. 4118. ROADABILITY.**

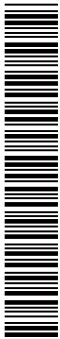
7 (a) IN GENERAL.—Subchapter III of chapter 311 of
8 title 49, United States Code (as amended by sections 4116
9 and 4117 of this Act) is amended by adding at the end
10 the following:

11 **“§ 31151. Roadability**

12 “(a) INSPECTION, REPAIR, AND MAINTENANCE OF
13 INTERMODAL EQUIPMENT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this section, the Secretary
16 of Transportation, after providing notice and oppor-
17 tunity for comment, shall issue regulations estab-
18 lishing a program to ensure that intermodal equip-
19 ment used to transport intermodal containers is safe
20 and systematically maintained.

21 “(2) INTERMODAL EQUIPMENT SAFETY REGU-
22 LATIONS.—The Secretary shall issue the regulations
23 under this section as a subpart of the Federal motor
24 carry safety regulations.



1 “(3) CONTENTS.—The regulations issued under
2 this section shall include, at a minimum—

3 “(A) a requirement to identify intermodal
4 equipment providers responsible for the inspec-
5 tion and maintenance of intermodal equipment
6 that is interchanged or intended for interchange
7 to motor carriers in intermodal transportation;

8 “(B) a requirement to match intermodal
9 equipment readily to an intermodal equipment
10 provider through a unique identifying number;

11 “(C) a requirement that an intermodal
12 equipment provider identified under subpara-
13 graph (A) systematically inspect, repair, and
14 maintain, or cause to be systematically in-
15 spected, repaired, and maintained, intermodal
16 equipment described in subparagraph (A) that
17 is intended for interchange with a motor car-
18 rier;

19 “(D) a requirement to ensure that each
20 intermodal equipment provider identified under
21 subparagraph (A) maintains a system of main-
22 tenance and repair records for such equipment;

23 “(E) requirements that—

24 “(i) a specific list of intermodal equip-
25 ment components or items be identified for



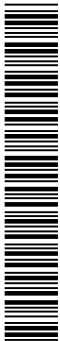
1 the visual or audible inspection of which a
2 driver is responsible before operating the
3 equipment over the road; and

4 “(ii) the inspection under clause (i) be
5 conducted as part of the Federal require-
6 ment in effect on the date of enactment of
7 this Act that a driver be satisfied that the
8 intermodal equipment components are in
9 good working order before the equipment
10 is operated over the road;

11 “(F) a requirement that a facility at which
12 an intermodal equipment provider regularly
13 makes intermodal equipment available for inter-
14 change have an operational process and space
15 readily available for a motor carrier to have an
16 equipment defect identified pursuant to sub-
17 paragraph (E) repaired or the equipment re-
18 placed prior to departure;

19 “(G) a program for the evaluation and
20 audit of compliance by intermodal equipment
21 providers with applicable Federal motor carrier
22 safety regulations;

23 “(H) a civil penalty structure consistent
24 with section 521(b) of title 49, United States
25 Code, for intermodal equipment providers that



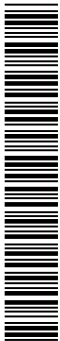
1 fail to attain satisfactory compliance with appli-
2 cable Federal motor carrier safety regulations;
3 and

4 “(I) a prohibition on intermodal equipment
5 providers from placing intermodal equipment in
6 service on the public highways to the extent
7 such providers or their equipment are found to
8 pose an imminent hazard;

9 “(J) a process by which motor carriers and
10 agents of motor carriers shall be able to request
11 the Federal Motor Carrier Safety Administra-
12 tion to undertake an investigation of an inter-
13 modal equipment provider identified under sub-
14 paragraph (A) that is alleged to be not in com-
15 pliance with the regulations under this section;

16 “(K) a process by which equipment pro-
17 viders and agents of equipment providers shall
18 be able to request the Administration to under-
19 take an investigation of a motor carrier that is
20 alleged to be not in compliance with the regula-
21 tions issued under this section;

22 “(L) a process by which a driver or motor
23 carrier transporting intermodal equipment is re-
24 quired to report to the intermodal equipment
25 provider or the provider’s designated agent any

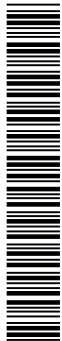


1 actual damage or defect in the intermodal
2 equipment of which the driver or motor carrier
3 is aware at the time the intermodal equipment
4 is returned to the intermodal equipment pro-
5 vider or the provider's designated agent;

6 “(M) a requirement that any actual dam-
7 age or defect identified in the process estab-
8 lished under subparagraph (L) be repaired be-
9 fore the equipment is made available for inter-
10 change to a motor carrier and that repairs of
11 equipment made pursuant to the requirements
12 of this subparagraph and reports made pursu-
13 ant to the subparagraph (L) process be docu-
14 mented in the maintenance records for such
15 equipment; and

16 “(N) a procedure under which motor car-
17 riers, drivers and intermodal equipment pro-
18 viders may seek correction of their motor car-
19 rier safety records through the deletion from
20 those records of violations of safety regulations
21 attributable to deficiencies in the intermodal
22 chassis or trailer for which they should not have
23 been held responsible.

24 “(4) DEADLINE FOR RULEMAKING PRO-
25 CEEDING.—Not later than 120 days after the date



1 of enactment of this section, the Secretary shall ini-
2 tiate a rulemaking proceeding for issuance of the
3 regulations under this section.

4 “(b) INSPECTION, REPAIR, AND MAINTENANCE OF
5 INTERMODAL EQUIPMENT.—The Secretary or an em-
6 ployee of the Department of Transportation designated by
7 the Secretary may inspect intermodal equipment, and copy
8 related maintenance and repair records for such equip-
9 ment, on demand and display of proper credentials.

10 “(c) OUT-OF-SERVICE UNTIL REPAIR.—Any inter-
11 modal equipment that is determined under this section to
12 fail to comply with applicable Federal safety regulations
13 may be placed out of service by the Secretary or a Federal,
14 State, or government official designated by the Secretary
15 and may not be used on a public highway until the repairs
16 necessary to bring such equipment into compliance have
17 been completed. Repairs of equipment taken out of service
18 shall be documented in the maintenance records for such
19 equipment.

20 “(d) PREEMPTION GENERALLY.—Except as provided
21 in subsection (e), a law, regulation, order, or other re-
22 quirement of a State, a political subdivision of a State,
23 or a tribal organization relating to commercial motor vehi-
24 cle safety is preempted if such law, regulation, order, or



1 other requirement exceeds or is inconsistent with a re-
2 quirement imposed under or pursuant to this section.

3 “(e) PRE-EXISTING STATE REQUIREMENTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a State requirement for the periodic in-
6 spection of intermodal chassis by intermodal equip-
7 ment providers that was in effect on January 1,
8 2005, shall remain in effect only until the date on
9 which requirements prescribed under this section
10 take effect.

11 “(2) NONPREEMPTION DETERMINATIONS.—

12 “(A) IN GENERAL.—Notwithstanding sub-
13 section (d), a State requirement described in
14 paragraph (1) is not preempted by a Federal
15 requirement prescribed under this section if the
16 Secretary determines that the State require-
17 ment is as effective as the Federal requirement
18 and does not unduly burden interstate com-
19 merce.

20 “(B) APPLICATION REQUIRED.—Subpara-
21 graph (A) applies to a State requirement only
22 if the State applies to the Secretary for a deter-
23 mination under this paragraph with respect to
24 the requirement before the date on which the
25 regulations issued under this section take effect.



1 The Secretary shall make a determination with
2 respect to any such application within 6 months
3 after the date on which the Secretary receives
4 the application.

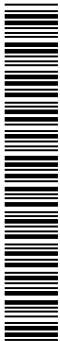
5 “(C) AMENDED STATE REQUIREMENTS.—
6 Any amendment to a State requirement not
7 preempted under this subsection because of a
8 determination by the Secretary under subpara-
9 graph (A) may not take effect unless—

10 “(i) it is submitted to the Secretary
11 before the effective date of the amendment;
12 and

13 “(ii) the Secretary determines that
14 the amendment would not cause the State
15 requirement to be less effective than the
16 Federal requirement and would not unduly
17 burden interstate commerce.

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

20 “(1) INTERMODAL EQUIPMENT.—The term
21 ‘intermodal equipment’ means trailing equipment
22 that is used in the intermodal transportation of con-
23 tainers over public highways in interstate commerce,
24 including trailers and chassis.



1 “(2) INTERMODAL EQUIPMENT INTERCHANGE
2 AGREEMENT.—The term ‘intermodal equipment
3 interchange agreement’ means the Uniform Inter-
4 modal Interchange and Facilities Access Agreement
5 or any other written document executed by an inter-
6 modal equipment provider or its agent and a motor
7 carrier or its agent, the primary purpose of which is
8 to establish the responsibilities and liabilities of both
9 parties with respect to the interchange of the inter-
10 modal equipment.

11 “(3) INTERMODAL EQUIPMENT PROVIDER.—
12 The term ‘intermodal equipment provider’ means
13 any person that interchanges intermodal equipment
14 with a motor carrier pursuant to a written inter-
15 change agreement or has a contractual responsibility
16 for the maintenance of the intermodal equipment.

17 “(4) INTERCHANGE.—The term ‘interchange’—

18 “(A) means the act of providing intermodal
19 equipment to a motor carrier pursuant to an
20 intermodal equipment interchange agreement
21 for the purpose of transporting the equipment
22 for loading or unloading by any person or repo-
23 sitioning the equipment for the benefit of the
24 equipment provider; but



1 “(B) does not include the leasing of equip-
2 ment to a motor carrier for primary use in the
3 motor carrier’s freight hauling operations.”.

4 (b) CLERICAL AMENDMENT.—The analysis for such
5 subchapter (as amended by sections 4116 and 4117 of this
6 Act) is amended by adding at the end the following:

“31151. Roadability.”.

7 **SEC. 4119. INTERNATIONAL COOPERATION.**

8 (a) IN GENERAL.—Chapter 311 of title 49, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 “SUBCHAPTER IV—MISCELLANEOUS

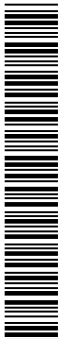
12 **“§ 31161. International cooperation**

13 “The Secretary of Transportation is authorized to
14 use funds made available by section 31104(i) to partici-
15 pate and cooperate in international activities to enhance
16 motor carrier, commercial motor vehicle, driver, and high-
17 way safety by such means as exchanging information, con-
18 ducting research, and examining needs, best practices, and
19 new technology.”.

20 (b) CLERICAL AMENDMENT.—The analysis for such
21 chapter is amended by adding at the end the following:

“SUBCHAPTER IV—MISCELLANEOUS

“31161. International cooperation.”.



1 **SEC. 4120. FINANCIAL RESPONSIBILITY FOR PRIVATE**
2 **MOTOR CARRIERS.**

3 (a) TRANSPORTATION OF PASSENGERS.—

4 (1) GENERAL REQUIREMENT.—Section
5 31138(a) of title 49, United States Code, is
6 amended—

7 (A) by striking “for compensation”; and

8 (B) by inserting “commercial” before
9 “motor vehicle”.

10 (2) OTHER PERSONS.—Section 31138(c) of
11 such title is amended by adding at the end the fol-
12 lowing:

13 “(4) OTHER PERSONS.—The Secretary may re-
14 quire a person, other than a motor carrier (as de-
15 fined in section 13102), transporting passengers by
16 commercial motor vehicle to file with the Secretary
17 the evidence of financial responsibility specified in
18 subsection (c)(1) in an amount not less than the
19 greater of the amount required by subsection (b)(1)
20 or the amount required for such person to transport
21 passengers under the laws of the State or States in
22 which the person is operating; except that the
23 amount of the financial responsibility must be suffi-
24 cient to pay not more than the amount of the finan-
25 cial responsibility for each final judgment against
26 the person for bodily injury to, or death of, an indi-



1 vidual resulting from the negligent operation, main-
2 tenance, or use of the commercial motor vehicle, or
3 for loss or damage to property, or both.”.

4 (b) TRANSPORTATION OF PROPERTY.—Section
5 31139 of such title is amended—

6 (1) in subsection (b)(1)—

7 (A) by striking “for compensation”; and

8 (B) by inserting “commercial” before
9 “motor vehicle”;

10 (2) by redesignating subsections (c) through (g)
11 as subsections (d) through (h), respectively; and

12 (3) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) FILING OF EVIDENCE OF FINANCIAL RESPONSIBI-
15 LITY.—The Secretary may require a motor private car-
16 rier (as defined in section 13102) to file with the Secretary
17 the evidence of financial responsibility specified in sub-
18 section (b) in an amount not less than the greater of the
19 minimum amount required by this section or the amount
20 required for such motor private carrier to transport prop-
21 erty under the laws of the State or States in which the
22 motor private carrier is operating; except that the amount
23 of the financial responsibility must be sufficient to pay not
24 more than the amount of the financial responsibility for
25 each final judgment against the motor private carrier for



1 bodily injury to, or death of, an individual resulting from
2 negligent operation, maintenance, or use of the commer-
3 cial motor vehicle, or for loss or damage to property, or
4 both.”.

5 **SEC. 4121. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO**
6 **HIGHWAY TRUST FUND.**

7 Sections 31138(d)(5) and 31139(f)(5) of title 49,
8 United States Code, are each amended by striking “Treas-
9 ury as miscellaneous receipts” and inserting “Highway
10 Trust Fund (other than the Mass Transit Account)”.

11 **SEC. 4122. CDL LEARNER’S PERMIT PROGRAM .**

12 Chapter 313 of title 49, United States Code, is
13 amended—

14 (1) in section 31302 by inserting “and may
15 have only 1 learner’s permit at any time” after
16 “time”;

17 (2) in section 31308—

18 (A) by inserting after “license” the first
19 place it appears “and learner’s permits” ;

20 (B) by striking “licenses.” and inserting
21 “licenses and permits.”;

22 (C) by redesignating paragraphs (2) and
23 (3) as paragraphs (3) and (4), respectively; and

24 (D) by inserting after paragraph (1) the
25 following:



1 “(2) before a commercial driver’s license learn-
2 er’s permit may be issued to an individual, the indi-
3 vidual must pass a written test, that complies with
4 the minimum standards prescribed by the Secretary
5 under section 31305(a), on the operation of the com-
6 mercial motor vehicle that the individual will be op-
7 erating under the permit;” and

8 (E) in paragraphs (3) and (4) of section
9 31308 (as so redesignated) and in section
10 31309 (b) by inserting after “license” each
11 place it appears “or learner’s permit”.

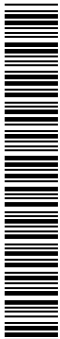
12 **SEC. 4123. COMMERCIAL DRIVER’S LICENSE INFORMATION**
13 **SYSTEM MODERNIZATION.**

14 (a) MODERNIZATION PLAN.—Section 31309 of title
15 49, United States Code, is amended by adding at the end
16 the following:

17 “(e) MODERNIZATION PLAN.—

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

23 “(A) complies with applicable Federal in-
24 formation technology security standards;



1 “(B) provides for the electronic exchange
2 of all information including the posting of con-
3 victions;

4 “(C) contains self auditing features to en-
5 sure that data is being posted correctly and
6 consistently by the States;

7 “(D) integrates the commercial driver’s li-
8 cense and the medical certificate; and

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

11 “(2) CONSULTATION.—The plan shall be devel-
12 oped in consultation with representatives of the
13 motor carrier industry, State safety enforcement
14 agencies, and State licensing agencies designated by
15 the Secretary.

16 “(3) STATE FUNDING OF FUTURE EFFORTS.—
17 The plan shall specify that States will fund future
18 efforts to modernize the commercial driver’s infor-
19 mation system.

20 “(4) DEADLINE FOR STATE PARTICIPATION.—

21 “(A) IN GENERAL.—The Secretary shall
22 establish in the plan a date by which all States
23 must be operating commercial driver’s license
24 information systems that are compatible with



1 the modernized information system under this
2 section.

3 “(B) FACTORS TO CONSIDER.—In estab-
4 lishing the date under subparagraph (A), the
5 Secretary shall consider the following:

6 “(i) Availability and cost of technology
7 and equipment needed to comply with sub-
8 paragraph (A).

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

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

16 “(f) FUNDING.—At the Secretary’s discretion, a
17 State may use the funds made available to the State under
18 section 31318 to modernize its commercial driver’s license
19 information system to be compatible with the modernized
20 information system under this section.”.

21 (b) STATE PARTICIPATIONS.—Section 31311(a) of
22 such title is amended—

23 (1) in paragraph (15) by striking “(g)(1)(A),
24 and (g)(2)” and inserting “(i)(1)(A) and (i)(2)”;



1 (2) in paragraph (17) by striking “section
2 31310(h)” and inserting “as 31310(j)”; and

3 (3) by adding at the end the following:

4 “(21) By the date established by the Secretary
5 under section 31309(e)(4), the State shall be oper-
6 ating a commercial driver’s license information sys-
7 tem that is compatible with the modernized commer-
8 cial driver’s license information system under section
9 31309.”.

10 (c) GRANTS.—

11 (1) IN GENERAL.—The Secretary may make a
12 grant to a State or organization representing agen-
13 cies and officials of a State in a fiscal year to mod-
14 ernize the commercial driver’s license information
15 system of the State to be compatible with the mod-
16 ernized commercial driver’s license information sys-
17 tem under section 31309 of title 49, United States
18 Code, if the State is in substantial compliance with
19 the requirements of section 31311 of such title and
20 this section, as determined by the Secretary.

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

24 (3) USE OF GRANT.—A State may use a grant
25 under this subsection only to implement improve-



1 ments that are consistent with the modernization
2 plan developed by the Secretary.

3 (4) GOVERNMENT SHARE.—A grant under this
4 subsection to a State or organization may not be for
5 more than 80 percent of the costs incurred by the
6 State or organization in a fiscal year in modernizing
7 the commercial driver’s license information system of
8 the State to be compatible with the modernized com-
9 mercial driver’s license information system under
10 section 31309 of title 49, United States Code. In de-
11 termining these costs, the Secretary shall include in-
12 kind contributions of the State.

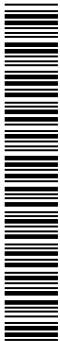
13 (d) FUNDING.—There are authorized to be appro-
14 priated from the Highway Trust Fund (other than the
15 Mass Transit Account) to carry out this section—

- 16 (1) \$5,000,000 for fiscal year 2006;
17 (2) \$7,000,000 for fiscal year 2007;
18 (3) \$8,000,000 for fiscal year 2008; and
19 (4) \$8,000,000 for fiscal year 2009.

20 (e) CONTRACT AUTHORITY AND AVAILABILITY.—

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

24 (2) INITIAL DATE OF AVAILABILITY.—Amounts
25 authorized to be appropriated from the Highway



1 Trust Fund (other than the Mass Transit Account)
2 by subsection (d) shall be available for obligation on
3 the date of their apportionment or allocation or on
4 October 1 of the fiscal year for which they are au-
5 thorized, whichever occurs first.

