

Amendment by Pub. L. 105-102 effective as if included in the provisions of the Act to which the amendment relates, see section 3(f) of Pub. L. 105-102, set out as a note under section 106 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 30502 of this title.

### § 30505. Penalties and enforcement

(a) PENALTY.—An individual or entity violating this chapter is liable to the United States Government for a civil penalty of not more than \$1,000 for each violation.

(b) COLLECTION AND COMPROMISE.—(1) The Attorney General shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty. The Attorney General may compromise the amount of the penalty. In determining the amount of the penalty or compromise, the Attorney General shall consider the appropriateness of the penalty to the size of the business of the individual or entity charged and the gravity of the violation.

(2) The Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts it owes the individual or entity liable for the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 983; Pub. L. 104-152, §3(a), July 2, 1996, 110 Stat. 1384.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30505 .....	15:2044(c).	Oct. 25, 1992, Pub. L. 102-519, §204(c), 106 Stat. 3393.

In subsection (a), the words “An individual or entity violating this chapter is liable to the United States Government for a civil penalty of” are substituted for “Whoever violates this section may be assessed a civil penalty of not to exceed” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “individual or entity” are substituted for “person” for clarity and consistency with the source provisions restated in the revised chapter.

In subsection (b)(1), the words “The Secretary of Transportation shall impose a civil penalty under this section. The Attorney General shall bring a civil action to collect the penalty” are substituted for “Any such penalty shall be assessed by the Secretary and collected in a civil action brought by the Attorney General of the United States” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words “penalty imposed or compromised” are substituted for “such penalty, finally determined, or the amount agreed upon in compromise”, and the words “liable for the penalty” are substituted for “charged”, for clarity and consistency in the revised title and other titles of the Code.

#### AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-152 substituted “Attorney General shall impose” for “Secretary of Transportation shall impose”, “Attorney General may compromise” for “Secretary may compromise”, and “Attorney General shall consider” for “Secretary shall consider”.

## PART B—COMMERCIAL

### CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

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#### [SUBCHAPTER IV—REPEALED]

[31161, 31162. Repealed.]

#### AMENDMENTS

1998—Pub. L. 105-178, title IV, §§4002(b), 4004(d), 4008(c), (d), 4010, June 9, 1998, 112 Stat. 395, 400, 404, 407, inserted “AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS” after “GRANTS” in subchapter I heading, added item 31100, substituted “Information systems” for “Commercial motor vehicle information system program” in item 31106 and “Contract authority funding for information systems” for “Truck and bus accident grant program” in item 31107, struck out items 31134 “Commercial Motor Vehicle Safety Regulatory Review Panel” and 31140 “Submission of State laws and regulations for review”, subchapter IV heading “MISCELLANEOUS”, and items 31161 “Procedures to ensure timely correction of safety violations” and 31162 “Compliance review priority”.

#### SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS

#### AMENDMENTS

1998—Pub. L. 105-178, title IV, §4004(c), June 9, 1998, 112 Stat. 400, inserted “AND OTHER COMMERCIAL

MOTOR VEHICLE PROGRAMS” after “GRANTS” in subchapter heading.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 31114, 31115 of this title.

§ 31100. Purpose

The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

(5) advancing promising technologies and encouraging adoption of safe operational practices.

(Added Pub. L. 105-178, title IV, § 4002(a), June 9, 1998, 112 Stat. 395.)

§ 31101. Definitions

In this subchapter—

(1) “commercial motor vehicle” means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) “employee” means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment by a commercial motor carrier; and

(B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.

(3) “employer”—

(A) means a person engaged in a business affecting commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate the vehicle in commerce; but

(B) does not include the Government, a State, or a political subdivision of a State.

(4) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 984; Pub. L. 105-178, title IV, § 4003(a), June 9, 1998, 112 Stat. 395.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31101 .....	49 App.:2301(1), (3)-(6). 49 App.:2301(2).	Jan. 6, 1983, Pub. L. 97-424, § 401(1), (3)-(6), 96 Stat. 2154, 2155. Jan. 6, 1983, Pub. L. 97-424, § 401(2), 96 Stat. 2154; Oct. 30, 1984, Pub. L. 98-554, § 228(a), (b), 98 Stat. 2852.

Before clause (1), the words “unless the context otherwise requires” are omitted as unnecessary. The text of 49 App.:2301(4) is omitted as unnecessary because of 1:1. The text of 49 App.:2301(5) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1), before subclause (A), the words “(except in section 31106)” are added because the source provisions being restated in section 31106 of the revised title contain a definition of “commercial motor vehicle”.

In clause (4), the words “the Commonwealth of” are omitted for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

1998—Par. (1)(A). Pub. L. 105-178, § 4003(a)(1), inserted “or gross vehicle weight” after “rating” and substituted “10,001 pounds, whichever is greater” for “10,000 pounds”.

