

Public Law 109-59, 119 Stat. 1144 (August 10, 2005)

SEC. 4106. MOTOR CARRIER SAFETY GRANTS.

(a) State Plan Contents.--Section 31102(b)(1) of title 49, United States Code, is amended--

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

“(A) implements performance-based activities, including deployment of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;”;

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

“(E) provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety

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laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.”;

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

“(Q) provides that the State has established a program to ensure that--

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

“(ii) the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;”;

(4) by aligning subparagraph (R) with subparagraph (S);

(5) by striking “and” at the end of subparagraph (S);

(6) by striking the period at the end of subparagraph (T) and inserting a semicolon; and

(7) by adding at the end the following:

“(U) provides that the State will include in the training manual for the licensing examination to drive a noncommercial motor vehicle and a commercial motor vehicle, information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

“(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to operate beyond the scope of such registration;

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

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

(b) Use of Grants To Enforce Other Laws.--Section 31102 of such title is amended--

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

“(c) Use of Grants To Enforce Other Laws.--A State may use amounts received under a grant under subsection (a)--

“(1) for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

“(A) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States; and

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

“(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of motor carrier safety activities (including roadside safety inspections) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2003, 2004, and 2005; except that the State may not use more than 5 percent of the basic amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph unless

the Secretary determines a higher percentage will result in significant increases in commercial motor vehicle safety."; and

(2) by adding at the end the following:

“(e) Annual Report.--The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that--

“(1) analyzes commercial motor vehicle safety trends among the States and documents the most effective commercial motor vehicle safety programs implemented with grants under this section; and

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