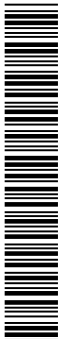
6 (3) CONTRACT AUTHORITY.—Approval by the
7 Secretary of a grant with funds made available
8 under subsection (d) imposes upon the United
9 States a contractual obligation for payment of the
10 Government's share of costs incurred in carrying out
11 the objectives of the grant.

12 (f) BASELINE AUDIT.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary, in con-
14 sultation with the Inspector General of the Department
15 of Transportation, shall perform a baseline audit of the
16 information system maintained under section 31309 of
17 title 49, United States Code. The audit shall include—

18 (1) an assessment of the validity of data in the
19 information system on a State-by-State basis;

20 (2) an assessment of the extent to which convic-
21 tions are validly posted on a driver's record;

22 (3) recommendations to the Secretary on how
23 to update the baseline audit annually to ensure that
24 any shortcomings in the information system are ad-



1 dressed, and a methodology for conducting the up-
2 date;

3 (4) identification, on a State-by-State basis, of
4 any actions that the Inspector General finds nec-
5 essary to improve the integrity of data collected by
6 the system and to ensure the proper posting of con-
7 victions; and

8 (5) an analysis of amounts and use of the reve-
9 nues derived from fees charged for use of the com-
10 mercial driver's license information system.

11 **SEC. 4124. COMMERCIAL DRIVER'S LICENSE IMPROVE-**
12 **MENTS.**

13 (a) STATE GRANTS.—Chapter 313 of title 49, United
14 States Code, is amended by inserting after section 31312
15 the following:

16 **“§ 31313. Grants for commercial driver's license pro-**
17 **gram improvements**

18 **“(a) GRANTS FOR COMMERCIAL DRIVER'S LICENSE**
19 **PROGRAM IMPROVEMENTS.—**

20 **“(1) GENERAL AUTHORITY.—**The Secretary of
21 Transportation may make a grant to a State in a
22 fiscal year—

23 **“(A) to comply with the requirements of**
24 **section 31311; and**

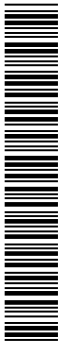


1 “(B) in the case of a State that is making
2 a good faith effort toward substantial compli-
3 ance with the requirements of section 31311
4 and this section, to improve its implementation
5 of its commercial driver’s license program.

6 “(2) PURPOSES FOR WHICH GRANTS MAY BE
7 USED.—

8 “(A) IN GENERAL.—A State may use
9 grants under paragraphs (1)(A) and (1)(B)
10 only for expenses directly related to its compli-
11 ance with section 31311; except that a grant
12 under paragraph (1)(B) may be used for im-
13 proving implementation of the State’s commer-
14 cial driver’s license program, including expenses
15 for computer hardware and software, publica-
16 tions, testing, personnel, training, and quality
17 control. The grant may not be used to rent,
18 lease, or buy land or buildings.

19 “(B) PRIORITY.—In making grants under
20 paragraph (1)(B), the Secretary shall give pri-
21 ority to States that will use such grants to
22 achieve compliance with the requirements of the
23 Motor Carrier Safety Improvement Act of 1999,
24 including the amendments made by such Act.



1 “(3) APPLICATION.—In order to receive a grant
2 under this section, a State shall submit an applica-
3 tion for such grant that is in such form, and con-
4 tains such information, as the Secretary may re-
5 quire. The application shall include the State’s as-
6 sessment of its commercial drivers license program.

7 “(4) MAINTENANCE OF EXPENDITURES.—The
8 Secretary may make a grant to a State under this
9 subsection only if the State agrees that the total ex-
10 penditure of amounts of the State and political sub-
11 divisions of the State, exclusive of amounts from the
12 United States, for the State’s commercial driver’s li-
13 cense program will be maintained at a level at least
14 equal to the average level of that expenditure by the
15 State and political subdivisions of the State for the
16 last 2 fiscal years of the State ending before the
17 date of enactment of the this section.

18 “(5) GOVERNMENT SHARE.—The Secretary
19 shall reimburse a State under a grant made under
20 this subsection an amount that is not more than 100
21 percent of the costs incurred by the State in a fiscal
22 year in complying with section 31311 and improving
23 its implementation of its commercial driver’s license
24 program. In determining such costs, the Secretary
25 shall include in-kind contributions by the State.



1 Amounts required to be expended by the State under
2 paragraph (4) may not be included as part of the
3 non-Federal share of such costs.

4 “(b) HIGH-PRIORITY ACTIVITIES.—

5 “(1) GRANTS FOR NATIONAL CONCERNS.—The
6 Secretary may make a grant to a State agency, local
7 government, or other person for 100 percent of the
8 costs of research, development, demonstration
9 projects, public education, and other special activi-
10 ties and projects relating to commercial driver li-
11 censing and motor vehicle safety that are of benefit
12 to all jurisdictions of the United States or are de-
13 signed to address national safety concerns and cir-
14 cumstances.

15 “(2) FUNDING.—The Secretary may deduct up
16 to 10 percent of the amounts made available to
17 carry out this section for a fiscal year to make
18 grants under this subsection.

19 “(c) EMERGING ISSUES.—The Secretary may des-
20 ignate up to 10 percent of the amounts made available
21 to carry out this section for a fiscal year for allocation
22 to a State agency, local government, or other person at
23 the discretion of the Secretary to address emerging issues
24 relating to commercial driver’s license improvements.



1 “(d) APPORTIONMENT.—Except as otherwise pro-
2 vided in subsection (e), all amounts made available to
3 carry out this section for a fiscal year shall be apportioned
4 to States according to criteria prescribed by the Sec-
5 retary.”.

6 (b) CLERICAL AMENDMENT.—The analysis for such
7 chapter is amended by inserting after the item relating
8 to section 31312 the following:

“31313. Grants for commercial driver’s license program improvements.”.

9 (c) AMOUNTS WITHHELD.—Subsections (a) and (b)
10 of section 31314 of such title are each amended by insert-
11 ing “up to” after “withhold”.

12 **SEC. 4125. HOBBS ACT.**

13 (a) JURISDICTION OF COURT OF APPEALS OVER
14 COMMERCIAL MOTOR VEHICLE SAFETY REGULATION
15 AND OPERATORS AND MOTOR CARRIER SAFETY.—Section
16 2342(3)(A) of title 28, United States Code, is amended
17 by inserting before “of title 49” the following: “, sub-
18 chapter III of chapter 311, chapter 313, or chapter 315”.

19 (b) JUDICIAL REVIEW.—Section 351(a) of title 49,
20 United States Code, is amended by striking “Federal
21 Highway Administration” and inserting “Federal Motor
22 Carrier Safety Administration”.

23 (c) AUTHORITY TO CARRY OUT CERTAIN TRANS-
24 FERRED DUTIES AND POWERS.—Section 352 of title 49,
25 United States Code, is amended by striking “Federal



1 Highway Administration” and inserting “Federal Motor
2 Carrier Safety Administration”.

3 **SEC. 4126. COMMERCIAL VEHICLE INFORMATION SYSTEMS**
4 **AND NETWORKS DEPLOYMENT.**

5 (a) IN GENERAL.—The Secretary shall carry out a
6 commercial vehicle information systems and networks pro-
7 gram to—

8 (1) improve the safety and productivity of com-
9 mercial vehicles and drivers; and

10 (2) reduce costs associated with commercial ve-
11 hicle operations and Federal and State commercial
12 vehicle regulatory requirements.

13 (b) PURPOSE.—The program shall advance the tech-
14 nological capability and promote the deployment of intel-
15 ligent transportation system applications for commercial
16 vehicle operations, including commercial vehicle, commer-
17 cial driver, and carrier-specific information systems and
18 networks.

19 (c) CORE DEPLOYMENT GRANTS.—

20 (1) IN GENERAL.—The Secretary shall make
21 grants to eligible States for the core deployment of
22 commercial vehicle information systems and net-
23 works.

24 (2) AMOUNT OF GRANTS.—The maximum ag-
25 gregate amount the Secretary may grant to a State



1 for the core deployment of commercial vehicle infor-
2 mation systems and networks under this subsection
3 and sections 5001(a)(5) and 5001(a)(6) of the
4 Transportation Equity Act for the 21st Century
5 (112 Stat. 420) may not exceed \$2,500,000.

6 (3) USE OF FUNDS.—Funds from a grant
7 under this subsection may only be used for the core
8 deployment of commercial vehicle information sys-
9 tems and networks. An eligible State that has either
10 completed the core deployment of commercial vehicle
11 information systems and networks or completed such
12 deployment before grant funds are expended under
13 this subsection may use the grant funds for the ex-
14 panded deployment of commercial vehicle informa-
15 tion systems and networks in the State.

16 (d) EXPANDED DEPLOYMENT GRANTS.—

17 (1) IN GENERAL.—For each fiscal year, from
18 the funds remaining after the Secretary has made
19 grants under subsection (c), the Secretary may make
20 grants to each eligible State, upon request, for the
21 expanded deployment of commercial vehicle informa-
22 tion systems and networks.

23 (2) ELIGIBILITY.—Each State that has com-
24 pleted the core deployment of commercial vehicle in-
25 formation systems and networks in such State is eli-



1 gible for an expanded deployment grant under this
2 subsection.

3 (3) AMOUNT OF GRANTS.—Each fiscal year, the
4 Secretary may distribute funds available for ex-
5 panded deployment grants equally among the eligible
6 States, but not to exceed \$1,000,000 per State.

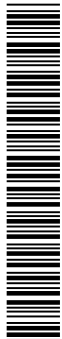
7 (4) USE OF FUNDS.—A State may use funds
8 from a grant under this subsection only for the ex-
9 panded deployment of commercial vehicle informa-
10 tion systems and networks.

11 (e) ELIGIBILITY.—To be eligible for a grant under
12 this section, a State—

13 (1) shall have a commercial vehicle information
14 systems and networks program plan approved by the
15 Secretary that describes the various systems and
16 networks at the State level that need to be refined,
17 revised, upgraded, or built to accomplish deployment
18 of core capabilities;

19 (2) shall certify to the Secretary that its com-
20 mercial vehicle information systems and networks
21 deployment activities, including hardware procure-
22 ment, software and system development, and infra-
23 structure modifications—

24 (A) are consistent with the national intel-
25 ligent transportation systems and commercial



1 vehicle information systems and networks archi-
2 tectures and available standards; and

3 (B) promote interoperability and efficiency
4 to the extent practicable; and

5 (3) shall agree to execute interoperability tests
6 developed by the Federal Motor Carrier Safety Ad-
7 ministration to verify that its systems conform with
8 the national intelligent transportation systems archi-
9 tecture, applicable standards, and protocols for com-
10 mercial vehicle information systems and networks.

11 (f) FEDERAL SHARE.—The Federal share of the cost
12 of a project payable from funds made available to carry
13 out this section shall not exceed 50 percent. The total Fed-
14 eral share of the cost of a project payable from all eligible
15 Federal sources shall not exceed 80 percent.

16 (g) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) COMMERCIAL VEHICLE INFORMATION SYS-
19 TEMS AND NETWORKS.—The term “commercial ve-
20 hicle information systems and networks” means the
21 information systems and communications networks
22 that provide the capability to—

23 (A) improve the safety of commercial
24 motor vehicle operations;



1 (B) increase the efficiency of regulatory in-
2 spection processes to reduce administrative bur-
3 dens by advancing technology to facilitate in-
4 spections and increase the effectiveness of en-
5 forcement efforts;

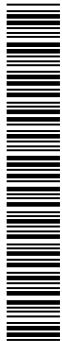
6 (C) advance electronic processing of reg-
7 istration information, driver licensing informa-
8 tion, fuel tax information, inspection and crash
9 data, and other safety information;

10 (D) enhance the safe passage of commer-
11 cial motor vehicles across the United States and
12 across international borders; and

13 (E) promote the communication of infor-
14 mation among the States and encourage
15 multistate cooperation and corridor develop-
16 ment.

17 (2) COMMERCIAL MOTOR VEHICLE OPER-
18 ATIONS.—The term “commercial motor vehicle
19 operations”—

20 (A) means motor carrier operations and
21 motor vehicle regulatory activities associated
22 with the commercial motor vehicle movement of
23 goods, including hazardous materials, and pas-
24 sengers; and



1 (B) with respect to the public sector, in-
2 cludes the issuance of operating credentials, the
3 administration of motor vehicle and fuel taxes,
4 and roadside safety and border crossing inspec-
5 tion and regulatory compliance operations.

6 (3) CORE DEPLOYMENT.—The term “core de-
7 ployment” means the deployment of systems in a
8 State necessary to provide the State with the fol-
9 lowing capabilities:

10 (A) Safety information exchange to—

11 (i) electronically collect and transmit
12 commercial motor vehicle and driver in-
13 spection data at a majority of inspection
14 sites in the State;

15 (ii) connect to the safety and fitness
16 electronic records system for access to
17 interstate carrier and commercial motor
18 vehicle data, summaries of past safety per-
19 formance, and commercial motor vehicle
20 credentials information; and

21 (iii) exchange carrier data and com-
22 mercial motor vehicle safety and creden-
23 tials information within the State and con-
24 nect to such system for access to interstate
25 carrier and commercial motor vehicle data.



1 (B) Interstate credentials administration
2 to—

3 (i) perform end-to-end processing, in-
4 cluding carrier application, jurisdiction ap-
5 plication processing, and credential
6 issuance, of at least the international reg-
7 istration plan and international fuel tax
8 agreement credentials and extend this
9 processing to other credentials, including
10 intrastate registration, vehicle titling, over-
11 size vehicle permits, overweight vehicle per-
12 mits, carrier registration, and hazardous
13 materials permits;

14 (ii) connect to such plan and agree-
15 ment clearinghouses; and

16 (iii) have at least 10 percent of the
17 credentialing transaction volume in the
18 State handled electronically and have the
19 capability to add more carriers and to ex-
20 tend to branch offices where applicable.

21 (C) Roadside electronic screening to elec-
22 tronically screen transponder-equipped commer-
23 cial vehicles at a minimum of one fixed or mo-
24 bile inspection site in the State and to replicate
25 this screening at other sites in the State.



1 (4) EXPANDED DEPLOYMENT.—The term “ex-
2 panded deployment” means the deployment of sys-
3 tems in a State that exceed the requirements of a
4 core deployment of commercial vehicle information
5 systems and networks, improve safety and the pro-
6 ductivity of commercial motor vehicle operations,
7 and enhance transportation security.

8 **SEC. 4127. OUTREACH AND EDUCATION.**

9 (a) IN GENERAL.—The Secretary shall conduct,
10 through any combination of grants, contracts, or coopera-
11 tive agreements, an outreach and education program to
12 be administered by the Federal Motor Carrier Safety Ad-
13 ministration and the National Highway Traffic Safety Ad-
14 ministration.

15 (b) PROGRAM ELEMENTS.—The program shall in-
16 clude, at a minimum, the following:

17 (1) A program to promote a more comprehen-
18 sive and national effort to educate commercial motor
19 vehicle drivers and passenger vehicle drivers about
20 how commercial motor vehicle drivers and passenger
21 vehicle drivers can more safely share the road with
22 each other.

23 (2) A program to promote enhanced traffic en-
24 forcement efforts aimed at reducing the incidence of
25 the most common unsafe driving behaviors that



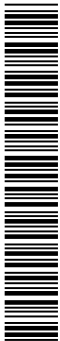
1 cause or contribute to crashes involving commercial
2 motor vehicles and passenger vehicles.

3 (3) A program to establish a public-private
4 partnership to provide resources and expertise for
5 the development and dissemination of information
6 relating to sharing the road referred to in para-
7 graphs (1) and (2) to each partner's constituents
8 and to the general public through the use of bro-
9 chures, videos, paid and public advertisements, the
10 Internet, and other media.

11 (c) FEDERAL SHARE.—The Federal share of a pro-
12 gram or activity for which a grant is made under this sec-
13 tion shall be 100 percent of the cost of such program or
14 activity.

15 (d) ANNUAL REPORT.—The Secretary shall prepare
16 and transmit to Congress an annual report on the pro-
17 grams and activities carried out under this section. The
18 final annual report shall be submitted not later than Sep-
19 tember 30, 2009.

20 (e) FUNDING.—From amounts made available under
21 section 31104(i) of title 49, United States Code, the Sec-
22 retary shall make available \$1,000,000 to the Federal
23 Motor Carrier Safety Administration, and \$3,000,000 to
24 the National Highway Traffic Safety Administration, for



1 each of fiscal years 2006, 2007, 2008, and 2009 to carry
2 out this section (other than subsection (f)).

3 (f) **STUDY.**—The Comptroller General shall update
4 the Government Accountability Office’s evaluation of the
5 “Share the Road Safely” program to determine if it has
6 achieved reductions in the number and severity of com-
7 mercial motor vehicle crashes, including reductions in the
8 number of deaths and the severity of injuries sustained
9 in these crashes and shall report its updated evaluation
10 to Congress no later than June 30, 2006.

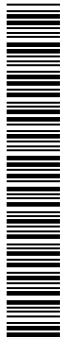
11 **SEC. 4128. SAFETY DATA IMPROVEMENT PROGRAM.**

12 (a) **IN GENERAL.**—The Secretary shall make grants
13 to States for projects and activities to improve the accu-
14 racy, timeliness, and completeness of commercial motor
15 vehicle safety data reported to the Secretary.

16 (b) **ELIGIBILITY.**—A State shall be eligible for a
17 grant under this section in a fiscal year if the Secretary
18 determines that the State has—

19 (1) conducted a comprehensive audit of its com-
20 mercial motor vehicle safety data system within the
21 preceding 2 years;

22 (2) developed a plan that identifies and
23 prioritizes its commercial motor vehicle safety data
24 needs and goals; and



1 (3) identified performance-based measures to
2 determine progress toward those goals.

3 (c) FEDERAL SHARE.—The Federal share of a grant
4 under this section shall be 80 percent of the cost of the
5 activities for which the grant is made.

6 (d) BIENNIAL REPORT.—Not later 2 years after the
7 date of enactment of this Act, and biennially thereafter,
8 the Secretary shall transmit to Congress a report on the
9 activities and results of the program carried out under this
10 section, together with any recommendations the Secretary
11 determines appropriate.