Par. (1)(C). Pub. L. 105-178, § 4003(a)(2), inserted “and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103” before period at end.

SAVINGS CLAUSE

Pub. L. 105-178, title IV, § 4003(h), June 9, 1998, 112 Stat. 398, provided that: “Amendments made by this section [amending this section and sections 31102 to 31104 of this title] shall not affect any funds made available before the date of enactment of this Act [June 9, 1998].”

§ 31102. Grants to States

(a) GENERAL AUTHORITY.—Subject to this section and the availability of amounts, the Secretary of Transportation may make grants to States for the development or implementation of programs for improving motor carrier safety and the enforcement of regulations, standards,

and orders of the United States Government on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders.

(b) STATE PLAN PROCEDURES AND CONTENTS.—  
 (1) The Secretary shall prescribe procedures for a State to submit a plan under which the State agrees to assume responsibility for improving motor carrier safety and to adopt and enforce regulations, standards, and orders of the Government on commercial motor vehicle safety, hazardous materials transportation safety, or compatible State regulations, standards, and orders. The Secretary shall approve the plan if the Secretary decides the plan is adequate to promote the objectives of this section and the plan—

(A) implements performance-based activities by fiscal year 2000;

(B) designates the State motor vehicle safety agency responsible for administering the plan throughout the State;

(C) contains satisfactory assurances the agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(D) contains satisfactory assurances the State will devote adequate amounts to the administration of the plan and enforcement of the regulations, standards, and orders;

(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 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 its last 3 full fiscal years before December 18, 1991;

(F) provides a right of entry and inspection to carry out the plan;

(G) provides that all reports required under this section be submitted to the agency and that the agency will make the reports available to the Secretary on request;

(H) provides that the agency will adopt the reporting requirements and use the forms for recordkeeping, inspections, and investigations the Secretary prescribes;

(I) requires registrants of commercial motor vehicles to make a declaration of knowledge of applicable safety regulations, standards, and orders of the Government and the State;

(J) provides that the State will grant maximum reciprocity for inspections conducted under the North American Inspection Standard through the use of a nationally accepted system that allows ready identification of previously inspected commercial motor vehicles;

(K) ensures that activities described in subsection (c)(1) of this section, if financed with grants under subsection (a) of this section, will not diminish the effectiveness of the development and implementation of commercial motor vehicle safety programs described in subsection (a);

(L) ensures that the State agency will coordinate the plan, data collection, and informa-

tion systems with State highway safety programs under title 23;

(M) ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section;

(N) ensures that information is exchanged among the States in a timely manner;

(O) provides satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(P) provides satisfactory assurances that the State will promote activities in support of national priorities and performance goals, including—

(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;

(Q) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;

(R) ensures that the State will cooperate in the enforcement of registration and financial responsibility requirements under sections 31138 and 31139, or regulations issued thereunder;

(S) ensures consistent, effective, and reasonable sanctions; and

(T) ensures that roadside inspections will be conducted at a location that is adequate to protect the safety of drivers and enforcement personnel.

(2) If the Secretary disapproves a plan under this subsection, the Secretary shall give the State a written explanation and allow the State to modify and resubmit the plan for approval.

(3) In estimating the average level of State expenditure under paragraph (1)(D)<sup>1</sup> of this subsection, the Secretary—

(A) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

(B) shall require the State to exclude Government amounts and State matching amounts used to receive Government financing under subsection (a) of this section.

(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—  
 A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out

<sup>1</sup> See References in Text note below.

in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

(1) 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.

(2) 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.

(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles.

(d) CONTINUOUS EVALUATION OF PLANS.—On the basis of reports submitted by a State motor vehicle safety agency of a State with a plan approved under this section and the Secretary’s own investigations, the Secretary shall make a continuing evaluation of the way the State is carrying out the plan. If the Secretary finds, after notice and opportunity for comment, the State plan previously approved is not being followed or has become inadequate to ensure enforcement of the regulations, standards, or orders, the Secretary shall withdraw approval of the plan and notify the State. The plan stops being effective when the notice is received. A State adversely affected by the withdrawal may seek judicial review under chapter 7 of title 5. Notwithstanding the withdrawal, the State may retain jurisdiction in administrative or judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 984; Pub. L. 104–88, title I, §104(a), Dec. 29, 1995, 109 Stat. 918; Pub. L. 105–178, title IV, §4003(b), (c), June 9, 1998, 112 Stat. 395, 396.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31102(a) .....	49 App.:2302(a).	Jan. 6, 1983, Pub. L. 97–424, §402(a), (c), 96 Stat. 2155, 2156.
31102(b) .....	49 App.:2302(b), (d).	Jan. 6, 1983, Pub. L. 97–424, §402(b), (d), 96 Stat. 2155, 2156; Dec. 18, 1991, Pub. L. 102–240, §4002(a), (b), 105 Stat. 2140.
31102(c) .....	49 App.:2302(e).	Jan. 6, 1983, Pub. L. 97–424, 96 Stat. 2097, §402(e); added Dec. 18, 1991, Pub. L. 102–240, §4002(c), 105 Stat. 2142.
31102(d) .....	49 App.:2302(c).	