12 **SEC. 4129. OPERATION OF COMMERCIAL MOTOR VEHICLES**
13 **BY INDIVIDUALS WHO USE INSULIN TO**
14 **TREAT DIABETES MELLITUS.**

15 (a) REVISION OF FINAL RULE.—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary shall begin revising the final rule published in the
18 Federal Register on September 3, 2003, relating to per-
19 sons with diabetes, to allow individuals who use insulin
20 to treat their diabetes to operate commercial motor vehi-
21 cles in interstate commerce. The revised final rule shall
22 provide for the individual assessment of applicants who
23 use insulin to treat their diabetes and who are, except for
24 their use of insulin, otherwise qualified under the Federal
25 motor carrier safety regulations. The revised final rule



1 shall be consistent with the criteria described in section
2 4018 of the Transportation Equity Act for the 21st Cen-
3 tury (49 U.S.C. 31305 note) and shall conclude the rule-
4 making process in the Federal Motor Carrier Safety Ad-
5 ministration docket relating to qualifications of drivers
6 with diabetes.

7 (b) NO PERIOD OF COMMERCIAL DRIVING WHILE
8 USING INSULIN REQUIRED FOR QUALIFICATION.—After
9 the earlier of the date of issuance of the revised final rule
10 under subsection (a) or the 90th day following the date
11 of enactment of this Act, the Secretary may not require
12 individuals with insulin-treated diabetes mellitus who are
13 applying for an exemption from the physical qualification
14 standards to have experience operating commercial motor
15 vehicles while using insulin in order to be exempted from
16 the physical qualification standards to operate a commer-
17 cial motor vehicle in interstate commerce.

18 (c) MINIMUM PERIOD OF INSULIN USE.—Subject to
19 subsection (b), the Secretary shall require individuals with
20 insulin-treated diabetes mellitus to have a minimum period
21 of insulin use to demonstrate stable control of diabetes
22 before operating a commercial motor vehicle in interstate
23 commerce. Such demonstration shall be consistent with
24 the findings reported in July 2000, by the expert medical
25 panel established by the Secretary, in “A Report to Con-



1 gress on the Feasibility of a Program to Qualify Individ-
2 uals with Insulin-Treated Diabetes Mellitus to Operate
3 Commercial Motor Vehicles in Interstate Commerce as Di-
4 rected by the Transportation Equity Act for the 21st Cen-
5 tury”. For individuals who have been newly diagnosed
6 with type 1 diabetes, the minimum period of insulin use
7 may not exceed 2 months, unless directed by the treating
8 physician. For individuals who have type 2 diabetes and
9 are converting to insulin use, the minimum period of insu-
10 lin use may not exceed 1 month, unless directed by the
11 treating physician.

12 (d) LIMITATIONS.—Insulin-treated individuals may
13 not be held by the Secretary to a higher standard of phys-
14 ical qualification in order to operate a commercial motor
15 vehicle in interstate commerce than other individuals ap-
16 plying to operate, or operating, a commercial motor vehicle
17 in interstate commerce; except to the extent that limited
18 operating, monitoring, and medical requirements are
19 deemed medically necessary under regulations issued by
20 the Secretary.

21 **SEC. 4130. OPERATORS OF VEHICLES TRANSPORTING AGRICULTURAL**
22 **COMMODITIES AND FARM SUPPLIES.**
23 **PLIES.**

24 (a) AGRICULTURAL EXEMPTION.—Section 229(a)(1)
25 of the Federal Motor Carrier Safety Improvement Act of



1 1999 (as added by section 4115 of this Act), is amended
2 to read as follows:

3 “(1) TRANSPORTATION OF AGRICULTURAL COM-
4 MODITIES AND FARM SUPPLIES.—Regulations pre-
5 scribed by the Secretary under sections 31136 and
6 31502 regarding maximum driving and on-duty time
7 for drivers used by motor carriers shall not apply
8 during planting and harvest periods, as determined
9 by each State, to drivers transporting agricultural
10 commodities or farm supplies for agricultural pur-
11 poses in a State if such transportation is limited to
12 an area within a 100 air mile radius from the source
13 of the commodities or the distribution point for the
14 farm supplies.”.

15 (b) REVIEW BY THE SECRETARY.—Section 229(e) of
16 such Act is amended by striking “paragraph (2)” and in-
17 serting “paragraph (1), (2), or (4)”.

18 (c) DEFINITIONS.—Section 229(e) of such Act is
19 amended by adding at the end the following:

20 “(7) AGRICULTURAL COMMODITY.—The term
21 ‘agricultural commodity’ means any agricultural
22 commodity, non-processed food, feed, fiber, or live-
23 stock (including livestock as defined in section 602
24 of the Emergency Livestock Feed Assistance Act of
25 1988 (7 U.S.C. 1471) and insects).



1 “(8) FARM SUPPLIES FOR AGRICULTURAL PUR-
2 POSES.—The term ‘farm supplies for agricultural
3 purposes’ means products directly related to the
4 growing or harvesting of agricultural commodities
5 during the planting and harvesting seasons within
6 each State, as determined by the State, and livestock
7 feed at any time of the year.”.

8 **SEC. 4131. MAXIMUM HOURS OF SERVICE FOR OPERATORS**
9 **OF GROUND WATER WELL DRILLING RIGS.**

10 Section 229(a)(2) of the Motor Carrier Safety Im-
11 provement Act of 1999 (as added by section 4115 of this
12 Act), is amended by adding at the end the following: “Ex-
13 cept as required in section 395.3 of title 49, Code of Fed-
14 eral Regulations, as in effect on the date of enactment
15 of this sentence, no additional off-duty time shall be re-
16 quired in order to operate such vehicle.”.

17 **SEC. 4132. HOURS OF SERVICE FOR OPERATORS OF UTIL-**
18 **ITY SERVICE VEHICLES.**

19 Section 229 of the Federal Motor Carrier Safety Im-
20 provements Act of 1999 (as added by section 4115 of this
21 Act), is amended—

22 (1) in subsection (a) by striking paragraph (4)
23 and inserting the following:

24 “(4) OPERATORS OF UTILITY SERVICE VEHI-
25 CLES.—

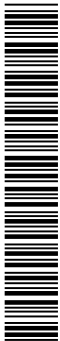


1 “(A) INAPPLICABILITY OF FEDERAL REGU-
2 LATIONS.—Such regulations shall not apply to
3 a driver of a utility service vehicle.

4 “(B) PROHIBITION ON STATE REGULA-
5 TIONS.—A State, a political subdivision of a
6 State, an interstate agency, or other entity con-
7 sisting of 2 or more States, shall not enact or
8 enforce any law, rule, regulation, or standard
9 that imposes requirements on a driver of a util-
10 ity service vehicle that are similar to the re-
11 quirements contained in such regulations.”; and
12 (2) in subsection (b) by striking “Nothing” and
13 inserting “Except as provided in subsection (a)(4),
14 nothing”.

15 **SEC. 4133. HOURS OF SERVICE RULES FOR OPERATORS**
16 **PROVIDING TRANSPORTATION TO MOVIE**
17 **PRODUCTION SITES .**

18 Notwithstanding sections 31136 and 31502 of title
19 49, United States Code, and any other provision of law,
20 the maximum daily hours of service for an operator of a
21 commercial motor vehicle providing transportation of
22 property or passengers to or from a theatrical or television
23 motion picture production site located within a 100 air
24 mile radius of the work reporting location of such operator



1 shall be those in effect under the regulations in effect
2 under such sections on April 27, 2003.

3 **SEC. 4134. GRANT PROGRAM FOR COMMERCIAL MOTOR VE-**
4 **HICLE OPERATORS.**

5 (a) ESTABLISHMENT.—The Secretary shall establish
6 a grant program for persons to train operators of commer-
7 cial motor vehicles (as defined in section 31301 of title
8 49, United States Code). The purpose of the program
9 shall be to train operators and future operators in the safe
10 use of such vehicles.

11 (b) FEDERAL SHARE.—The Federal share of the cost
12 for which a grant is made under this section shall be 80
13 percent.

14 (c) FUNDING.—From amounts made available under
15 section 31104(i) of title 49, United States Code, the Sec-
16 retary shall make available \$1,000,000 for each of fiscal
17 years 2005 through 2009 to carry out this section.

18 **SEC. 4135. CDL TASK FORCE.**

19 (a) IN GENERAL.—The Secretary shall convene a
20 task force to study and address current impediments and
21 foreseeable challenges to the commercial driver's license
22 program's effectiveness and measures needed to realize the
23 full safety potential of the commercial driver's license pro-
24 gram, including such issues as—

25 (1) State enforcement practices;



1 (2) operational procedures to detect and deter
2 fraud;

3 (3) needed improvements for seamless informa-
4 tion sharing between States;

5 (4) effective methods for accurately sharing
6 electronic data between States;

7 (5) adequate proof of citizenship;

8 (6) updated technology; and

9 (7) timely notification from judicial bodies con-
10 cerning traffic and criminal convictions of commer-
11 cial drivers license holders.

12 (b) MEMBERSHIP.—Members of the task force should
13 include State motor vehicle administrators, organizations
14 representing government agencies or officials, members of
15 the Judicial Conference, representatives of the trucking
16 industry, representatives of labor organizations, safety ad-
17 vocates, and other significant stakeholders.

18 (c) REPORT.—Not later than 2 years after the date
19 of enactment of this Act, the Secretary, on behalf of the
20 task force, shall complete a report of the task forces find-
21 ings and recommendations for legislative, regulatory, and
22 enforcement changes to improve the commercial drivers li-
23 cense program and submit such the report to the Com-
24 mittee on Commerce, Science, and Transportation of the



1 Senate and the Committee on Transportation and Infra-
2 structure of the House of Representatives.

3 (d) FUNDING.—From the funds amounts made avail-
4 able by section 4101(c)(1), \$200,000 shall be available for
5 each of fiscal years 2006 and 2007 to carry out this sec-
6 tion.

7 **SEC. 4136. INTERSTATE VAN OPERATIONS.**

8 The Federal motor carrier safety regulations that
9 apply to interstate operations of commercial motor vehi-
10 cles designed to transport between 9 and 15 passengers
11 (including the driver) shall apply to all interstate oper-
12 ations of such carriers regardless of the distance traveled.

13 **SEC. 4137. DECALS.**

14 The Commercial Vehicle Safety Alliance may not re-
15 strict the sale of any inspection decal to the Federal Motor
16 Carrier Safety Administration unless the Administration
17 fails to meet its responsibilities under its memorandum of
18 understanding with the Alliance (other than a failure due
19 to the Administration's compliance with Federal law).

20 **SEC. 4138. HIGH RISK CARRIER COMPLIANCE REVIEWS.**

21 From the funds authorized by section 31104(i) of
22 title 49, United States Code, the Secretary shall ensure
23 that compliance reviews are completed on motor carriers
24 that have demonstrated through performance data that
25 they pose the highest safety risk. At a minimum, a compli-



1 ance review shall be conducted whenever a motor carrier
2 is rated as category A or B for 2 consecutive months.

3 **SEC. 4139. FOREIGN COMMERCIAL MOTOR VEHICLES.**

4 (a) OPERATING AUTHORITY ENFORCEMENT ASSIST-
5 ANCE FOR STATES.—

6 (1) TRAINING AND OUTREACH.—Not later than
7 180 days after the date of enactment of this Act, the
8 Administrator of the Federal Motor Carrier Safety
9 Administration shall conduct outreach and provide
10 training as necessary to State personnel engaged in
11 the enforcement of Federal motor carrier safety reg-
12 ulations to ensure their awareness of the process to
13 be used for verification of the operating authority of
14 motor carriers, including motor carriers of pas-
15 sengers, and to ensure proper enforcement when
16 motor carriers are found to be in violation of oper-
17 ating authority requirements.

18 (2) ASSESSMENT.—The Inspector General of
19 the Department of Transportation may periodically
20 assess the implementation and effectiveness of the
21 training and outreach program.

22 (b) STUDY OF FOREIGN COMMERCIAL MOTOR VEHI-
23 CLES.—

24 (1) REVIEW.—Not later than 1 year after the
25 date of enactment of this Act, the Administrator

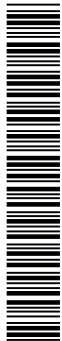


1 shall conduct a review to determine the degree to
2 which Canadian and Mexican commercial motor ve-
3 hicles, including motor carriers of passengers, cur-
4 rently operating or expected to operate in the United
5 States comply with the Federal motor vehicle safety
6 standards.

7 (2) REPORTS.—Not later than 1 year after the
8 date of enactment, the Administrator shall submit a
9 report to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives containing the findings and conclu-
13 sions of the review. Not later than 4 months after
14 the date on which the report is submitted to the
15 Committees, the Inspector General of the Depart-
16 ment shall provide comments and observations to the
17 Committees on the scope and methodology of the re-
18 view.

19 **SEC. 4140. SCHOOL BUS DRIVER QUALIFICATIONS AND EN-**
20 **DORSEMENT KNOWLEDGE TEST.**

21 (a) RECOGNITION OF TEST.—The Secretary shall
22 recognize any driver who passes a test approved by the
23 Federal Motor Carrier Safety Administration as meeting
24 the knowledge test requirement for a school bus endorse-



1 ment under section 383.123 of title 49, Code of Federal
2 Regulations.

3 (b) DRIVER QUALIFICATIONS.— Section 383.123 of
4 such title (as in effect on the date of enactment of this
5 Act) shall not be in effect during the period beginning on
6 the date of enactment of this Act and ending on Sep-
7 tember 30, 2006.

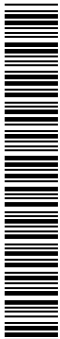
8 **SEC. 4141. DRIVEAWAY SADDLEMOUNT VEHICLES.**

9 (a) DEFINITION.—Section 31111(a) of tile 49,
10 United States Code, is amended by adding at the end of
11 the following:

12 “(4) DRIVE-AWAY SADDLEMOUNT WITH
13 FULLMOUNT VEHICLE TRANSPORTER COMBINA-
14 TION.—The term ‘drive-away saddlemount with
15 fullmount vehicle transporter combination’ means a
16 vehicle combination designed and specifically used to
17 tow up to 3 trucks or truck tractors, each connected
18 by a saddle to the frame or fifth-wheel of the for-
19 ward vehicle of the truck or truck tractor in front
20 of it.”.

21 (b) GENERAL LIMITATIONS.—Section 31111(b)(1) of
22 such title is amended

23 (1) by redesignating subparagraphs (D) and
24 (E) as subparagraphs (E) and (F), respectively; and



1 (2) by inserting after subparagraph (C) the fol-
2 lowing:

3 “(D) imposes a vehicle length limitation of
4 not less than or more than 97 feet on a
5 driveaway saddlemount with fullmount vehicle
6 transporter combinations;”.

7 **SEC. 4142. REGISTRATION OF MOTOR CARRIERS AND**
8 **FREIGHT FORWARDERS.**

9 (a) DEFINITIONS RELATING TO MOTOR CARRIERS.—
10 Paragraphs (6), (7), (12), and (13) of section 13102 of
11 title 49, United States Code, are each amended by striking
12 “motor vehicle” and inserting “commercial motor vehicle
13 (as defined in section 31132)”.

14 (b) FREIGHT FORWARDERS.—Section 13903(a) of
15 such title is amended—

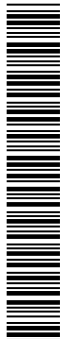
16 (1) by striking “The Secretary” and inserting
17 the following:

18 “(1) HOUSEHOLD GOODS.—The Secretary”;

19 (2) by inserting “of household goods” after
20 “freight forwarder”; and

21 (3) by adding at the end the following:

22 “(2) OTHERS.—The Secretary may register a
23 person to provide service subject to jurisdiction
24 under subchapter III of chapter 135 as a freight for-
25 warder (other than a freight forwarder of household



1 goods) if the Secretary finds that such registration
2 is needed for the protection of shippers and that the
3 person is fit, willing, and able to provide the service
4 and to comply with this part and applicable regula-
5 tions of the Secretary and Board.”.

6 (c) BROKERS.—Section 13904(a) of such title is
7 amended—

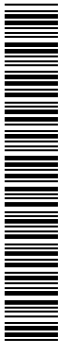
8 (1) by striking “The Secretary” and inserting
9 the following:

10 “(1) HOUSEHOLD GOODS.—The Secretary”;

11 (2) by inserting “of household goods” after
12 “broker”; and

13 (3) by adding at the end the following:

14 “(2) OTHERS.—The Secretary may register a
15 person to provide service subject to jurisdiction
16 under subchapter III of chapter 135 as a broker
17 (other than a broker of household goods) if the Sec-
18 retary finds that such registration is needed for the
19 protection of shippers and that the person is fit,
20 willing, and able to provide the service and to com-
21 ply with this part and applicable regulations of the
22 Secretary and Board.”.



1 **SEC. 4143. AUTHORITY TO STOP COMMERCIAL MOTOR VE-**
2 **HICLES.**

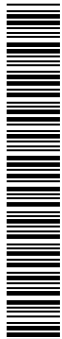
3 (a) IN GENERAL.—Chapter 2 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 39. Commercial motor vehicles required to stop for**
7 **inspections**

8 “(a) A driver of a commercial motor vehicle (as de-
9 fined in section 31132 of title 49) shall stop and submit
10 to inspection of the vehicle, driver, cargo, and required
11 records when directed to do so by an authorized employee
12 of the Federal Motor Carrier Safety Administration of the
13 Department of Transportation, at or in the vicinity of an
14 inspection site. The driver shall not leave the inspection
15 site until authorized to do so by an authorized employee.

16 “(b) A driver of a commercial motor vehicle, as de-
17 fined in subsection (a), who knowingly fails to stop for
18 inspection when directed to do so by an authorized em-
19 ployee of the Administration at or in the vicinity of an
20 inspection site, or leaves the inspection site without au-
21 thorization, shall be fined under this title or imprisoned
22 not more than 1 year, or both.”.

23 (b) AUTHORITY OF FMCSA.—Chapter 203 of such
24 title is amended by adding at the end the following:



1 **“§ 3064. Powers of Federal Motor Carrier Safety Ad-**
2 **ministration**

3 “Authorized employees of the Federal Motor Carrier
4 Safety Administration may direct a driver of a commercial
5 motor vehicle (as defined in section 31132 of title 49) to
6 stop for inspection of the vehicle, driver, cargo, and re-
7 quired records at or in the vicinity of an inspection site.”.

8 (c) CLERICAL AMENDMENTS.—

9 (1) The analysis for chapter 2 of such title is
10 amended by inserting after the item relating to sec-
11 tion 38 the following:

“39. Commercial motor vehicles required to stop for inspections.”.

12 (2) The analysis for chapter 203 of such title
13 is amended by inserting after the item relating to
14 section 3063 the following:

“3064. Powers of Federal Motor Carrier Safety Administration.”.

15 **SEC. 4144. MOTOR CARRIER SAFETY ADVISORY COM-**
16 **MITTEE.**

17 (a) ESTABLISHMENT AND DUTIES.—The Secretary
18 shall establish in the Federal Motor Carrier Safety Admin-
19 istration a motor carrier safety advisory committee. The
20 committee shall—

21 (1) provide advice and recommendations to the
22 Administrator of the Federal Motor Carrier Safety
23 Administration about needs, objectives, plans, ap-
24 proaches, content, and accomplishments of the



1 motor carrier safety programs carried out by the Ad-
2 ministration; and

3 (2) provide advice and recommendations to the
4 Administrator on motor carrier safety regulations.