In this section, the word “rules” is omitted as being synonymous with “regulations”.

In subsection (a), the words “Subject to this section and the availability of amounts” are substituted for “Under the terms and conditions of this section, subject to the availability of funds” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the word “prescribe” is substituted for “formulate” for consistency

in the revised title. Clause (D) is substituted for 49 App.:2302(d) to state the requirements of a plan in one place and to eliminate unnecessary words. In clause (K), the words “into law and practice” are omitted as unnecessary. In clause (O)(i), the words “highways of the United States” are substituted for “our Nation’s highways” for consistency in the revised title and with other titles of the United States Code. In subclause (iii), the word “especially” is omitted as unnecessary.

In subsection (b)(3)(B), the words “Government financing” are substituted for “Federal funding” for clarity and consistency in the revised title.

In subsection (c), before clause (1), the words “type of” are omitted as unnecessary. In clause (1), the word “leave” is substituted for “exit” for clarity and consistency in the revised title.

In subsection (d), the words “the regulations, standards, or orders” are substituted for “Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders” for consistency and to eliminate unnecessary words. The last sentence is substituted for 49 App.:2302(c) (last sentence) for clarity.

REFERENCES IN TEXT

Paragraph (1), referred to in subsec. (b)(3), was amended by Pub. L. 105–178, title IV, §4003(c)(6), June 9, 1998, 112 Stat. 396, which redesignated subpars. (C) and (D) as (D) and (E), respectively.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, §4003(b)(1), inserted “improving motor carrier safety and” after “implementation of programs for” and “, hazardous materials transportation safety,” after “commercial motor vehicle safety”.

Subsec. (b)(1). Pub. L. 105–178, §4003(b)(2), in introductory provisions, substituted “assume responsibility for improving motor carrier safety and to adopt and enforce” for “adopt and assume responsibility for enforcing” and inserted “, hazardous materials transportation safety,” after “commercial motor vehicle safety”.

Subsec. (b)(1)(A) to (I). Pub. L. 105–178, §4003(c)(6), (7), added subpar. (A) and redesignated former subpars. (A) to (H) as (B) to (I), respectively. Former subpar. (I) redesignated (J).

Subsec. (b)(1)(J). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (I) as (J). Former subpar. (J) redesignated (K).

Pub. L. 105–178, §4003(c)(1), substituted “subsection (c)(1)” for “subsection (c)”.

Subsec. (b)(1)(K) to (M). Pub. L. 105–178, §4003(c)(6), redesignated subpars. (J) to (L) as (K) to (M), respectively. Former subpar. (M) redesignated (N).

Pub. L. 105–178, §4003(c)(2), added subpars. (K) to (M) and struck out former subpars. (K) to (M) which read as follows:

“(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

“(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

“(M) ensures participation by the 48 contiguous States in SAFETYNET not later than January 1, 1994;”.

Subsec. (b)(1)(N). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (M) as (N). Former subpar. (N) redesignated (O).

Subsec. (b)(1)(O). Pub. L. 105–178, §4003(c)(6), redesignated subpar. (N) as (O). Former subpar. (O) redesignated (P).

Pub. L. 105–178, §4003(c)(3), inserted “in support of national priorities and performance goals, including”

after “activities” in introductory provisions, substituted “activities aimed at removing” for “to remove” in cl. (i), substituted “activities aimed at providing” for “to provide” and inserted “and” after semicolon in cl. (ii), added cl. (iii), and struck out former cls. (iii) and (iv) which read as follows:

“(iii) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers’ licenses; and

“(iv) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material;”.

Subsec. (b)(1)(P). Pub. L. 105-178, § 4003(c)(6), redesignated subpar. (O) as (P). Former subpar. (P) redesignated (Q).

Pub. L. 105-178, § 4003(c)(4), added subpar. (P) and struck out former subpar. (P) which read as follows: “provides satisfactory assurances that the State will promote effective—

“(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

“(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehicle safety and hazardous material transportation safety; and”.

Subsec. (b)(1)(Q). Pub. L. 105-178, § 4003(c)(6), redesignated subpar. (P) as (Q). Former subpar. (Q) redesignated (R).

Pub. L. 105-178, § 4003(c)(5)(A), substituted “sections 31138 and 31139” for “sections 31140 and 31146”.