5 (b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

6 (1) IN GENERAL.—The committee shall be com-
7 posed of not more than 20 members appointed by
8 the Administrator from among individuals who are
9 not employees of the Administration and who are
10 specially qualified to serve on the committee because
11 of their education, training, or experience. The mem-
12 bers shall include representatives of the motor car-
13 rier industry, safety advocates, and safety enforce-
14 ment officials. Representatives of a single enumer-
15 ated interest group may not constitute a majority of
16 the members of the advisory committee.

17 (2) CHAIRMAN.—The Administrator shall des-
18 ignate the chairman of the committee.

19 (3) PAY.—A member of the committee shall
20 serve without pay; except that the Administrator
21 may allow a member, when attending meetings of
22 the committee or a subcommittee of the committee,
23 expenses authorized under section 5703 of title 5,
24 relating to per diem, travel, and transportation ex-
25 penses.



1 (c) SUPPORT STAFF, INFORMATION, AND SERV-
2 ICES.—The Administrator shall provide support staff for
3 the committee. On request of the committee, the Adminis-
4 trator shall provide information, administrative services,
5 and supplies that the Administrator considers necessary
6 for the committee to carry out its duties and powers.

7 (d) TERMINATION DATE.—Notwithstanding the Fed-
8 eral Advisory Committee Act (5 U.S.C. App.), the advisory
9 committee shall terminate on September 30, 2010.

10 **SEC. 4145. TECHNICAL CORRECTIONS.**

11 (a) INTERMODAL TRANSPORTATION ADVISORY
12 BOARD.—Section 5502(b) of title 49, United States Code,
13 is amended—

14 (1) by striking “and” at the end of paragraph

15 (4);

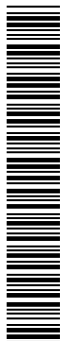
16 (2) by striking the period at the end of para-
17 graph (5) and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(6) the Federal Motor Carrier Safety Adminis-
20 tration.”.

21 (b) REFERENCE TO AGENCY.—Section 31502(e) of
22 such title is amended—

23 (1) in paragraph (2) by striking “Regional Di-
24 rector of the Federal Highway Administration” and



1 inserting “Field Administrator of the Federal Motor
2 Carrier Safety Administration”; and

3 (2) in paragraph (3) by striking “Regional Di-
4 rector” and inserting “Field Administrator”.

5 **SEC. 4146. EXEMPTION DURING HARVEST PERIODS.**

6 Regulations issued by the Secretary under sections
7 31136 and 31502 of title 49, United States Code, regard-
8 ing maximum driving and on-duty time for a driver used
9 by a motor carrier, shall not apply, beginning on the date
10 of enactment of this Act and ending at the end of fiscal
11 year 2009, for the transportation of grapes west of Inter-
12 state 81 in the State of New York if such transportation—

13 (1) is during a harvesting period, as determined
14 by the State; and

15 (2) is limited to a 150-air mile radius from
16 where the grapes are picked or distributed.

17 **SEC. 4147. EMERGENCY CONDITION REQUIRING IMME-
18 DIATE RESPONSE.**

19 Section 229 of the Motor Carrier Safety Improve-
20 ment Act of 1999 (as added and amended by section 4115
21 of this Act) is amended by adding at the end the following:

22 “(f) EMERGENCY CONDITION REQUIRING IMME-
23 DIATE RESPONSE.—

24 “(1) PROPANE OR PIPELINE EMERGENCY.—A
25 regulation prescribed under section 31136 or 31502



1 of title 49, United States Code, shall not apply to
2 a driver of a commercial motor vehicle which is used
3 primarily in the transportation of propane winter
4 heating fuel or a driver of a motor vehicle used to
5 respond to a pipeline emergency if such regulations
6 would prevent the driver from responding to an
7 emergency condition requiring immediate response.

8 “(2) DEFINITION.—An emergency condition re-
9 quiring immediate response is any condition that, if
10 left unattended, is reasonably likely to result in im-
11 mediate serious bodily harm, death, or substantial
12 damage to property. In the case of propane such
13 conditions shall include (but are not limited to) the
14 detection of gas odor, the activation of carbon mon-
15 oxide alarms, the detection of carbon monoxide poi-
16 soning, and any real or suspected damage to a pro-
17 pane gas system following a severe storm or flood-
18 ing. An ‘emergency condition requiring an immediate
19 response’ does not include requests to re-fill empty
20 gas tanks. In the case of pipelines such conditions
21 include (but are not limited to) indication of an ab-
22 normal pressure event, leak, release or rupture.”.

23 **SEC. 4148. SUBSTANCE ABUSE PROFESSIONALS.**

24 The Secretary shall conduct a rulemaking to permit
25 a State licensed or certified marriage and family therapist,



1 to act as a substance abuse professional under subpart
2 O of part 40 of title 49, Code of Federal Regulations.

3 **SEC. 4149. OFFICE OF INTERMODALISM.**

4 Section 5503 of title 49, United States Code, is
5 amended—

6 (1) in subsection (e) by inserting “Amounts re-
7 served under section 5504(d) not awarded to States
8 as grants may be used by the Director to provide
9 technical assistance under this subsection.” after
10 “organizations.”;

11 (2) by redesignating subsection (f) as sub-
12 section (h); and

13 (3) by inserting after subsection (e) the fol-
14 lowing:

15 “(f) NATIONAL INTERMODAL SYSTEM IMPROVEMENT
16 PLAN.—

17 “(1) IN GENERAL.—The Director, in consulta-
18 tion with the advisory board established under sec-
19 tion 5502 and other public and private transpor-
20 tation interests, shall develop a plan to improve the
21 national intermodal transportation system. The plan
22 shall include—

23 “(A) an assessment and forecast of the na-
24 tional intermodal transportation system’s im-
25 pact on mobility, safety, energy consumption,



1 the environment, technology, international
2 trade, economic activity, and quality of life in
3 the United States;

4 “(B) an assessment of the operational and
5 economic attributes of each passenger and
6 freight mode of transportation and the optimal
7 role of each mode in the national intermodal
8 transportation system;

9 “(C) a description of recommended inter-
10 modal and multi-modal research and develop-
11 ment projects;

12 “(D) a description of emerging trends that
13 have an impact on the national intermodal
14 transportation system;

15 “(E) recommendations for improving inter-
16 modal policy, transportation decision-making,
17 and financing to maximize mobility and the re-
18 turn on investment of Federal spending on
19 transportation;

20 “(F) an estimate of the impact of current
21 Federal and State transportation policy on the
22 national intermodal transportation system; and

23 “(G) specific near and long-term goals for
24 the national intermodal transportation system.



1 “(2) PROGRESS REPORTS.—The Director shall
2 submit an initial report on the plan to improve the
3 national intermodal transportation system 2 years
4 after the date of enactment of the Surface Transpor-
5 tation Safety Improvement Act of 2005, and a fol-
6 low-up report 2 years after that, to the Committee
7 on Commerce, Science, and Transportation of the
8 Senate and the Committee on Transportation and
9 Infrastructure of the House of Representatives. The
10 progress report shall—

11 “(A) describe progress made toward
12 achieving the plan’s goals;

13 “(B) describe challenges and obstacles to
14 achieving the plan’s goals;

15 “(C) update the plan to reflect changed
16 circumstances or new developments; and

17 “(D) make policy and legislative rec-
18 ommendations the Director believes are nec-
19 essary and appropriate to achieve the goals of
20 the plan.

21 “(3) PLAN DEVELOPMENT FUNDING.—Such
22 sums as may be necessary from the administrative
23 expenses of the Research and Innovative Technology
24 Administration shall be reserved by the Secretary of
25 Transportation each year for the purpose of com-



1 pleting and updating the plan to improve the na-
2 tional intermodal transportation plan.

3 “(g) IMPACT MEASUREMENT METHODOLOGY; IM-
4 PACT REVIEW.—The Director and the Director of the Bu-
5 reau of Transportation Statistics shall jointly—

6 “(1) develop, in consultation with the modal ad-
7 ministrations, and State and local planning organi-
8 zations, common measures to compare transpor-
9 tation investment decisions across the various modes
10 of transportation; and

11 “(2) formulate a methodology for measuring
12 the impact of intermodal transportation on—

13 “(A) the environment;

14 “(B) public health and welfare;

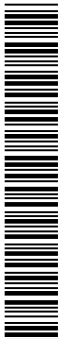
15 “(C) energy consumption;

16 “(D) the operation and efficiency of the
17 transportation system;

18 “(E) congestion, including congestion at
19 the Nation’s ports; and

20 “(F) the economy and employment.

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to the Secretary of Trans-
23 portation such sums as may be necessary for fiscal years
24 2006 through 2009 to carry out this chapter.”.



1 **Subtitle B—Household Goods**
2 **Transportation**

3 **SEC. 4201. SHORT TITLE.**

4 This subtitle may be cited as the “Household Goods
5 Mover Oversight Enforcement and Reform Act of 2005”

6 **SEC. 4202. DEFINITIONS; APPLICATION OF PROVISIONS.**

7 (a) **TERMS USED IN THIS CHAPTER.**—In this sub-
8 title, the terms “carrier”, “household goods”, “motor car-
9 rier”, “Secretary”, and “transportation” have the mean-
10 ing given to such terms in section 13102 of title 49,
11 United States Code.

12 (b) **HOUSEHOLD GOODS MOTOR CARRIER AND INDI-**
13 **VIDUAL SHIPPER IN PART B OF SUBTITLE IV OF TITLE**
14 **49.**—Section 13102 of title 49, United States Code (as
15 amended by section 4141 of this Act) is amended by redес-
16 ignating paragraphs (12) through (24) as paragraphs (14)
17 through (26) and by inserting after paragraph (11) the
18 following:

19 “(12) **HOUSEHOLD GOODS MOTOR CARRIER.**—

20 “(A) **IN GENERAL.**—The term ‘household
21 goods motor carrier’ means a motor carrier
22 that, in the ordinary course of its business of
23 providing transportation of household goods, of-
24 fers some or all of the following additional serv-
25 ices:



1 “(i) Binding and nonbinding esti-
2 mates.

3 “(ii) Inventorying.

4 “(iii) Protective packing and un-pack-
5 ing of individual items at personal resi-
6 dences.

7 “(iv) Loading and unloading at per-
8 sonal residences.

9 “(B) INCLUSION.—The term includes any
10 person that is considered to be a household
11 goods motor carrier under regulations, deter-
12 minations, and decisions of the Federal Motor
13 Carrier Safety Administration that are in effect
14 on the date of enactment of the Household
15 Goods Mover Oversight Enforcement and Re-
16 form Act of 2005.

17 “(C) LIMITED SERVICE EXCLUSION.—The
18 term does not include a motor carrier when the
19 motor carrier provides transportation of house-
20 hold goods in containers or trailers that are en-
21 tirely loaded and unloaded by an individual
22 (other than an employee or agent of the motor
23 carrier).

24 “(13) INDIVIDUAL SHIPPER.—The term ‘indi-
25 vidual shipper’ means any person who—



1 “(A) is the shipper, consignor, or consignee
2 of a household goods shipment;

3 “(B) is identified as the shipper, consignor,
4 or consignee on the face of the bill of lading;

5 “(C) owns the goods being transported;
6 and

7 “(D) pays his or her own tariff transpor-
8 tation charges.”.

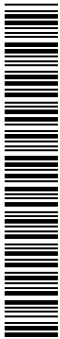
9 (c) APPLICATION OF CERTAIN PROVISIONS OF
10 LAW.—The provisions of title 49, United States Code, and
11 this subtitle (including any amendments made by this sub-
12 title), that relate to the transportation of household goods
13 apply only to a household goods motor carrier (as defined
14 in section 13102 of title 49, United States Code).

15 **SEC. 4203. PAYMENT OF RATES.**

16 Section 13707(b) of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(3) SHIPMENTS OF HOUSEHOLD GOODS.—

19 “(A) IN GENERAL.—A carrier providing
20 transportation of a shipment of household
21 goods shall give up possession of the household
22 goods being transported at the destination upon
23 payment of—



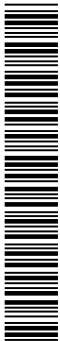
1 “(i) 100 percent of the charges con-
2 tained in a binding estimate provided by
3 the carrier;

4 “(ii) not more than 110 percent of the
5 charges contained in a nonbinding estimate
6 provided by the carrier; or

7 “(iii) in the case of a partial delivery
8 of the shipment, the prorated percentage
9 of the charges calculated in accordance
10 with subparagraph (B).

11 “(B) CALCULATION OF PRORATED
12 CHARGES.—For purposes of subparagraph
13 (A)(iii), the prorated percentage of the charges
14 shall be the percentage of the total charges due
15 to the carrier as described in clause (i) or (ii)
16 of subparagraph (A) that is equal to the per-
17 centage of the weight of that portion of the
18 shipment delivered to the total weight of the
19 shipment.

20 “(C) POST-CONTRACT SERVICES.—Sub-
21 paragraph (A) does not apply to additional
22 services requested by a shipper after the con-
23 tract of service is executed that were not in-
24 cluded in the estimate.



1 “(D) IMPRACTICABLE OPERATIONS.—Sub-
2 paragraph (A) does not apply to impracticable
3 operations, as defined by the applicable carrier
4 tariff, except that the charges collected at deliv-
5 ery for such operations shall not exceed 15 per-
6 cent of all other charges due at delivery. Any
7 remaining charges due shall be paid within 30
8 days after the carrier presents its freight bill.”.

9 **SEC. 4204. ADDITIONAL REGISTRATION REQUIREMENTS**
10 **FOR MOTOR CARRIERS OF HOUSEHOLD**
11 **GOODS.**

12 Section 13902(a) of title 49, United States Code, is
13 amended—

14 (1) by striking paragraphs (2) and (3);

15 (2) by redesignating paragraph (4) as para-
16 graph (5);

17 (3) by inserting after paragraph (1) the fol-
18 lowing:

19 “(2) **ADDITIONAL REGISTRATION REQUIRE-**
20 **MENTS FOR HOUSEHOLD GOODS MOTOR CAR-**
21 **RIERS.**—In addition to meeting the requirements of
22 paragraph (1), the Secretary may register a person
23 to provide transportation of household goods as a
24 household goods motor carrier only after that
25 person—



1 “(A) provides evidence of participation in
2 an arbitration program and provides a copy of
3 the notice of the arbitration program as re-
4 quired by section 14708(b)(2);

5 “(B) identifies its tariff and provides a
6 copy of the notice of the availability of that tar-
7 riff for inspection as required by section
8 13702(e);

9 “(C) provides evidence that it has access
10 to, has read, is familiar with, and will observe
11 all applicable Federal laws relating to consumer
12 protection, estimating, consumers’ rights and
13 responsibilities, and options for limitations of li-
14 ability for loss and damage; and

15 “(D) discloses any relationship involving
16 common stock, common ownership, common
17 management, or common familial relationships
18 between that person and any other motor car-
19 rier, freight forwarder, or broker of household
20 goods within 3 years of the proposed date of
21 registration.

22 “(3) CONSIDERATION OF EVIDENCE; FIND-
23 INGS.—The Secretary shall consider, and, to the ex-
24 tent applicable, make findings on any evidence dem-
25 onstrating that the registrant is unable to comply



1 with any applicable requirement of paragraph (1) or,
2 in the case of a registrant to which paragraph (2)
3 applies, paragraph (1) or (2).

4 “(4) WITHHOLDING.—If the Secretary deter-
5 mines that a registrant under this section does not
6 meet, or is not able to meet, any requirement of
7 paragraph (1) or, in the case of a registrant to
8 which paragraph (2) applies, paragraph (1) or (2),
9 the Secretary shall withhold registration.”; and

10 (4) by adding at the end of paragraph (5) (as
11 redesignated by paragraph (2) of this section) “In
12 the case of a registration for the transportation of
13 household goods as a household goods motor carrier,
14 the Secretary may also hear a complaint on the
15 ground that the registrant fails or will fail to comply
16 with the requirements of paragraph (2) of this sub-
17 section.”.

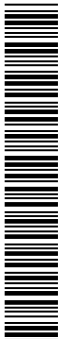
18 **SEC. 4205. HOUSEHOLD GOODS CARRIER OPERATIONS .**

19 Section 14104(b) of title 49, United States Code, is
20 amended—

21 (1) by redesignating paragraph (2) as para-
22 graph (3); and

23 (2) by striking paragraph (1) and inserting the
24 following:

25 “(1) REQUIRED TO BE IN WRITING.—



1 “(A) IN GENERAL.—Except as otherwise
2 provided in this subsection, every motor carrier
3 providing transportation of household goods de-
4 scribed in section 13102(10)(A) as a household
5 goods motor carrier and subject to jurisdiction
6 under subchapter I of chapter 135 shall con-
7 duct a physical survey of the household goods
8 to be transported on behalf of a prospective in-
9 dividual shipper and shall provide the shipper
10 with a written estimate of charges for the
11 transportation and all related services.

12 “(B) WAIVER.—A shipper may elect to
13 waive a physical survey under this paragraph by
14 written agreement signed by the shipper before
15 the shipment is loaded. A copy of the waiver
16 agreement must be retained as an addendum to
17 the bill of lading and shall be subject to the
18 same record inspection and preservation re-
19 quirements of the Secretary as are applicable to
20 bills of lading.

21 “(C) ESTIMATE.—

22 “(i) IN GENERAL.—Notwithstanding a
23 waiver under subparagraph (B), a carrier’s
24 statement of charges for transportation
25 must be submitted to the shipper in writ-

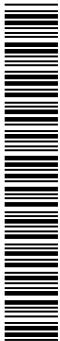


1 ing and must indicate whether it is binding
2 or nonbinding. The written estimate shall
3 be based on a physical survey of the house-
4 hold goods if the household goods are lo-
5 cated within a 50-mile radius of the loca-
6 tion of the carrier's household goods agent
7 preparing the estimate.

8 “(ii) BINDING.—A binding estimate
9 under this paragraph must indicate that
10 the carrier and shipper are bound by such
11 charges. The carrier may impose a charge
12 for providing a written binding estimate.

13 “(iii) NONBINDING.—A nonbinding
14 estimate under this paragraph must indi-
15 cate that the actual charges will be based
16 upon the actual weight of the individual
17 shipper's shipment and the carrier's lawful
18 tariff charges. The carrier may not impose
19 a charge for providing a nonbinding esti-
20 mate.

21 “(2) OTHER INFORMATION.—At the time that a
22 motor carrier provides the written estimate required
23 by paragraph (1), the motor carrier shall provide the
24 shipper a copy of the Department of Transportation
25 publication FMCSA-ESA-03-005 (or its successor



1 publication) entitled ‘Ready to Move?’. Before the
2 execution of a contract for service, the motor carrier
3 shall provide the shipper copy of the Department of
4 Transportation publication OCE 100, entitled ‘Your
5 Rights and Responsibilities When You Move’ re-
6 quired by section 375.213 of title 49, Code of Fed-
7 eral Regulations (or any successor regulation). ”.