Subsec. (b)(1)(R). Pub. L. 105-178, § 4003(c)(6), redesignated subpar. (Q) as (R).

Subsec. (b)(1)(S), (T). Pub. L. 105-178, § 4003(c)(5)(B), (8), added subpars. (S) and (T).

1995—Subsec. (b)(1)(Q). Pub. L. 104-88 added subpar. (Q).

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

#### EFFECTS OF MCSAP GRANT REDUCTIONS

Pub. L. 105-178, title IV, § 4032, June 9, 1998, 112 Stat. 419, provided that:

“(a) STUDY.—The Secretary [of Transportation] shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

“(1) national uniformity and the purposes of the motor carrier safety assistance program;

“(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

“(3) the safety impacts, costs, and benefits of full participation in the program.

“(b) REPORT.—Not later than 2 years after the date of the enactment of this Act [June 9, 1998], the Secretary shall submit to Congress a report on the results of the study.

“(c) ADJUSTMENT OF STATE ALLOCATIONS.—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31103, 31104, 31133, 31142 of this title.

### § 31103. United States Government’s share of costs

(a) COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS AND ENFORCEMENT.—The Secretary of Transportation shall reimburse a State, from a grant made under this subchapter, an amount that is not more than 80 percent of the costs incurred by the State in a fiscal year in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial motor vehicle regulations, standards, or orders adopted under this subchapter or subchapter II of this chapter. In determining those costs, the Secretary shall include in-kind contributions by the State. Amounts of the State and its political subdivisions required to be expended under section 31102(b)(1)(D)<sup>1</sup> of this title may not be included as part of the share not provided by the United States Government. The Secretary may allocate among the States whose applications for grants have been approved those amounts appropriated for grants to support those programs, under criteria that may be established.

(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for public education activities authorized by section 31104(f)(2).

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105-178, title IV, § 4003(d), June 9, 1998, 112 Stat. 397.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31103 .....	49 App.:2303.	Jan. 6, 1983, Pub. L. 97-424, § 403, 96 Stat. 2156; Dec. 18, 1991, Pub. L. 102-240, § 4002(d), 105 Stat. 2142.

The word “rules” is omitted as being synonymous with “regulations”.

#### REFERENCES IN TEXT

Section 31102(b)(1) of this title, referred to in subsec. (a), was amended by Pub. L. 105-178, title IV, § 4003(c)(6), June 9, 1998, 112 Stat. 396, which redesignated subpars. (C) and (D) as (D) and (E), respectively.

#### AMENDMENTS

1998—Pub. L. 105-178 designated existing provisions as subsec. (a), inserted subsec. heading, inserted “improve commercial motor vehicle safety and” after “implementing programs to”, and added subsec. (b).

### § 31104. Availability of amounts

(a) IN GENERAL.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

(1) Not more than \$79,000,000 for fiscal year 1998.

(2) Not more than \$90,000,000 for fiscal year 1999.

(3) Not more than \$95,000,000 for fiscal year 2000.

(4) Not more than \$100,000,000 for fiscal year 2001.

<sup>1</sup> See References in Text note below.

(5) Not more than \$105,000,000 for fiscal year 2002.

(6) Not more than \$110,000,000 for fiscal year 2003.

(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Amounts made available under subsection (a) of this section remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are released to the Secretary for reallocation.

(c) REIMBURSEMENT FOR GOVERNMENT'S SHARE OF COSTS.—Amounts made available under subsection (a) of this section shall be used to reimburse States proportionately for the United States Government's share of costs incurred.

(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant to a State under section 31102 of this title is a contractual obligation of the Government for payment of the Government's share of costs incurred by the State in developing, implementing, or developing and implementing programs to enforce commercial motor vehicle regulations, standards, and orders.

(e) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of each fiscal year or as soon after that date as practicable, the Secretary may deduct, from amounts made available under subsection (a) of this section for that fiscal year, not more than 1.25 percent of those amounts for administrative expenses incurred in carrying out section 31102 of this title in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Government employees and to develop related training materials in carrying out section 31102.

(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

(1) IN GENERAL.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

(2) HIGH-PRIORITY AND BORDER ACTIVITIES.—

(A) HIGH-PRIORITY ACTIVITIES AND PROJECTS.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(B) BORDER COMMERCIAL MOTOR VEHICLE SAFETY AND ENFORCEMENT PROGRAMS.—The Secretary may designate up to 5 percent of

amounts available for allocation under paragraph (1) for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects. The amounts designated under this subparagraph shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(g) PAYMENT TO STATES FOR COSTS.—Each State shall submit vouchers for costs the State incurs under this section and section 31102 of this title. The Secretary shall pay the State an amount not more than the Government share of costs incurred as of the date of the vouchers.

(h) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(a) of this title. To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring the degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, the Secretary shall ensure that the guidelines and standards are applied uniformly.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105-130, §7, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105-178, title IV, §4003(e)-(g), June 9, 1998, 112 Stat. 397.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31104(a) .....	49 App.:2304(a).	Jan. 6, 1983, Pub. L. 97-424, §404(a), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; Dec. 18, 1991, Pub. L. 102-240, §4002(e), 105 Stat. 2142.
31104(b) .....	49 App.:2304(c).	Jan. 6, 1983, Pub. L. 97-424, §404(c), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; restated Dec. 18, 1991, Pub. L. 102-240, §4002(f), 105 Stat. 2142.
	49 App.:2304(e).	Jan. 6, 1983, Pub. L. 97-424, §404(b), (d), (e), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186.
31104(c) .....	49 App.:2304(b).	
31104(d) .....	49 App.:2304(d).	
31104(e) .....	49 App.:2304(f)(1).	Jan. 6, 1983, Pub. L. 97-424, §404(f), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99-570, §12014, 100 Stat. 3207-186; restated Dec. 18, 1991, Pub. L. 102-240, §4002(g), 105 Stat. 2142.
31104(f) .....	49 App.:2304(f)(2).	
31104(g)(1) ..	49 App.:2304(g) (less last sentences of (5) and (6)).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2155, §404(g), (h); added Dec. 18, 1991, Pub. L. 102-240, §4002(h), (i), 105 Stat. 2143.
31104(g)(2) ..	49 App.:2304(g)(5) (last sentence).	
31104(g)(3) ..	49 App.:2304(g)(6) (last sentence).	
31104(h) .....	49 App.:2304(h).	
31104(i) .....	49 App.:2304 (note).	
31104(j) .....	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102-240, §4002(k), 105 Stat. 2144.
		Dec. 18, 1991, Pub. L. 102-240, §4002(l), 105 Stat. 2144.

In subsection (a), the text of 49 App.:2304(a)(1) and the references to fiscal years ending September 30, 1987–1992, are omitted as obsolete.

In subsection (b), the text of 49 App.:2304(e) is omitted as superseded by 49 App.:2304(c) restated by section 4002(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2142) and restated in this subsection.

In subsection (b)(2), the words “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991” are substituted for “Funds made available under this subchapter” for clarity and because of the restatement.

In subsection (c), the words “Funds authorized to be appropriated” are omitted because of the omission of 49 App.:2304(a)(1) as obsolete.

In subsection (e), the words “for administrative expenses incurred in carrying out section 31102 of this title” are substituted for “for administration of this section” for clarity and consistency with the source provisions restated in this section and section 31102 of the revised title.

In subsection (i), before clause (1), the words “Not later than 6 months after December 18, 1991” are omitted as obsolete. The words “for grants under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement. The words “In prescribing those regulations” are substituted for “In conducting such a revision” because of the restatement.

In subsection (j), the words “Not later than 9 months after December 18, 1991” are omitted as obsolete. The word “final” is omitted as unnecessary. The words “regulations to be enforced under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105–178, §4003(e), amended heading and text of subsec. (a) generally, substituting provisions relating to appropriations for fiscal years 1998 to 2003 for provisions relating to appropriations for fiscal years ending Sept. 30, 1993 to 1997 and for period of Oct. 1, 1997 through Mar. 31, 1998.

Subsec. (b). Pub. L. 105–178, §4003(f), struck out par. (1) designation and par. (2) which read as follows: “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.”

Subsec. (f). Pub. L. 105–178, §4003(g)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

“(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

“(2) for public education under subsection (g)(1)(G) of this section.”

Subsec. (g). Pub. L. 105–178, §4003(g)(1), (2), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to specific allocations.

Subsec. (h). Pub. L. 105–178, §4003(g)(4), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105–178, §4003(g)(3), struck out heading and text of subsec. (i). Text read as follows: “The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

“(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

“(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

“(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.”

Subsec. (j). Pub. L. 105–178, §4003(g)(4), redesignated subsec. (j) as (h).

1997—Subsec. (a). Pub. L. 105–130 substituted “Not more” for “not more” in pars. (1) to (5) and added par. (6).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5708, 31102, 31103, 31141 of this title.

#### § 31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

(A) the employee, or another person at the employee’s request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety regulation, standard, or order, or has testified or will testify in such a proceeding; or

(B) the employee refuses to operate a vehicle because—

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle’s unsafe condition.

(2) Under paragraph (1)(B)(ii) of this subsection, an employee’s apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the unsafe condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the unsafe condition.

(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee’s request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. On receiving the complaint, the Secretary shall notify the person alleged to have committed the violation of the filing of the complaint.