8 **SEC. 4206. ENFORCEMENT OF REGULATIONS RELATED TO**
9 **TRANSPORTATION OF HOUSEHOLD GOODS.**

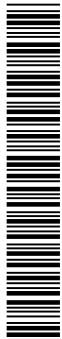
10 (a) NONPREEMPTION OF INTRASTATE TRANSPOR-
11 TATION OF HOUSEHOLD GOODS.—Section
12 14501(c)(2)(B) of title 49, United States Code, is amend-
13 ed by inserting “intrastate” before “transportation”.

14 (b) ENFORCEMENT OF FEDERAL LAW WITH RE-
15 SPECT TO INTERSTATE HOUSEHOLD GOODS CARRIERS.—

16 (1) IN GENERAL.—Chapter 147 of such title is
17 amended by adding at the end the following:

18 **“§ 14710. Enforcement of Federal laws and regula-**
19 **tions with respect to transportation of**
20 **household goods**

21 “(a) ENFORCEMENT BY STATES.—Notwithstanding
22 any other provision of this title, a State authority may
23 enforce the consumer protection provisions of this title
24 that apply to individual shippers, as determined by the
25 Secretary, and are related to the delivery and transpor-

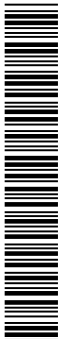


1 tation of household goods in interstate commerce. Any fine
2 or penalty imposed on a carrier in a proceeding under this
3 subsection shall be paid, notwithstanding any other provi-
4 sion of law, to and retained by the State.

5 “(b) NOTICE.—The State shall serve written notice
6 to the Secretary or the Board, as the case may be, of any
7 civil action under subsection (a) prior to initiating such
8 civil action. The notice shall include a copy of the com-
9 plaint to be filed to initiate such civil action, except that
10 if it is not feasible for the State to provide such prior no-
11 tice, the State shall provide the notice immediately upon
12 instituting such civil action.

13 “(c) ENFORCEMENT ASSISTANCE OUTREACH
14 PLAN.—The Federal Motor Carrier Safety Administration
15 shall implement an outreach plan to enhance the coordina-
16 tion and effective enforcement of Federal laws and regula-
17 tions with respect to transportation of household goods be-
18 tween and among Federal and State law enforcement and
19 consumer protection authorities. The outreach shall in-
20 clude, as appropriate, local law enforcement and consumer
21 protection authorities.

22 “(d) STATE AUTHORITY DEFINED.—In this section,
23 the term ‘State authority’ means an agency of a State that
24 has authority under the laws of the State to regulate the
25 intrastate movement of household goods.



1 **“§ 14711. Enforcement by State attorneys general**

2 “(a) IN GENERAL.—A State, as *parens patriae*, may
3 bring a civil action on behalf of its residents in an appro-
4 priate district court of the United States to enforce the
5 consumer protection provisions of this title that apply to
6 individual shippers, as determined by the Secretary, and
7 are related to the delivery and transportation of household
8 goods by a household goods motor carrier subject to juris-
9 diction under subchapter I of chapter 135 or regulations
10 or orders of the Secretary or the Board issued under such
11 provisions or to impose the civil penalties authorized by
12 this part or such regulations or orders, whenever the attor-
13 ney general of the State has reason to believe that the
14 interests of the residents of the State have been or are
15 being threatened or adversely affected by a carrier or
16 broker providing transportation subject to jurisdiction
17 under subchapter I or III of chapter 135 or a foreign
18 motor carrier providing transportation that is registered
19 under section 13902 and is engaged in household goods
20 transportation that violates this part or a regulation or
21 order of the Secretary or Board, as applicable, issued
22 under this part.

23 “(b) NOTICE AND CONSENT.—

24 “(1) IN GENERAL.—The State shall serve writ-
25 ten notice to the Secretary or the Board, as the case
26 may be, of any civil action under subsection (a) prior



1 to initiating such civil action. The notice shall in-
2 clude a copy of the complaint to be filed to initiate
3 such civil action.

4 “(2) CONDITIONS.—The Secretary or the
5 Board—

6 “(A) shall review the initiation of a civil
7 action under this section by a State if—

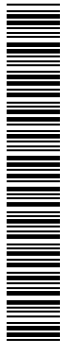
8 “(i) the carrier or broker that is the
9 subject of the action is not registered with
10 the Department of Transportation;

11 “(ii) the license of the carrier or
12 broker for failure to file proof of required
13 bodily injury or cargo liability insurance is
14 pending, or the license has been revoked
15 for any other reason by the Department;

16 “(iii) the carrier is not rated or has
17 received a conditional or unsatisfactory
18 safety rating by the Department; or

19 “(iv) the carrier or broker has been li-
20 censed with the Department for less than
21 5 years; and

22 “(B) may review if the carrier or broker
23 fails to meet criteria developed by the Secretary
24 that are consistent with this section.



1 “(3) CONGRESSIONAL NOTIFICATION.—The
2 Secretary shall notify the Committee on Commerce,
3 Science, and Transportation, of the Senate and the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives of any criteria devel-
6 oped by the Secretary under paragraph (2)(B).

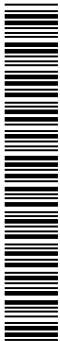
7 “(4) 60-DAY DEADLINE.—The Secretary or the
8 Board shall be considered to have consented to any
9 civil action of a State under this section if the Sec-
10 retary or the Board has taken no action with respect
11 to the notice within 60 calendar days after the date
12 on which the Secretary or the Board received notice
13 under paragraph (1).

14 “(c) AUTHORITY TO INTERVENE.—Upon receiving
15 the notice required by subsection (b), the Secretary or
16 board may intervene in a civil action of a State under this
17 section and upon intervening—

18 “(1) be heard on all matters arising in such
19 civil action; and

20 “(2) file petitions for appeal of a decision in
21 such civil actions.

22 “(d) CONSTRUCTION.—For purposes of bringing any
23 civil action under subsection (a), nothing in this section
24 shall—



1 “(1) convey a right to initiate or maintain a
2 class action lawsuit in the enforcement of a Federal
3 law or regulation; or

4 “(2) prevent the attorney general of a State
5 from exercising the powers conferred on the attorney
6 general by the laws of such State to conduct inves-
7 tigations or to administer oaths or affirmations or to
8 compel the attendance of witnesses or the production
9 of documentary and other evidence.

10 “(e) VENUE; SERVICE OF PROCESS.—In a civil action
11 brought under subsection (a)—

12 “(1) the venue shall be a Federal judicial dis-
13 trict in which—

14 “(A) the carrier, foreign motor carrier, or
15 broker operates;

16 “(B) the carrier, foreign motor carrier, or
17 broker was authorized to provide transportation
18 at the time the complaint arose; or

19 “(C) where the defendant in the civil ac-
20 tion is found;

21 “(2) process may be served without regard to
22 the territorial limits of the district or of the State
23 in which the civil action is instituted; and

24 “(3) a person who participated with a carrier or
25 broker in an alleged violation that is being litigated



1 in the civil action may be joined in the civil action
2 without regard to the residence of the person.

3 “(f) ENFORCEMENT OF STATE LAW.—Nothing con-
4 tained in this section shall prohibit an authorized State
5 official from proceeding in State court to enforce a crimi-
6 nal statute of such State.”.

7 (c) CLERICAL AMENDMENT.—The analysis for such
8 chapter 147 is amended by inserting after the item relat-
9 ing to section 14709 the following:

“14710. Enforcement of Federal laws and regulations with respect to transpor-
tation of household goods.

“14711. Enforcement by State attorneys general.”.

10 **SEC. 4207. LIABILITY OF CARRIERS UNDER RECEIPTS AND**
11 **BILLS OF LADING.**

12 Section 14706(f) of title 49, United States Code, is
13 amended—

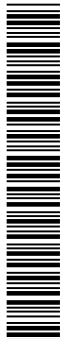
14 (1) by striking “A carrier” and inserting the
15 following:

16 “(1) IN GENERAL.—A carrier”; and

17 (2) by adding at the end the following:

18 “(2) FULL VALUE PROTECTION OBLIGATION.—

19 Unless the carrier receives a waiver in writing under
20 paragraph (3), a carrier’s maximum liability for
21 household goods that are lost, damaged, destroyed,
22 or otherwise not delivered to the final destination is
23 an amount equal to the replacement value of such
24 goods, subject to a maximum amount equal to the



1 declared value of the shipment and to rules issued
2 by the Surface Transportation Board and applicable
3 tariffs.

4 “(3) APPLICATION OF RATES.—The released
5 rates established by the Board under paragraph (1)
6 (commonly known as ‘released rates’) shall not apply
7 to the transportation of household goods by a carrier
8 unless the liability of the carrier for the full value
9 of such household goods under paragraph (2) is
10 waived, in writing, by the shipper.”.

11 **SEC. 4208. ARBITRATION REQUIREMENTS.**

12 (a) OFFERING SHIPPERS ARBITRATION.—Section
13 14708(a) of title 49, United States Code, is amended by
14 inserting before the period at the end the following: “and
15 to determine whether carrier charges, in addition to those
16 collected at delivery, must be paid by shippers for trans-
17 portation and services related to transportation of house-
18 hold goods”.

19 (b) THRESHOLD FOR BINDING ARBITRATION.—Sec-
20 tion 14708(b)(6) of such title is amended by striking
21 “\$5,000” each place it appears and inserting “\$10,000”.

22 (c) DEADLINE FOR DECISION.—Section 14708(b)(8)
23 of such title is amended in last sentence—

24 (1) by striking “and”; and



1 (2) by inserting after “for damages” the fol-
2 lowing: “, and an order requiring the payment of ad-
3 ditional carrier charges”.

4 (d) ATTORNEY’S FEES TO SHIPPERS.—Section
5 14708(d)(3) of such title is amended—

6 (1) by redesignating subparagraph (B) as sub-
7 paragraph (C); and

8 (2) by striking “(3)(A) a decision resolving the
9 dispute was not” and inserting the following:

10 “(3)(A) the shipper was not advised by the car-
11 rier during the claim settlement process that a dis-
12 pute settlement program was available to resolve the
13 dispute;

14 “(B) a decision resolving the dispute was not”.

15 **SEC. 4209. CIVIL PENALTIES RELATING TO HOUSEHOLD**
16 **GOODS BROKERS AND UNAUTHORIZED**
17 **TRANSPORTATION.**

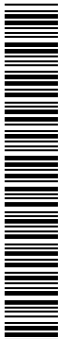
18 Section 14901(d) of title 49, United States Code, is
19 amended—

20 (1) by striking “If a carrier” and inserting the
21 following:

22 “(1) IN GENERAL.—If a carrier”; and

23 (2) by adding at the end the following:

24 “(2) ESTIMATE OF BROKER WITHOUT CARRIER
25 AGREEMENT.—If a broker for transportation of



1 household goods subject to jurisdiction under sub-
2 chapter I of chapter 135 makes an estimate of the
3 cost of transporting any such goods before entering
4 into an agreement with a carrier to provide trans-
5 portation of household goods subject to such juris-
6 diction, the broker is liable to the United States for
7 a civil penalty of not less than \$10,000 for each vio-
8 lation.

9 “(3) UNAUTHORIZED TRANSPORTATION.—If a
10 person provides transportation of household goods
11 subject to jurisdiction under subchapter I of chapter
12 135 or provides broker services for such transpor-
13 tation without being registered under chapter 139 to
14 provide such transportation or services as a motor
15 carrier or broker, as the case may be, such person
16 is liable to the United States for a civil penalty of
17 not less than \$25,000 for each violation.”.

18 **SEC. 4210. PENALTIES FOR HOLDING HOUSEHOLD GOODS**

19 **HOSTAGE.**

20 (a) IN GENERAL.—Chapter 149 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 14915. Penalties for failure to give up possession of**
24 **household goods**

25 “(a) CIVIL PENALTY.—



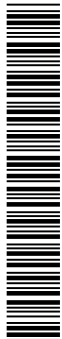
1 “(1) IN GENERAL.—Whoever is found holding a
2 household goods shipment hostage is liable to the
3 United States for a civil penalty of not less than
4 \$10,000 for each violation.

5 “(2) EACH DAY, A SEPARATE VIOLATION.—
6 Each day a carrier is found to have failed to give
7 up possession of household goods may constitute a
8 separate violation.

9 “(3) SUSPENSION.—If the person found holding
10 a shipment hostage is a carrier or broker, the Sec-
11 retary may suspend for a period of not less than 12
12 months nor more than 36 months the registration of
13 such carrier or broker under chapter 139. The force
14 and effect of such suspension of a carrier or broker
15 shall extend to and include any carrier or broker
16 having the same ownership or operational control as
17 the suspended carrier or broker.

18 “(b) CRIMINAL PENALTY.—Whoever has been con-
19 victed of having failed to give up possession of household
20 goods shall be fined under title 18 or imprisoned for not
21 more than 2 years, or both.

22 “(c) FAILURE TO GIVE UP POSSESSION OF HOUSE-
23 HOLD GOODS DEFINED.—For purposes of this section,
24 the term ‘failed to give up possession of household goods’
25 means the knowing and willful failure, in violation of a



1 contract, to deliver to, or unload at, the destination of a
2 shipment of household goods that is subject to jurisdiction
3 under subchapter I or III of chapter 135 of this title, for
4 which charges have been estimated by the motor carrier
5 providing transportation of such goods, and for which the
6 shipper has tendered a payment described in clause (i),
7 (ii), or (iii) of section 13707(b)(3)(A).”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
9 chapter is amended by adding at the end the following:

“14915. Penalties for failure to give up possession of household goods.”.

10 **SEC. 4211. CONSUMER HANDBOOK ON DOT WEB SITE.**

11 Not later than 1 year after the date of enactment
12 of this Act, the Secretary shall take such action as may
13 be necessary to ensure that publication ESA 03005 of the
14 Federal Motor Carrier Safety Administration entitled
15 “Your Rights and Responsibilities When You Move”, is
16 prominently displayed, and available in language that is
17 readily understandable by the general public, on the Web
18 site of the Department of Transportation.

19 **SEC. 4212. RELEASE OF HOUSEHOLD GOODS BROKER IN-**
20 **FORMATION.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Secretary shall modify the regulations con-
23 tained in part 375 of title 49, Code of Federal Regula-
24 tions, to require a broker that is subject to such regula-
25 tions to provide shippers with the following information



1 whenever they have contact with a shipper or potential
2 shipper:

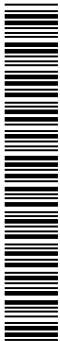
3 (1) The Department of Transportation number
4 of the broker.

5 (2) The ESA 03005 publication referred to in
6 section 4211 of this Act.

7 (3) A list of all motor carriers providing trans-
8 portation of household goods used by the broker and
9 a statement that the broker is not a motor carrier
10 providing transportation of household goods.

11 **SEC. 4213. WORKING GROUP FOR DEVELOPMENT OF PRAC-**
12 **TICES AND PROCEDURES TO ENHANCE FED-**
13 **ERAL-STATE RELATIONS.**

14 (a) IN GENERAL.—Not later than 90 days after the
15 date of enactment of this Act, the Secretary shall establish
16 a working group of State attorneys general, State con-
17 sumer protection administrators, and Federal and local
18 law enforcement officials for the purpose of developing
19 practices and procedures to enhance the Federal-State
20 partnership in enforcement efforts, exchange of informa-
21 tion, and coordination of enforcement efforts with respect
22 to interstate transportation of household goods and of
23 making legislative and regulatory recommendations to the
24 Secretary concerning such enforcement efforts.



1 (b) CONSULTATION.—In carrying out subsection (a),
2 the working group shall consult with industries involved
3 in the transportation of household goods, the public, and
4 other interested parties.

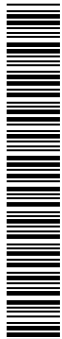
5 (c) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
6 TION.—The Federal Advisory Committee Act (5 U.S.C.
7 App.) shall not apply to the working group established
8 under subsection (a).

9 (d) TERMINATION DATE.—The working group shall
10 remain in effect until September 30, 2009.

11 **SEC. 4214. CONSUMER COMPLAINT INFORMATION.**

12 (a) ESTABLISHMENT OF SYSTEM.—Not later than 1
13 year after the date of enactment of this Act, the Secretary
14 shall—

15 (1) establish (A) a system for filing and logging
16 consumer complaints relating to household goods
17 motor carriers for the purpose of compiling or link-
18 ing complaint information gathered by the Depart-
19 ment of Transportation and the States with regard
20 to such carriers, (B) a database of the complaints,
21 and (C) a procedure for the public to have access,
22 subject to section 552(a) of title 5, United States
23 Code, to aggregated information and for carriers to
24 challenge duplicate or fraudulent information in the
25 database;



1 (2) issue regulations requiring each motor car-
2 rier of household goods to submit on a quarterly
3 basis a report summarizing—

4 (A) the number of shipments that originate
5 and are delivered for individual shippers during
6 the reporting period by the carrier;

7 (B) the number and general category of
8 complaints lodged by consumers with the car-
9 rier;

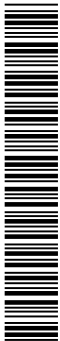
10 (C) the number of claims filed with the
11 carrier for loss and damage in excess of \$500;

12 (D) the number of such claims resolved
13 during the reporting period;

14 (E) the number of such claims declined in
15 the reporting period; and

16 (F) the number of such claims that are
17 pending at the close of the reporting period;
18 and

19 (3) develop a procedure to forward a complaint,
20 including the motor carrier bill of lading number, if
21 known, related to the complaint to a motor carrier
22 named in such complaint and to an appropriate
23 State authority (as defined in section 14710(d) of
24 title 49, United States Code) in the State in which
25 the complainant resides.



1 (b) USE OF INFORMATION.—The Secretary shall con-
2 sider information in the data base established under sub-
3 section (a) in its household goods compliance and enforce-
4 ment program.

5 **SEC. 4215. REVIEW OF LIABILITY OF CARRIERS.**

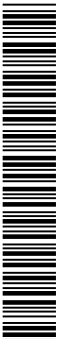
6 (a) REVIEW.—Not later than 1 year after the date
7 of enactment of this Act, the Surface Transportation
8 Board shall complete a review of the current Federal regu-
9 lations regarding the level of liability protection provided
10 by motor carriers that provide transportation of household
11 goods and revise such regulations, if necessary, to provide
12 enhanced protection in the case of loss or damage.