(2)(A) Not later than 60 days after receiving a complaint, the Secretary shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify the complainant and the person alleged to have committed the violation of the findings. If the

Secretary decides it is reasonable to believe a violation occurred, the Secretary shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary shall order the person to—

- (i) take affirmative action to abate the violation;
- (ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and
- (iii) pay compensatory damages, including back pay.

(B) If the Secretary issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary may assess against the person against whom the order is issued the costs (including attorney's fees) reasonably incurred by the complainant in bringing the complaint. The Secretary shall determine the costs that reasonably were incurred.

(c) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. The review shall be heard and decided expeditiously. An order of the Secretary subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

(d) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 990.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31105(a) .....	49 App.:2305(a), (b).	Jan. 6, 1983, Pub. L. 97-424, § 405(a)-(d), 96 Stat. 2157.
31105(b) .....	49 App.:2305(c).	
31105(c) .....	49 App.:2305(d).	
31105(d) .....	49 App.:2305(e).	Jan. 6, 1983, Pub. L. 97-424, § 405(e), 96 Stat. 2158; Nov. 8, 1994, Pub. L. 98-620, § 402(51), 98 Stat. 3361.

In subsection (a)(1), before clause (A), the words “in any manner” are omitted as surplus. The word “conditions” is omitted as included in “terms”. In clauses (A) and (B), the word “rule” is omitted as being synonymous with “regulation”. In clause (A), the word “begun” is substituted for “instituted or caused to be instituted” for consistency in the revised title and to eliminate unnecessary words. In clause (B), the words before subclause (i) are substituted for “for refusing to operate a vehicle when” and “or because of” for clarity and consistency. In subclause (ii), the words “vehicle’s unsafe condition” are substituted for “unsafe condition of such equipment” for consistency.

Subsection (a)(2) is substituted for 49 App.:2305(b) (2d, last sentences) for clarity and to eliminate unnecessary words.

In subsection (b)(1), the words “alleging such discharge, discipline, or discrimination” are omitted as surplus.

In subsection (b)(2)(B), the words “Not later than 30 days after the notice under subparagraph (A) of this paragraph” are substituted for “Thereafter” and “within thirty days” for clarity.

In subsection (b)(2)(C), the words “Before the final order is issued” are substituted for “In the interim” for clarity.

Subsection (b)(3)(A) is substituted for 49 App.:2305(c)(2)(B) (1st sentence) for clarity and to eliminate unnecessary words. In clause (ii), the word “conditions” is omitted as included in “terms”. The provision for back pay is moved from clause (ii) to clause (iii) for clarity.

In subsection (b)(3)(B), the words “a sum equal to the aggregate amount of all” and “and expenses” are omitted as surplus. The words “in bringing the complaint” are substituted for “for, or in connection with, the bringing of the complaint upon which the order was issued” to eliminate unnecessary words.

In subsection (c), the words “or aggrieved” and “with respect to which the order was issued, allegedly” are omitted as surplus. The words “in accordance with the provisions of chapter 7 of title 5 and” are omitted because 5:ch. 7 applies unless otherwise stated.

In subsection (d), the text of 49 App.:2305(e) (last sentence) is omitted as unnecessary.

EMPLOYEE PROTECTIONS

Pub. L. 105-178, title IV, § 4023, June 9, 1998, 112 Stat. 415, provided that: “Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation], in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions.”

§ 31106. Information systems

(a) INFORMATION SYSTEMS AND DATA ANALYSIS.—

(1) IN GENERAL.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety regulatory and enforcement activities required under this title.

(2) NETWORK COORDINATION.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing accurate identification of motor carriers and drivers, commercial motor



vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

(3) DATA ANALYSIS CAPACITY AND PROGRAMS.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

(B) evaluate the safety fitness of motor carriers and drivers;

(C) develop strategies to mitigate safety problems and to use data analysis to address and measure the effectiveness of such strategies and related programs;

(D) determine the cost-effectiveness of Federal and State safety compliance and enforcement programs and other countermeasures; and

(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

(4) STANDARDS.—To implement this section, the Secretary shall prescribe technical and operational standards to ensure—

(A) uniform, timely, and accurate information collection and reporting by the States and other entities as determined appropriate by the Secretary;

(B) uniform Federal, State, and local policies and procedures necessary to operate the information system; and

(C) the reliability and availability of the information to the Secretary and States.

(b) PERFORMANCE AND REGISTRATION INFORMATION PROGRAM.—

(1) INFORMATION CLEARINGHOUSE.—The Secretary shall include, as part of the motor carrier information system authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

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

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

(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4); and

(B) possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

(4) FUNDING.—The Secretary may make available up to 50 percent of the amounts available to carry out this section by section 31107 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 to carry out this subsection. The Secretary is encouraged to direct no less than 80 percent of amounts made available to carry out this subsection to States that have not previously received financial assistance to develop or implement the information systems authorized by this section.

(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

(1) enhancing the exchange of driver licensing information among the States, the Federal Government, and foreign countries;

(2) providing information to the judicial system on commercial motor vehicle drivers;

(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

(4) developing appropriate strategies and countermeasures to improve driver safety.

(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION POLICY.—The Secretary shall develop a policy on making information available from the information systems authorized by this section and section 31309. The policy shall be consistent with existing Federal information laws, including regulations, and shall provide for review and correction of such information in a timely manner.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 991; Pub. L. 105-178, title IV, §4004(a), June 9, 1998, 112 Stat. 398.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31106(a) .....	49 App.:2306(f).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2155, §407; added Dec. 18, 1991, Pub. L. 102-240, §4003, 105 Stat. 2144.
31106(b) .....	49 App.:2306(a)(2)-(5).	
31106(c) .....	49 App.:2306(b).	
31106(d) .....	49 App.:2306(a)(1).	
31106(e) .....	49 App.:2306(c).	
31106(f) .....	49 App.:2306(d).	
31106(g) .....	49 App.:2306(e).	

In subsection (b)(2), the word “schedule” is substituted for “system” for clarity.

AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally, substituting, in subsec. (a), provisions relating to information systems and data analysis for provisions relating to definition of commercial motor vehicle, in subsec. (b), provisions relating to performance and registration information program for provisions relating to information system, in subsec. (c), provisions relating to commercial motor vehicle driver safety program for provisions relating to demonstration project, in subsec. (d), provisions relating to cooperative agreements, grants, and contracts for provisions relating to review of State systems, and in subsec. (e), provisions relating to information availability and privacy protection policy for provisions relating to regulations, and striking out subsecs. (f) and (g), which related to report to Congress and authorization of appropriations, respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31101, 31107, 31309 of this title.

§ 31107. Contract authority funding for information systems

(a) FUNDING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

- (1) \$6,000,000 for fiscal year 1998;
- (2) \$10,000,000 for each of fiscal years 1999 and 2000; and<sup>1</sup>
- (3) \$12,000,000 for each of fiscal years 2001 through 2002.<sup>2</sup>
- (4) \$15,000,000 for fiscal year 2003.

The amounts made available under this subsection shall remain available until expended.

(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government’s share of costs incurred in carrying out the objectives of the grant.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 992; Pub. L. 105-178, title IV, §4004(b), June 9, 1998, 112 Stat. 400.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31107 .....	49 App.:2307.	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2155, §408; added Dec. 18, 1991, Pub. L. 102-240, §4004, 105 Stat. 2146.

In subsection (a)(3), the words “on matters, including training on accident” are substituted for “including training on accident” for clarity.

AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally, substituting provisions relating to contract authority funding for information systems for provisions relating to truck and bus accident grant program.

<sup>1</sup> So in original. The word “and” probably should not appear.

<sup>2</sup> So in original. Par. (3) probably should end with “; and” instead of a period.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31106 of this title.

§ 31108. Authorization of appropriations

Not more than \$ \_\_\_\_\_ may be appropriated to the Secretary of Transportation for the fiscal year ending September 30, 19 \_\_, to carry out the safety duties and powers of the Federal Highway Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 993.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31108 .....	(unclassified).	Dec. 18, 1991, Pub. L. 102-240, §4002(j), 105 Stat. 2144.

The words “safety duties and powers” are substituted for “safety functions” for clarity and consistency in the revised title. The reference to fiscal year 1992 is omitted as obsolete.

SUBCHAPTER II—LENGTH AND WIDTH LIMITATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 31103 of this title.

§ 31111. Length limitations

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AUTOMOBILE TRANSPORTER.—The term “automobile transporter” means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.

(2) MAXI-CUBE VEHICLE.—The term “maxi-cube vehicle” means a truck tractor combined with a semitrailer and a separable property-carrying unit designed to be loaded and unloaded through the semitrailer, with the length of the separable property-carrying unit being not more than 34 feet and the length of the vehicle combination being not more than 65 feet.

(3) TRUCK TRACTOR.—The term “truck tractor” means—

(A) a non-property-carrying power unit that operates in combination with a semitrailer or trailer; or

(B) a power unit that carries as property only motor vehicles when operating in combination with a semitrailer in transporting motor vehicles.