13 (b) DETERMINATIONS.—The review required by sub-
14 section (a) shall include a determination of—

15 (1) whether the current regulations provide ade-
16 quate protection;

17 (2) the benefits of purchase by a shipper of in-
18 surance to supplement the carrier's limitations on li-
19 ability; and

20 (3) whether there are abuses of the current reg-
21 ulations that leave the shipper unprotected in the
22 event of loss and damage to a shipment of household
23 goods.



1 **SEC. 4216. APPLICATION OF STATE CONSUMER PROTEC-**
2 **TION LAWS TO CERTAIN HOUSEHOLD GOODS**
3 **CARRIERS.**

4 (a) STUDY.—The Comptroller General shall conduct
5 a study on the current consumer protection authorities
6 and actions of the Department of Transportation and the
7 impact on shippers and carriers of household goods in-
8 volved in interstate transportation of allowing State attor-
9 neys general to apply State consumer protection laws to
10 such transportation.

11 (b) MATTERS TO BE CONSIDERED.—In conducting
12 the study, the Comptroller General shall consider, at a
13 minimum—

14 (1) the level of consumer protection being pro-
15 vided to consumers through Federal household goods
16 regulations and how household goods regulations re-
17 lating to consumer protection compare to regulations
18 relating to consumer protection for other modes of
19 transportation regulated by the Department of
20 Transportation;

21 (2) the history and background of State en-
22 forcement of State consumer protection laws on
23 household goods carriers providing intrastate trans-
24 portation and what effects such laws have on the
25 ability of intrastate household goods carriers to op-
26 erate;



1 (3) what operational impacts, if any, would re-
2 sult on household goods carriers engaged in inter-
3 state commerce being subject to the State consumer
4 protection laws; and

5 (4) the potential for States to regulate rates or
6 other business operations if State consumer protec-
7 tion laws applied to interstate household goods
8 movements.

9 (c) CONSULTATION.—In conducting the study, the
10 Comptroller General shall consult with the Secretary,
11 State attorneys general, consumer protection agencies,
12 and the household goods industry.

13 (d) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Comptroller General
15 shall transmit to the Committee of Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science and Transportation of the
18 Senate a report on the results of the study.

19 **Subtitle C—Unified Carrier**
20 **Registration Act of 2005**

21 **SEC. 4301. SHORT TITLE.**

22 This subtitle may be cited as the “Unified Carrier
23 Registration Act of 2005”.



1 **SEC. 4302. RELATIONSHIP TO OTHER LAWS.**

2 Except as provided in section 14504 of title 49,
3 United States Code, and sections 14504a and 14506 of
4 title 49, United States Code, as added by this subtitle,
5 this subtitle is not intended to prohibit any State or any
6 political subdivision of any State from enacting, imposing,
7 or enforcing any law or regulation with respect to a motor
8 carrier, motor private carrier, broker, freight forwarder,
9 or leasing company that is not otherwise prohibited by law.

10 **SEC. 4303. INCLUSION OF MOTOR PRIVATE AND EXEMPT**
11 **CARRIERS.**

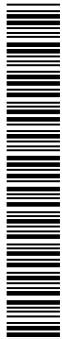
12 (a) PERSONS REGISTERED TO PROVIDE TRANSPOR-
13 TATION OR SERVICE AS A MOTOR CARRIER OR MOTOR
14 PRIVATE CARRIER.—Section 13905 of title 49, United
15 States Code, is amended—

16 (1) by redesignating subsections (b), (c), (d),
17 and (e) as subsections (c), (d), (e), and (f), respec-
18 tively; and

19 (2) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) PERSON REGISTERED WITH SECRETARY.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), any person having registered with the
24 Secretary to provide transportation or service as a
25 motor carrier or motor private carrier under this
26 title, as in effect on January 1, 2005, but not having



1 registered pursuant to section 13902(a), shall be
2 treated, for purposes of this part, to be registered to
3 provide such transportation or service for purposes
4 of sections 13908 and 14504a.

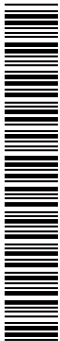
5 “(2) EXCLUSIVELY INTRASTATE OPERATORS.—
6 Paragraph (1) does not apply to a motor carrier or
7 motor private carrier (including a transporter of
8 waste or recyclable materials) engaged exclusively in
9 intrastate transportation operations.”.

10 (b) SECURITY REQUIREMENT.—Section 13906(a) of
11 such title is amended—

12 (1) by redesignating paragraphs (2) and (3) as
13 paragraphs (3) and (4), respectively; and

14 (2) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) SECURITY REQUIREMENT.—Not later than
17 120 days after the date of enactment of the Unified
18 Carrier Registration Act of 2005, any person, other
19 than a motor private carrier, registered with the
20 Secretary to provide transportation or service as a
21 motor carrier under section 13905(b) shall file with
22 the Secretary a bond, insurance policy, or other type
23 of security approved by the Secretary, in an amount
24 not less than required by sections 31138 and
25 31139.”.



1 (c) TERMINATION OF TRANSITION RULE.—Section
2 13902 of such title is amended—

3 (1) by adding at the end of subsection (d) the
4 following:

5 “(3) TERMINATION.—This subsection shall
6 cease to be in effect on the transition termination
7 date.”; and

8 (2) by redesignating subsection (f) as sub-
9 section (g), and inserting after subsection (e) the fol-
10 lowing:

11 “(f) MODIFICATION OF CARRIER REGISTRATION.—

12 “(1) IN GENERAL.—On and after the transition
13 termination date, the Secretary—

14 “(A) may not register a motor carrier
15 under this section as a motor common carrier
16 or a motor contract carrier;

17 “(B) shall register applicants under this
18 section as motor carriers; and

19 “(C) shall issue any motor carrier reg-
20 istered under this section after that date a
21 motor carrier certificate of registration that
22 specifies whether the holder of the certificate
23 may provide transportation of persons, house-
24 hold goods, other property, or any combination
25 thereof.

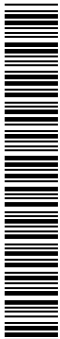


1 “(2) PRE-EXISTING CERTIFICATES AND PER-
2 MITS.—The Secretary shall redesignate any motor
3 carrier certificate or permit issued before the transi-
4 tion termination date as a motor carrier certificate
5 of registration. On and after the transition termi-
6 nation date, any person holding a motor carrier cer-
7 tificate of registration redesignated under this para-
8 graph may provide both contract carriage (as de-
9 fined in section 13102(4)(B)) and transportation
10 under terms and conditions meeting the require-
11 ments of section 13710(a)(1). The Secretary may
12 not, pursuant to any regulation or form issued be-
13 fore or after the transition termination date, make
14 any distinction among holders of motor carrier cer-
15 tificates of registration on the basis of whether the
16 holder would have been classified as a common car-
17 rier or as a contract carrier under—

18 “(A) subsection (d) of this section, as that
19 section was in effect before the transition termi-
20 nation date; or

21 “(B) any other provision of this title that
22 was in effect before the transition termination
23 date.

24 “(3) TRANSITION TERMINATION DATE DE-
25 FINED.—In this section, the term ‘transition termi-



1 nation date' means the first day of January occur-
2 ring more than 12 months after the date of enact-
3 ment of the Unified Carrier Registration Act of
4 2005.”.

5 (d) CLERICAL AMENDMENTS.—

6 (1) HEADING FOR SECTION 13906.—Section
7 13906 of such title is amended by striking the sec-
8 tion designation and heading and inserting the fol-
9 lowing:

10 **“§ 13906. Security of motor carriers, motor private**
11 **carriers, brokers, and freight for-**
12 **warders”.**

13 (2) CHAPTER ANALYSIS.—The analysis for
14 chapter 139 of such title is amended by striking the
15 item relating to section 13906 and inserting the fol-
16 lowing:

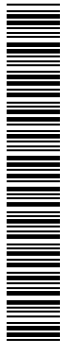
“13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders.”.

17 **SEC. 4304. UNIFIED CARRIER REGISTRATION SYSTEM.**

18 Section 13908 of title 49, United States Code, is
19 amended to read as follows:

20 **“§ 13908. Registration and other reforms**

21 **“(a) ESTABLISHMENT OF UNIFIED CARRIER REG-**
22 **ISTRATION SYSTEM.—**The Secretary, in cooperation with
23 the States, representatives of the motor carrier, motor pri-
24 vate carrier, freight forwarder, and broker industries and



1 after notice and opportunity for public comment, shall
2 issue within 1 year after the date of enactment of the Uni-
3 fied Carrier Registration Act of 2005 regulations to estab-
4 lish an online Federal registration system, to be named
5 the ‘Unified Carrier Registration System’, to replace—

6 “(1) the current Department of Transportation
7 identification number system, the single state reg-
8 istration system under section 14504;

9 “(2) the registration system contained in this
10 chapter and the financial responsibility information
11 system under section 13906; and

12 “(3) the service of process agent systems under
13 sections 503 and 13304.

14 “(b) ROLE AS CLEARINGHOUSE AND DEPOSITORY OF
15 INFORMATION.—The Unified Carrier Registration System
16 shall serve as a clearinghouse and depository of informa-
17 tion on, and identification of, all foreign and domestic
18 motor carriers, motor private carriers, brokers, freight for-
19 warders, and others required to register with the Depart-
20 ment of Transportation, including information with re-
21 spect to a carrier’s safety rating, compliance with required
22 levels of financial responsibility, and compliance with the
23 provisions of section 14504a. The Secretary shall ensure
24 that Federal agencies, States, representatives of the motor
25 carrier industry, and the public have access to the Unified



1 Carrier Registration System, including the records and in-
2 formation contained in the System.

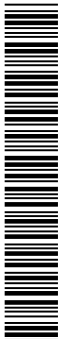
3 “(c) PROCEDURES FOR CORRECTING INFORMA-
4 TION.—Not later than 60 days after the effective date of
5 this section, the Secretary shall prescribe regulations es-
6 tablishing procedures that enable a motor carrier to cor-
7 rect erroneous information contained in any part of the
8 Unified Carrier Registration System.

9 “(d) FEE SYSTEM.—The Secretary shall establish,
10 under section 9701 of title 31, a fee system for the Unified
11 Carrier Registration System according to the following
12 guidelines:

13 “(1) REGISTRATION AND FILING EVIDENCE OF
14 FINANCIAL RESPONSIBILITY.—The fee for new reg-
15 istrants shall as nearly as possible cover the costs of
16 processing the registration but shall not exceed
17 \$300.

18 “(2) EVIDENCE OF FINANCIAL RESPONSI-
19 BILITY.—The fee for filing evidence of financial re-
20 sponsibility pursuant to this section shall not exceed
21 \$10 per filing. No fee shall be charged for a filing
22 for purposes of designating an agent for service of
23 process or the filing of other information relating to
24 financial responsibility.

25 “(3) ACCESS AND RETRIEVAL FEES.—

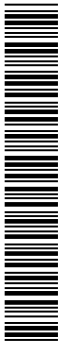


1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the fee system shall include
3 a nominal fee for the access to or retrieval of
4 information from the Unified Carrier Registra-
5 tion System to cover the costs of operating and
6 upgrading the System, including the personnel
7 costs incurred by the Department and the costs
8 of administration of the unified carrier registra-
9 tion agreement.

10 “(B) EXCEPTIONS.—There shall be no fee
11 charged under this paragraph—

12 “(i) to any agency of the Federal Gov-
13 ernment or a State government or any po-
14 litical subdivision of any such government
15 for the access to or retrieval of information
16 and data from the Unified Carrier Reg-
17 istration System for its own use; or

18 “(ii) to any representative of a motor
19 carrier, motor private carrier, leasing com-
20 pany, broker, or freight forwarder (as each
21 is defined in section 14504a) for the access
22 to or retrieval of the individual information
23 related to such entity from the Unified
24 Carrier Registration System for the indi-
25 vidual use of such entity.



1 “(e) APPLICATION TO CERTAIN INTRASTATE OPER-
2 ATIONS.—Nothing in this section requires the registration
3 of a motor carrier, a motor private carrier of property,
4 or a transporter of waste or recyclable materials operating
5 exclusively in intrastate transportation not otherwise re-
6 quired to register with the Secretary under another provi-
7 sion of this title.”.

8 **SEC. 4305. REGISTRATION OF MOTOR CARRIERS BY**
9 **STATES.**

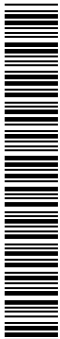
10 (a) TERMINATION OF REGISTRATION PROVISIONS.—
11 Section 14504, and the item relating to such section in
12 the analysis for chapter 145, of title 49, United States
13 Code, are repealed effective on the first January 1st occur-
14 ring more than 12 months after the date of enactment
15 of this Act.

16 (b) UNIFIED CARRIER REGISTRATION SYSTEM PLAN
17 AND AGREEMENT.—Chapter 145 of title 49, United
18 States Code is amended by inserting after section 14504
19 the following:

20 **“§ 14504a. Unified Carrier Registration System plan**
21 **and agreement**

22 “(a) DEFINITIONS.—In this section and section
23 14506, the following definitions apply :

24 “(1) COMMERCIAL MOTOR VEHICLE.—



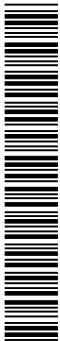
1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term ‘commercial motor
3 vehicle’ has the meaning such term has under
4 section 31101.

5 “(B) EXCEPTION.—With respect to a
6 motor carrier required to make any filing or
7 pay any fee to a State with respect to the motor
8 carrier’s authority or insurance related to oper-
9 ation within such State, the motor carrier shall
10 have the option to include, in addition to com-
11 mercial motor vehicles as defined in subpara-
12 graph (A), any self-propelled vehicle used on
13 the highway in commerce to transport pas-
14 sengers or property for compensation regardless
15 of the gross vehicle weight rating of the vehicle
16 or the number of passengers transported by
17 such vehicle.

18 “(2) BASE-STATE.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the term ‘base-State’ means, with
21 respect to a unified carrier registration agree-
22 ment, a State—

23 “(i) that is in compliance with the re-
24 quirements of subsection (e); and



1 “(ii) in which the motor carrier, motor
2 private carrier, broker, freight forwarder,
3 or leasing company to which the agreement
4 applies maintains its principal place of
5 business.

6 “(B) DESIGNATION OF BASE-STATE.—A
7 motor carrier, motor private carrier, broker,
8 freight forwarder, or leasing company may des-
9 ignate another State in which it maintains an
10 office or operating facility to be its base-State
11 in the event that—

12 “(i) the State in which the motor car-
13 rier, motor private carrier, broker, freight
14 forwarder, or leasing company maintains
15 its principal place of business is not in
16 compliance with the requirements of sub-
17 section (e); or

18 “(ii) the motor carrier, motor private
19 carrier, broker, freight forwarder, or leas-
20 ing company does not have a principal
21 place of business in the United States.

22 “(3) INTRASTATE FEE.—The term ‘intrastate
23 fee’ means any fee, tax, or other type of assessment,
24 including per vehicle fees and gross receipts taxes,
25 imposed on a motor carrier or motor private carrier



1 for the renewal of the intrastate authority or insur-
2 ance filings of such carrier with a State.

3 “(4) LEASING COMPANY.—The term ‘leasing
4 company’ means a lessor that is engaged in the busi-
5 ness of leasing or renting for compensation motor
6 vehicles without drivers to a motor carrier, motor
7 private carrier, or freight forwarder.

8 “(5) MOTOR CARRIER.—The term ‘motor car-
9 rier’ includes all carriers that are otherwise exempt
10 from this part under subchapter I of chapter 135 or
11 exemption actions by the former Interstate Com-
12 merce Commission under this title.

13 “(6) PARTICIPATING STATE.—The term ‘par-
14 ticipating State’ means a State that has complied
15 with the requirements of subsection (e).

16 “(7) SSRS.—The term ‘SSRS’ means the sin-
17 gle state registration system in effect on the date of
18 enactment this section.

19 “(8) UNIFIED CARRIER REGISTRATION AGREE-
20 MENT.—The terms ‘unified carrier registration
21 agreement’ and ‘UCR agreement’ mean the inter-
22 state agreement developed under the unified carrier
23 registration plan governing the collection and dis-
24 tribution of registration and financial responsibility
25 information provided and fees paid by motor car-



1 riers, motor private carriers, brokers, freight for-
2 warders, and leasing companies pursuant to this sec-
3 tion.

4 “(9) UNIFIED CARRIER REGISTRATION PLAN.—
5 The terms ‘unified carrier registration plan’ and
6 ‘UCR plan’ mean the organization of State, Federal,
7 and industry representatives responsible for devel-
8 oping, implementing, and administering the unified
9 carrier registration agreement.

10 “(10) VEHICLE REGISTRATION.—The term ‘ve-
11 hicle registration’ means the registration of any
12 commercial motor vehicle under the International
13 Registration Plan (as defined in section 31701) or
14 any other registration law or regulation of a jurisdic-
15 tion.

16 “(b) APPLICABILITY OF PROVISIONS TO FREIGHT
17 FORWARDERS.—A freight forwarder that operates com-
18 mercial motor vehicles and is not required to register as
19 a carrier pursuant to section 13903(b) shall be subject to
20 the provisions of this section as if the freight forwarder
21 is a motor carrier.

22 “(c) UNREASONABLE BURDEN.—For purposes of
23 this section, it shall be considered an unreasonable burden
24 upon interstate commerce for any State or any political



1 subdivision of a State, or any political authority of 2 or
2 more States—

3 “(1) to enact, impose, or enforce any require-
4 ment or standards with respect to, or levy any fee
5 or charge on, any motor carrier or motor private
6 carrier providing transportation or service subject to
7 jurisdiction under subchapter I of chapter 135 (in
8 this section referred to as an ‘interstate motor car-
9 rier’ and an ‘interstate motor private carrier’, re-
10 spectively) in connection with—

11 “(A) the registration with the State of the
12 interstate operations of the motor carrier or
13 motor private carrier;

14 “(B) the filing with the State of informa-
15 tion relating to the financial responsibility of
16 the a motor carrier or motor private carrier
17 pursuant to sections 31138 or 31139;

18 “(C) the filing with the State of the name
19 of the local agent for service of process of the
20 motor carrier or motor private carrier pursuant
21 to sections 503 or 13304; or

22 “(D) the annual renewal of the intrastate
23 authority, or the insurance filings, of the motor
24 carrier or motor private carrier, or other intra-
25 state filing requirement necessary to operate



1 within the State if the motor carrier or motor
2 private carrier is—

3 “(i) registered under section 13902 or
4 section 13905(b); and

5 “(ii) in compliance with the laws and
6 regulations of the State authorizing the
7 carrier to operate in the State in accord-
8 ance with section 14501(c)(2)(A); except
9 with respect to—

10 “(I) intrastate service provided
11 by motor carriers of passengers that
12 is not subject to the preemption provi-
13 sions of section 14501(a);

14 “(II) motor carriers of property,
15 motor private carriers, brokers, or
16 freight forwarders, or their services or
17 operations, that are described in sub-
18 paragraphs (B) and (C) of section
19 14501(c)(2).

20 “(III) the intrastate transpor-
21 tation of waste or recyclable materials
22 by any carrier; or

23 “(2) to require any interstate motor carrier or
24 motor private carrier that also performs intrastate



1 operations to pay any fee or tax which a carrier en-
2 gaged exclusively in interstate operations is exempt.

3 “(d) UNIFIED CARRIER REGISTRATION PLAN.—

4 “(1) BOARD OF DIRECTORS.—

5 “(A) GOVERNANCE OF PLAN; ESTABLISH-
6 MENT.—The unified carrier registration plan
7 shall have a board of directors consisting of
8 representatives of the Department of Transpor-
9 tation, participating States, and the motor car-
10 rier industry. The Secretary shall establish the
11 board.

12 “(B) COMPOSITION.—The board shall con-
13 sist of 15 directors appointed by the Secretary
14 as follows:

15 “(i) FEDERAL MOTOR CARRIER SAFE-
16 TY ADMINISTRATION.—One director from
17 each of the Federal Motor Carrier Safety
18 Administration’s 4 service areas (as those
19 areas were defined by the Federal Motor
20 Carrier Safety Administration on January
21 1, 2005) from among the chief administra-
22 tive officers of the State agencies respon-
23 sible for overseeing the administration of
24 the UCR agreement.



1 “(ii) STATE AGENCIES.—Five direc-
2 tors from the professional staffs of State
3 agencies responsible for overseeing the ad-
4 ministration of the UCR agreement in
5 their respective States. Nominees for these
6 5 directorships shall be submitted to the
7 Secretary by the national association of
8 professional employees of the State agen-
9 cies responsible for overseeing the adminis-
10 tration of the UCR agreement in their re-
11 spective States.

12 “(iii) MOTOR CARRIER INDUSTRY.—
13 Five directors from the motor carrier in-
14 dustry. At least 1 of the appointees under
15 this clause shall be a representative of a
16 national trade association representing the
17 general motor carrier of property industry.
18 At least 1 of the appointees under this
19 clause shall represent a motor carrier that
20 falls within the smallest fleet fee bracket.

21 “(iv) DEPARTMENT OF TRANSPOR-
22 TATION.—The Deputy Administrator of
23 the Federal Motor Carrier Safety Adminis-
24 tration, or such other presidential ap-



1 pointee from the Department, as the Sec-
2 retary may appoint.

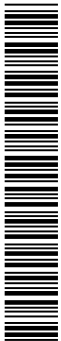
3 “(C) CHAIRPERSON AND VICE-CHAIR-
4 PERSON.—The Secretary shall designate 1 di-
5 rector as chairperson and 1 director as vice-
6 chairperson of the board. The chairperson and
7 vice-chairperson shall serve in such capacity for
8 the term of their appointment as directors.

9 “(D) TERMS.—

10 “(i) INITIAL TERMS.—In appointing
11 the initial board, the Secretary shall des-
12 ignate 5 of the appointed directors for ini-
13 tial terms of 3 years, 5 of the appointed
14 directors for initial terms of 2 years, and
15 5 of the appointed directors for initial
16 terms of 1 year.

17 “(ii) THEREAFTER.—After the initial
18 term, all directors shall be appointed for
19 terms of 3 years; except that the term of
20 the Deputy Administrator or other indi-
21 vidual designated by the Secretary under
22 subparagraph (B)(iv) shall be at the dis-
23 cretion of the Secretary.

24 “(iii) SUCCESSION.—A director may
25 be appointed to succeed himself or herself.



1 “(iv) END OF SERVICE.—A director
2 may continue to serve on the board until
3 his or her successor is appointed.

4 “(2) RULES AND REGULATIONS GOVERNING
5 THE UCR AGREEMENT.—The board of directors shall
6 issue rules and regulations to govern the UCR
7 agreement. The rules and regulations shall—

8 “(A) prescribe uniform forms and formats,
9 for—

10 “(i) the annual submission of the in-
11 formation required by a base-State of a
12 motor carrier, motor private carrier, leas-
13 ing company, broker, or freight forwarder;

14 “(ii) the transmission of information
15 by a participating State to the Unified
16 Carrier Registration System;

17 “(iii) the payment of excess fees by a
18 State to the designated depository and the
19 distribution of fees by the depository to
20 those States so entitled; and

21 “(iv) the providing of notice by a
22 motor carrier, motor private carrier,
23 broker, freight forwarder, or leasing com-
24 pany to the board of the intent of such en-
25 tity to change its base-State, and the pro-



1 cedures for a State to object to such a
2 change under subparagraph (C);

3 “(B) provide for the administration of the
4 unified carrier registration agreement, including
5 procedures for amending the agreement and ob-
6 taining clarification of any provision of the
7 Agreement;

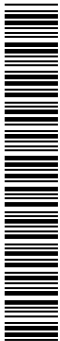
8 “(C) provide procedures for dispute resolu-
9 tion under the agreement that provide due proc-
10 ess for all involved parties; and

11 “(D) designate a depository.

12 “(3) COMPENSATION AND EXPENSES.—

13 “(A) IN GENERAL.—Except for the rep-
14 resentative of the Department appointed under
15 paragraph (1)(B)(iv), no director shall receive
16 any compensation or other benefits from the
17 Federal Government for serving on the board or
18 be considered a Federal employee as a result of
19 such service.

20 “(B) EXPENSES.—All directors shall be re-
21 imbursed for expenses they incur attending
22 meetings of the board. In addition, the board
23 may approve the reimbursement of expenses in-
24 curred by members of any subcommittee or task
25 force appointed under paragraph (5) for car-



1 rying out the duties of the subcommittee or
2 task force. The reimbursement of expenses to
3 directors and subcommittee and task force
4 members shall be under subchapter II of chap-
5 ter 57 of title 5, United States Code, governing
6 reimbursement of expenses for travel by Fed-
7 eral employees.

8 “(4) MEETINGS.—

9 “(A) IN GENERAL.—The board shall meet
10 at least once per year. Additional meetings may
11 be called, as needed, by the chairperson of the
12 board, a majority of the directors, or the Sec-
13 retary.

14 “(B) QUORUM.—A majority of directors
15 shall constitute a quorum.

16 “(C) VOTING.—Approval of any matter be-
17 fore the board shall require the approval of a
18 majority of all directors present at the meeting.

19 “(D) OPEN MEETINGS.—Meetings of the
20 board and any subcommittees or task forces ap-
21 pointed under paragraph (5) shall be subject to
22 the provisions of section 552b of title 5.

23 “(5) SUBCOMMITTEES.—

24 “(A) INDUSTRY ADVISORY SUB-
25 COMMITTEE.—The chairperson shall appoint an



1 industry advisory subcommittee. The industry
2 advisory subcommittee shall consider any mat-
3 ter before the board and make recommenda-
4 tions to the board.

5 “(B) OTHER SUBCOMMITTEES.—The
6 chairperson shall appoint an audit sub-
7 committee, a dispute resolution subcommittee,
8 and any additional subcommittees and task
9 forces that the board determines to be nec-
10 essary.

11 “(C) MEMBERSHIP.—The chairperson of
12 each subcommittee shall be a director. The
13 other members of subcommittees and task
14 forces may be directors or nondirectors.

15 “(D) REPRESENTATION ON SUBCOMMIT-
16 TEES.—Except for the industry advisory sub-
17 committee (the membership of which shall con-
18 sist solely of representatives of entities subject
19 to the fee requirements of subsection (f)), each
20 subcommittee and task force shall include rep-
21 resentatives of the participating States and the
22 motor carrier industry.

23 “(6) DELEGATION OF AUTHORITY.—The board
24 may contract with any person or any agency of a
25 State to perform administrative functions required



1 under the unified carrier registration agreement, but
2 may not delegate its decision or policy-making re-
3 sponsibilities.

4 “(7) DETERMINATION OF FEES.—

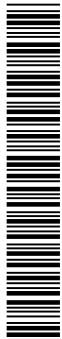
5 “(A) RECOMMENDATION BY BOARD.—The
6 board shall recommend to the Secretary the ini-
7 tial annual fees to be assessed carriers, leasing
8 companies, brokers, and freight forwarders
9 under the unified carrier registration agree-
10 ment. In making its recommendation to the
11 Secretary for the level of fees to be assessed in
12 any agreement year, and in setting the fee level,
13 the board and the Secretary shall consider—

14 “(i) the administrative costs associ-
15 ated with the unified carrier registration
16 plan and the agreement;

17 “(ii) whether the revenues generated
18 in the previous year and any surplus or
19 shortage from that or prior years enable
20 the participating States to achieve the rev-
21 enue levels set by the board; and

22 “(iii) the provisions governing fees
23 under in subsection (f)(1).

24 “(B) SETTING FEES.—The Secretary shall
25 set the initial annual fees for the next agree-



1 ment year and any subsequent adjustment of
2 those fees—

3 “(i) within 90 days after receiving the
4 board’s recommendation under subpara-
5 graph (A); and

6 “(ii) after notice and opportunity for
7 public comment.

8 “(8) LIABILITY PROTECTIONS FOR DIREC-
9 TORS.—No individual appointed to serve on the
10 board shall be liable to any other director or to any
11 other party for harm, either economic or non-econ-
12 omic, caused by an act or omission of the indi-
13 vidual arising from the individual’s service on the
14 board if—

15 “(A) the individual was acting within the
16 scope of his or her responsibilities as a director;
17 and

18 “(B) the harm was not caused by willful or
19 criminal misconduct, gross negligence, reckless
20 misconduct, or a conscious, flagrant indiffer-
21 ence to the right or safety of the party harmed
22 by the individual.

23 “(9) INAPPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—The Federal Advisory Committee
25 Act (5 U.S.C. App.) shall not apply to the unified



1 carrier registration plan, the board, or its commit-
2 tees.

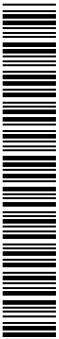
3 “(10) CERTAIN FEES NOT AFFECTED.—This
4 section does not limit the amount of money a State
5 may charge for vehicle registration or the amount of
6 any fuel use tax a State may impose pursuant to the
7 International Fuel Tax Agreement (as defined in
8 section 31701).

9 “(e) STATE PARTICIPATION.—

10 “(1) STATE PLAN.—No State shall be eligible
11 to participate in the unified carrier registration plan
12 or to receive any revenues derived under the UCR
13 agreement, unless the State submits to the Sec-
14 retary, not later than 3 years after the date of en-
15 actment of the Unified Carrier Registration Act of
16 2005, a plan—

17 “(A) identifying the State agency that has
18 or will have the legal authority, resources, and
19 qualified personnel necessary to administer the
20 agreement in accordance with the rules and reg-
21 ulations promulgated by the board of directors;
22 and

23 “(B) demonstrating that an amount at
24 least equal to the revenue derived by the State
25 from the unified carrier registration agreement



1 shall be used for motor carrier safety programs,
2 enforcement, or the administration of the UCR
3 plan and UCR agreement.

4 “(2) AMENDED PLANS.—A State that submits
5 a plan under this subsection may change the agency
6 designated in the plan by filing an amended plan
7 with the Secretary and the chairperson of the board
8 of directors.

9 “(3) WITHDRAWAL OF PLAN.—If a State with-
10 draws, or notifies the Secretary that it is with-
11 drawing, the plan it submitted under this subsection,
12 the State may no longer participate in the unified
13 carrier registration agreement or receive any portion
14 of the revenues derived under the agreement. The
15 Secretary shall notify the chairperson upon receiving
16 notice from a State that it is withdrawing its plan
17 or withdrawing from the agreement, or both.

18 “(4) TERMINATION OF ELIGIBILITY.—If a State
19 fails to submit a plan to the Secretary in accordance
20 with paragraph (1) or withdraws its plan under
21 paragraph (3), the State may not submit or resub-
22 mit a plan or participate in the agreement.

23 “(5) PROVISION OF PLAN TO CHAIRPERSON.—
24 The Secretary shall provide a copy of each plan sub-
25 mitted under this subsection to the chairperson of



1 the board of directors not later than 10 days after
2 date of submission of the plan.

3 “(f) CONTENTS OF UNIFIED CARRIER REGISTRA-
4 TION AGREEMENT.—The unified carrier registration
5 agreement shall provide the following:

6 “(1) FEES.—(A) Fees charged—

7 “(i) to a motor carrier, motor private car-
8 rier, or freight forwarder in connection with the
9 filing of proof of financial responsibility under
10 the UCR agreement shall be based on the num-
11 ber of commercial motor vehicles owned or op-
12 erated by the motor carrier, motor private car-
13 rier, or freight forwarder; and

14 “(ii) to a broker or leasing company in
15 connection with such a filing shall be equal to
16 the smallest fee charged to a motor carrier,
17 motor private carrier, and freight forwarder or
18 under this paragraph.

19 “(B) The fees shall be determined by the Sec-
20 retary based upon the recommendation of the board
21 under subsection (d)(7).

22 “(C) The board shall develop for purposes of
23 charging fees no more than 6 and no less than 4
24 brackets of carriers (including motor private car-
25 riers) based on the size of fleet.



1 “(D) The fee scale shall be progressive in the
2 amount of the fee.

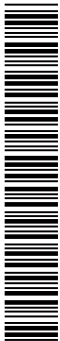
3 “(E) The board may ask the Secretary to ad-
4 just the fees within a reasonable range on an annual
5 basis if the revenues derived from the fees—

6 “(i) are insufficient to provide the revenues
7 to which the States are entitled under this sec-
8 tion; or

9 “(ii) exceed those revenues.

10 “(2) DETERMINATION OF OWNERSHIP OR OP-
11 ERATION.—For purposes of this subsection, a com-
12 mercial motor vehicle is owned or operated by a
13 motor carrier, motor private carrier, or freight for-
14 warder if the vehicle is registered under Federal law
15 or State law, or both, in the name of the motor car-
16 rier, motor private carrier, or freight forwarder or is
17 controlled by the motor carrier, motor private car-
18 rier, or freight forwarder under a long term lease
19 during a vehicle registration year.

20 “(3) CALCULATION OF NUMBER OF COMMER-
21 CIAL MOTOR VEHICLES OWNED OR OPERATED.—The
22 number of commercial motor vehicles owned or oper-
23 ated by a motor carrier, motor private carrier, or
24 freight forwarder for purposes of paragraph (1) shall
25 be based either on the number of commercial motor

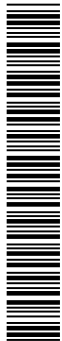


1 vehicles the motor carrier, motor private carrier, or
2 freight forwarder has indicated it operates on its
3 most recently filed MCS-150 or the total number of
4 such vehicles it owned or operated for the 12-month
5 period ending on June 30 of the year immediately
6 prior to the registration year of the Unified Carrier
7 Registration System. A motor carrier may include in
8 the calculation of its fleet size for purposes of para-
9 graph (1) any commercial motor vehicle. Motor car-
10 riers and motor private carriers in the calculation of
11 their fleet size for purposes of paragraph (1) may
12 elect not to include commercial motor vehicle used
13 exclusively in the intrastate transportation of prop-
14 erty, waste, or recyclable material.

15 “(4) PAYMENT OF FEES.—Motor carriers,
16 motor private carriers, leasing companies, brokers,
17 and freight forwarders shall pay all fees required
18 under this section to their base-State pursuant to
19 the UCR Agreement.

20 “(g) PAYMENT OF FEES.—Revenues derived under
21 the UCR Agreement shall be allocated to participating
22 States as follows:

23 “(1) A State that participated in the SSRS in
24 the last registration year under the SSRS ending be-
25 fore the date of enactment of the Unified Carrier



1 Registration Act of 2005 and complies with sub-
2 section (e) is entitled to receive under this section a
3 portion of the revenues generated under the UCR
4 agreement equivalent to the revenues it received
5 under the SSRS in such last registration year, as
6 long as the State continues to comply with sub-
7 section (e).

8 “(2) A State that collected intrastate registra-
9 tion fees from interstate motor carriers, interstate
10 motor private carriers, or interstate exempt carriers
11 and complies with subsection (e) is entitled to re-
12 ceive under this section an additional portion of the
13 revenues generated under the UCR agreement equiv-
14 alent to the revenues it received from such carriers
15 in the last calendar year ending before the date of
16 enactment of the Unified Carrier Registration Act of
17 2005, as long as the State continues to comply with
18 subsection (e).

19 “(3) States that comply with subsection (e) but
20 did not participate in SSRS during such last reg-
21 istration year shall be entitled under this section to
22 an annual allotment not to exceed \$500,000 from
23 the revenues generated under the UCR agreement,
24 as long as the State continues to comply with the
25 provisions of subsection (e).



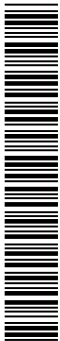
1 “(4) The amount of revenues generated under
2 the UCR agreement to which a State is entitled
3 under this section shall be calculated by the board
4 and approved by the Secretary.

5 “(h) DISTRIBUTION OF UCR AGREEMENT REVE-
6 NUES.—

7 “(1) ELIGIBILITY.—Each State that is in com-
8 pliance with subsection (e) shall be entitled under
9 this section to a portion of the revenues derived
10 from the UCR Agreement in accordance with sub-
11 section (g).

12 “(2) ENTITLEMENT TO REVENUES.—A State
13 that is in compliance with subsection (e) may retain
14 an amount of the gross revenues it collects from
15 motor carriers, motor private carriers, brokers,
16 freight forwarders and leasing companies under the
17 UCR agreement equivalent to the portion of reve-
18 nues to which the State is entitled under subsection
19 (g). All revenues a participating State collects in ex-
20 cess of the amount to which the State is so entitled
21 shall be forwarded to the depository designated by
22 the board under subsection (d)(2)(D).

23 “(3) DISTRIBUTION OF FUNDS FROM DEPOSI-
24 TORY.—The excess funds deposited in the depository

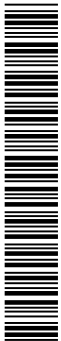


1 shall be distributed by the board of directors as fol-
2 lows:

3 “(A) On a pro rata basis to each partici-
4 pating State that did not collect revenues under
5 the UCR agreement equivalent to the amount
6 such State is entitled under subsection (g), ex-
7 cept that the sum of the gross revenues col-
8 lected under the UCR agreement by a partici-
9 pating State and the amount distributed to it
10 from the depository shall not exceed the amount
11 to which the State is entitled under subsection
12 (g).

13 “(B) After all distributions under subpara-
14 graph (A) have been made, to pay the adminis-
15 trative costs of the UCR plan and the UCR
16 agreement.

17 “(4) RETENTION OF CERTAIN EXCESS
18 FUNDS.—Any excess funds held by the depository
19 after distributions and payments under paragraphs
20 (3)(A) and (3)(B) shall be retained in the deposi-
21 tory, and the fees charged under the UCR agree-
22 ment to motor carriers, motor private carriers, leas-
23 ing companies, freight forwarders, and brokers for
24 the next fee year shall be reduced by the Secretary
25 accordingly.



1 “(i) ENFORCEMENT.—

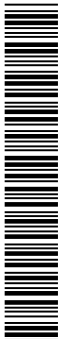
2 “(1) CIVIL ACTIONS.—Upon request by the Sec-
3 retary, the Attorney General may bring a civil action
4 in the United States district court described in para-
5 graph (2) to enforce an order issued to require com-
6 pliance with this section and with the terms of the
7 UCR agreement.

8 “(2) VENUE.—An action under this section
9 may be brought only in a United States district
10 court in the State in which compliance with the
11 order is required.

12 “(3) RELIEF.—Subject to section 1341 of title
13 28, the court, on a proper showing shall issue a tem-
14 porary restraining order or a preliminary or perma-
15 nent injunction requiring that the State or any per-
16 son comply with this section.

17 “(4) ENFORCEMENT BY STATES.—Nothing in
18 this section—

19 “(A) prohibits a participating State from
20 issuing citations and imposing reasonable fines
21 and penalties pursuant to the applicable laws
22 and regulations of the State on any motor car-
23 rier, motor private carrier, freight forwarder,
24 broker, or leasing company for failure to—



1 “(i) submit information documents as
2 required under subsection (d)(2); or

3 “(ii) pay the fees required under sub-
4 section (f); or

5 “(B) authorizes a State to require a motor
6 carrier, motor private carrier, or freight for-
7 warder to display as evidence of compliance any
8 form of identification in excess of those per-
9 mitted under section 14506 on or in a commer-
10 cial motor vehicle.

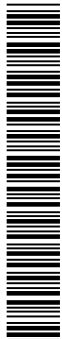
11 “(j) APPLICATION TO INTRASTATE CARRIERS.—Not-
12 withstanding any other provision of this section, a State
13 may elect to apply the provisions of the UCR agreement
14 to motor carriers and motor private carriers and freight
15 forwarders subject to its jurisdiction that operate solely
16 in intrastate commerce within the borders of the State.”.

17 (c) CLERICAL AMENDMENT.—The analysis for such
18 chapter is amended by inserting after the item relating
19 to section 14504 the following:

“14504a. Unified Carrier Registration System plan and agreement.”.

20 **SEC. 4306. IDENTIFICATION OF VEHICLES.**

21 (a) IN GENERAL.—Chapter 145 of title 49, United
22 States Code; is amended by adding at the end the fol-
23 lowing:



1 **“§ 14506. Identification of vehicles**

2 “(a) RESTRICTION ON REQUIREMENTS.—No State,
3 political subdivision of a State, interstate agency, or other
4 political agency of 2 or more States may enact or enforce
5 any law, rule, regulation standard, or other provision hav-
6 ing the force and effect of law that requires a motor car-
7 rier, motor private carrier, freight forwarder, or leasing
8 company to display any form of identification on or in a
9 commercial motor vehicle (as defined in section 14504a),
10 other than forms of identification required by the Sec-
11 retary of Transportation under section 390.21 of title 49,
12 Code of Federal Regulations.

13 “(b) EXCEPTION.—Notwithstanding subsection (a), a
14 State may continue to require display of credentials that
15 are required—

16 “(1) under the International Registration Plan
17 under section 31704;

18 “(2) under the International Fuel Tax Agree-
19 ment under section 31705;

20 “(3) under a State law regarding motor vehicle
21 license plates or other displays that the Secretary
22 determines are appropriate;

23 “(4) in connection with Federal requirements
24 for hazardous materials transportation under section
25 5103; or



1 “(5) in connection with the Federal vehicle in-
2 spection standards under section 31136.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
4 chapter is amended by inserting after the item relating
5 to section 14505 the following:

“14506. Identification of vehicles.”.

6 **SEC. 4307. USE OF UCR AGREEMENT REVENUES AS MATCH-**
7 **ING FUNDS.**

8 (a) IN GENERAL.—Section 31103(a) of title 49,
9 United States Code, is amended—

10 (1) by striking “31102(b)(1)(D)” inserting
11 “31102(b)(1)(E)”; and

12 (2) by inserting “Amounts generated under the
13 unified carrier registration agreement under section
14 14504a and received by a State and used for motor
15 carrier safety purposes may be included as part of
16 the State’s share not provided by the United
17 States.” after “United States Government.”.

18 (b) TECHNICAL CORRECTION.—Sections 31102(b)(3)
19 of such title is amended by striking “paragraph (1)(D)”
20 and inserting “paragraph (1)(E)”.

21 **SEC. 4308. REGULATIONS.**

22 The Secretary may issue such regulations as the Sec-
23 retary determines are necessary to carry out this subtitle
24 and the amendments made by this subtitle.



1 **Subtitle D—Miscellaneous**
2 **Provisions**

3 **SEC. 4401. TECHNICAL ADJUSTMENT.**

4 (a) **DEFINITIONS.**—In this section the following defi-
5 nitions:

6 (1) The term “Administrator” means the Ad-
7 ministrator of General Services.

8 (2) The term “donee” means the corporation to
9 which the Administrator donated the vessel.

10 (3) The term “vessel” means the vessel with
11 Unit Identification number 13862.

12 (b) **TRANSFER.**—Not later than 30 days after the
13 date of enactment of this Act, the donee shall transfer all
14 of the rights, title, and interest of the donee in and to
15 the vessel to the Administrator.

16 (c) **FUTURE CONVEYANCE.**—Within 30 days after
17 the transfer of the vessel under subsection (b), the Admin-
18 istrator shall remove the vessel to a Federal facility. With-
19 in 60 days after the date of the transfer of the vessel
20 under subsection (b), the Administrator shall sell the ves-
21 sel for fair market value. The Administrator shall require
22 as a condition of any conveyance of the vessel that the
23 vessel shall not be used within the United States, as de-
24 fined in section 2101(44) of title 46, United States Code,
25 or within the territorial sea of the United States as de-



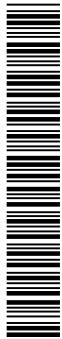
1 scribed in Presidential Proclamation No. 5928 of Decem-
2 ber 27, 1988. The donee shall not be required to pay any
3 amounts for removing the vessel to a Federal facility
4 under this subsection.

5 (d) EFFECT ON PENDING LAWSUITS.—Nothing in
6 this section shall have any effect on any lawsuit relating
7 to transfer or use of the vessel.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to the Secretary \$4,000,000
10 for a grant to the donee. The Secretary shall transfer any
11 funds appropriated under this subsection to the Secretary
12 of the Interior, who shall obligate such funds through in-
13 struments and procedures that are equivalent to the in-
14 struments and procedures required to be used by the Bu-
15 reau of Indian Affairs pursuant to title IV of the Indian
16 Self-Determination and Education Assistance Act (25
17 U.S.C. 458aa et seq.). Amounts paid to the donee under
18 this section shall be treated as revenues originating from
19 the Alaska Native Fund for purposes of section 21(a) of
20 the Alaska Native Claims Settlement Act (43 U.S.C.
21 1602(a)).

22 **SEC. 4402. TRANSFER.**

23 Section 407(b) of the Coast Guard Authorization Act
24 of 1998 (112 Stat. 3430) is amended—



1 (1) by striking “made—” and all that follows
2 through “(1) subject” and inserting “made subject”;
3 and

4 (2) by striking “; and” and all that follows and
5 inserting a period.

6 **SEC. 4403. EXTENSION OF ASSISTANCE.**

7 Section 206(c) of Public Law 89–702 (16 U.S.C.
8 1166(c)) is amended—

9 (1) by striking “for fiscal years 2001, 2002,
10 2003, 2004, and 2005” the first place it it appears;
11 and

12 (2) in paragraph (1) by inserting “, for fiscal
13 years 2001, 2002, 2003, 2004, 2005, 2006, and
14 2007” after “subsection (a)”.

15 **SEC. 4404. DESIGNATIONS.**

16 (a) DESIGNATION.—In the States of Alaska and Ha-
17 waii, members of the State legislature may serve on the
18 policy board of a metropolitan planning organization des-
19 igned under section 134 of title 23, United States Code,
20 if such service is allowed by State law.

21 (b) REDESIGNATION.—In the States of Alaska and
22 Hawaii, a metropolitan planning organization designated
23 under section 134 of title 23, United Sates Code, may be
24 redesignated as a result of changes in State law that de-



1 fine new requirements for the metropolitan planning orga-
2 nization policy board.

3 **SEC. 4405. LIMITED EXCEPTION.**

4 Section 44704(a) of title 49, United States Code is
5 amended—

6 (1) in paragraph (1) by striking “The” the first
7 place it appears and inserting “ISSUANCE, INVES-
8 TIGATIONS, AND TESTS.—The”;

9 (2) in paragraph (2) by striking “The” and in-
10 serting “SPECIFICATIONS.—The”;

11 (3) in paragraph (3) by striking “If” and in-
12 serting “SPECIAL RULES FOR NEW AIRCRAFT AND
13 APPLIANCES.—Except as provided in paragraph (4),
14 if”;

15 (4) by adding at the end the following:

16 “(4) LIMITATION FOR AIRCRAFT MANU-
17 FACTURED BEFORE AUGUST 5, 2004.—Para-
18 graph (3) shall not apply to a person who began
19 the manufacture of an aircraft before August 5,
20 2004, and who demonstrates to the satisfaction
21 of the Administrator that such manufacture
22 began before August 5, 2004, if the name of
23 the holder of the type certificate for the aircraft
24 does not appear on the airworthiness certificate
25 or identification plate of the aircraft. The hold-



1 er of the type certificate for the aircraft shall
2 not be responsible for the continued airworthi-
3 ness of the aircraft. A person may invoke the
4 exception provided by this paragraph with re-
5 gard to the manufacture of only one aircraft.”;
6 (5) by indenting paragraph (1); and
7 (6) by aligning the left margin of paragraphs
8 (1), (2), and (3) with the left margin of paragraph
9 (4) (as added by paragraph (4) of this section.)

10 **SEC. 4406. AIRPORT LAND AMENDMENT.**

11 (a) **RELEASE OF REVERTER CONDITION.**—The Sec-
12 retary of the Interior shall execute such instruments as
13 are necessary to release the condition on a portion of land
14 situated adjacent to the community of Beaver, Alaska,
15 conveyed pursuant to Patent No. 50–69–0130 and dated
16 August 23, 1968, requiring that such land reverts to the
17 United States if the land is not used for airport purposes.
18 The Secretary shall ensure that the release executed pur-
19 suant to this subsection—

20 (1) applies only to approximately 33 acres of
21 land identified as tracts II through VI of the Beaver
22 Airport, a part of U.S. Survey No. 3798, Alaska (re-
23 ferred to in this section as the “community expan-
24 sion land”);



1 (2) is without any requirement for receipt of
2 fair market value for the release and conveyance of
3 the conditions otherwise applicable to the community
4 expansion land; and

5 (3) is contingent on the conveyance by the
6 State of Alaska of the community expansion land to
7 the Beaver Kwit'chin Corporation, the Village Cor-
8 poration of the village of Beaver, Alaska.

9 (b) RECONVEYANCE.—The Beaver Kwit'chin
10 Corporation—

11 (1) shall reconvey to any individual who cur-
12 rently occupies a portion of the land referred to in
13 subsection (a) or successor in interest to such an in-
14 dividual, all right, title, and interest of the Kwit'chin
15 Corporation in and to such land as is currently occu-
16 pied;

17 (2) may subsequently—

18 (A) convey the remaining land to other in-
19 dividuals or persons for community expansion
20 purposes; or

21 (B) retain the remaining land in whole or
22 in part for community uses.

23 **SEC. 4407. RIGHTS-OF-WAY.**

24 Notwithstanding any other provision of law, the re-
25 ciprocal rights-of-way and easements identified on the



1 map numbered 92337 and dated June 15, 2005, are here-
2 by enacted into law.

3 **SEC. 4408. RIALTO MUNICIPAL AIRPORT.**

4 (a) FINDINGS.—Congress finds that—

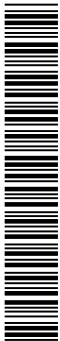
5 (1) Rialto Municipal Airport/Art Scholl Memo-
6 rial Airport (Rialto Municipal Airport) is a general
7 aviation airport located within a 20-mile radius of
8 10 other general aviation airports;

9 (2) Rialto Municipal Airport is located approxi-
10 mately 8.5 nautical miles from the former Norton
11 Air Force Base which was selected for closure by the
12 Base Realignment and Closure Commission in 1988
13 and was closed in 1994;

14 (3) there has been a significant decline in based
15 aircraft and aviation operations at Rialto Municipal
16 Airport due to the unexpected impact of increased
17 capacity in the immediate vicinity of the airport;

18 (4) the transfer of Rialto Municipal Airport's
19 operations, assets and liabilities is supported by the
20 general aviation operators at the airport and will not
21 compromise service or safety; and

22 (5) the closure of Rialto Municipal Airport shall
23 be in compliance with applicable federal laws and
24 regulations.



1 (b) IN GENERAL.—Notwithstanding any law, regula-
2 tion or grant assurance, but subject to the requirements
3 of this section, the United States shall release all restric-
4 tions, conditions, and limitations on the use, encumbrance,
5 conveyance, or closure of the Rialto Municipal Airport, in
6 Rialto, California, to the extent such restrictions, condi-
7 tions, and limitations are enforceable by the United
8 States.

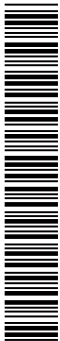
9 (c) CONDITIONS.—A release under subsection (b)
10 shall be subject to the following conditions:

11 (1) Upon conveyance of the land or transfer of
12 any interest or rights of use or occupancy of the
13 land—

14 (A) the city of Rialto will pay the United
15 States 45 percent of the current fair market
16 value of the property, and this amount shall be
17 used for projects eligible under chapter 471 of
18 title 49, United States Code, at a commercial
19 airport—

20 (i) for which a certificate is issued
21 under part 139 of title 14, Code of Federal
22 Regulations;

23 (ii) that is located within 10 nautical
24 miles of Rialto Municipal Airport; and



1 (iii) that was included on the Depart-
2 ment of Defense base closure list of 1988;

3 (B) the remaining 55 percent of the fair
4 market value referred to in subparagraph (A)
5 shall be retained by the city of Rialto;

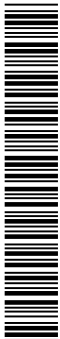
6 (C) the city shall pay to the United States
7 90 percent of the unamortized portion of any
8 Federal development grant for airport facilities
9 other than land, amortized over a 20-year term,
10 with interest. These funds shall be payable over
11 a period of 5 years and deposited into the Air-
12 port and Airway Trust Fund and available for
13 projects eligible under chapter 471 of title 49,
14 United States Code.

15 (2) The United States will not be responsible
16 for any environmental cleanup of any land with re-
17 spect to which such release is made.

18 (3) All airport and aviation-related equipment
19 located at Rialto Municipal Airport and owned by
20 the city of Rialto before the date of the release will
21 be transferred to a commercial airport referred to in
22 paragraph (1)(A).

23 **SEC. 4409. CONFORMING AMENDMENTS.**

24 Section 218 of title 23, United States Code, is
25 amended—



1 (1) in subsection (a) by striking “prior to the
2 date of the enactment of the reauthorization of the
3 Transportation Equity Act for the 21st Century”;
4 and

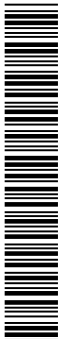
5 (2) by adding at the end the following:

6 “(c) For purposes of this section, the term ‘Alaska
7 Marine Highway System’ includes all existing or planned
8 transportation facilities and equipment in Alaska, includ-
9 ing the lease, purchase, or construction of vessels, termi-
10 nals, docks, floats, ramps, staging areas, parking lots,
11 bridges and approaches thereto, and necessary roads.”.

12 **SEC. 4410. RALPH M. BARTHOLOMEW VETERANS’ MEMO-**
13 **RIAL BRIDGE.**

14 (a) DESIGNATION.—The bridge joining the Island of
15 Gravina to the community of Ketchikan, Alaska, con-
16 structed pursuant to section 144(g)(1)(E) of title 23,
17 United States Code, is designated as the “Ralph M. Bar-
18 tholomew Veterans’ Memorial Bridge”.

19 (b) REFERENCES.—Any reference in law, map, regu-
20 lation, document, paper, or other record of the United
21 States to the bridge referred to in subsection (a) shall be
22 deemed to be a reference to the “Ralph M. Bartholomew
23 Veterans’ Memorial Bridge”.



1 **SEC. 4411. DON YOUNG'S WAY.**

2 (a) DESIGNATION.—The Knik Arm bridge in Alaska
3 to be planned, designed, and constructed pursuant to sec-
4 tion 117 of title 23, United States Code, as high priority
5 project number 2465 under section 1702 of this Act, is
6 designated as “Don Young’s Way”.

7 (b) REFERENCES.—Any reference in law, map, regu-
8 lation, document, paper, or other record of the United
9 States to the bridge referred to in subsection (a) shall be
10 deemed to be a reference to “Don Young’s Way”.

11 **SEC. 4412. QUALITY BANK ADJUSTMENTS.**

12 (a) DEFINITION OF TAPS QUALITY BANK ADJUST-
13 MENTS.—In this section, the term “TAPS quality bank
14 adjustments” means monetary adjustments paid by or to
15 a shipper of oil on the Trans Alaska Pipeline System
16 through the operation of a quality bank to compensate for
17 the value of the oil of the shipper that is commingled in
18 the Pipeline.

19 (b) PROCEEDINGS.—

20 (1) IN GENERAL.—In a proceeding commenced
21 before the date of enactment of this Act, the Federal
22 Energy Regulatory Commission may not order retro-
23 active changes in TAPS quality bank adjustments
24 for any period before February 1, 2000.

25 (2) PROCEEDINGS COMMENCED AFTER THE
26 DATE OF ENACTMENT.—In a proceeding commenced



1 after the date of enactment of this Act, the Commis-
2 sion may not order retroactive changes in TAPS
3 quality bank adjustments for any period that ex-
4 ceeds the 15-month period immediately preceding
5 the earliest date of the first order of the Federal En-
6 ergy Regulatory Commission imposing quality bank
7 adjustments in the proceeding.

8 (c) DEADLINE FOR CLAIMS.—

9 (1) IN GENERAL.—A claim relating to a quality
10 bank under this section shall be filed with the Fed-
11 eral Energy Regulatory Commission not later than
12 2 years after the date on which the claim arose.

13 (2) FINAL ORDER.—Not later than 15 months
14 after the date on which a claim is filed under para-
15 graph (1), the Federal Energy Regulatory Commis-
16 sion shall issue a final order with respect to the
17 claim.

18 **SEC. 4413. TECHNICAL AMENDMENT.**

19 Section 5006(d) of Public Law 101–380 is amended
20 by inserting “annual” before “amount”.