(b) GENERAL LIMITATIONS.—(1) Except as provided in this section, a State may not prescribe or enforce a regulation of commerce that—

(A) imposes a vehicle length limitation of less than 45 feet on a bus, of less than 48 feet on a semitrailer operating in a truck tractor-semitrailer combination, or of less than 28 feet on a semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under subsection (e) of this section;

(B) imposes an overall length limitation on a commercial motor vehicle operating in a truck tractor-semitrailer or truck tractor-semitrailer-trailer combination;

(C) has the effect of prohibiting the use of a semitrailer or trailer of the same dimensions as those that were in actual and lawful use in that State on December 1, 1982;

(D) has the effect of prohibiting the use of an existing semitrailer or trailer, of not more than 28.5 feet in length, in a truck tractor-semitrailer-trailer combination if the semitrailer or trailer was operating lawfully on December 1, 1982, within a 65-foot overall length limit in any State; or

(E) imposes a limitation of less than 46 feet on the distance from the kingpin to the center of the rear axle on trailers used exclusively or primarily in connection with motorsports competition events.

(2) A length limitation prescribed or enforced by a State under paragraph (1)(A) of this subsection applies only to a semitrailer or trailer and not to a truck tractor.

(c) MAXI-CUBE AND VEHICLE COMBINATION LIMITATIONS.—A State may not prohibit a maxi-cube vehicle or a commercial motor vehicle combination consisting of a truck tractor and 2 trailing units on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (f) of this section) and those classes of qualifying Federal-aid Primary System highways designated by the Secretary under subsection (e) of this section.

(d) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Length calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle. However, such a device may not have by its design or use the ability to carry cargo.

(e) QUALIFYING HIGHWAYS.—The Secretary by regulation shall designate as qualifying Federal-aid Primary System highways those highways of the Federal-aid Primary System in existence on June 1, 1991, that can accommodate safely the applicable vehicle lengths provided in this section.

(f) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from either or both provisions.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the

consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a length described in subsection (b)(1)(A) of this section or the motor vehicle combination described in subsection (c) of this section, the Secretary shall exempt the segment from either or both of those provisions. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (e) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(g) ACCOMMODATING SPECIALIZED EQUIPMENT.—In prescribing regulations to carry out this section, the Secretary may make decisions necessary to accommodate specialized equipment, including automobile and vessel transporters and maxi-cube vehicles.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 993; Pub. L. 104-88, title I, §104(b), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105-178, title IV, §4005, June 9, 1998, 112 Stat. 400.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31111(a)(1) ..	49 App.:2311(f)(2).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, §411(f)(2); added Oct. 18, 1986, Pub. L. 99-500, §101(l) [H.R. 5205, §324(a)], 100 Stat. 1783-308, and Oct. 30, 1986, Pub. L. 99-591, §101(l) [H.R. 5205, §324(a)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, §106, 101 Stat. 1329-433.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31111(a)(2) ..	49 App.:2311(f)(1).	Jan. 6, 1983, Pub. L. 97-424, § 411(f)(1), 96 Stat. 2160; Oct. 18, 1986, Pub. L. 99-500, § 101(l) [H.R. 5205, § 324(a)], 100 Stat. 1783-308; Oct. 30, 1986, Pub. L. 99-591, § 101(l) [H.R. 5205, § 324(a)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, § 106, 101 Stat. 1329-433.
31111(b) .....	49 App.:2311(a).  49 App.:2311(b).	Jan. 6, 1983, Pub. L. 97-424, § 411(a), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98-554, § 104(a), 98 Stat. 2831; Dec. 18, 1991, Pub. L. 102-240, § 4006(b)(1), 105 Stat. 2151. Jan. 6, 1983, Pub. L. 97-424, § 411(b), (g), (h), 96 Stat. 2159, 2160.
31111(c) .....	49 App.:2311(c).	Jan. 6, 1983, Pub. L. 97-424, § 411(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98-554, § 104(b), 98 Stat. 2831; Oct. 18, 1986, Pub. L. 99-500, § 101(l) [H.R. 5205, § 324(b)], 100 Stat. 1783-308; Oct. 30, 1986, Pub. L. 99-591, § 101(l) [H.R. 5205, § 324(b)], 100 Stat. 3341-308; Dec. 22, 1987, Pub. L. 100-202, § 106, 101 Stat. 1329-433.
31111(d) .....	49 App.:2311(h).	Jan. 6, 1983, Pub. L. 97-424, § 411(e), 96 Stat. 2160; Dec. 18, 1991, Pub. L. 102-240, § 4006(c), 105 Stat. 2151.
31111(e) .....	49 App.:2311(e).	Jan. 6, 1983, Pub. L. 97-424, § 411(i); added Oct. 30, 1984, Pub. L. 98-554, § 102, 98 Stat. 2829.
31111(f) .....	49 App.:2311(i).	Jan. 6, 1983, Pub. L. 97-424, § 411(d), 96 Stat. 2160; Apr. 2, 1987, Pub. L. 100-17, § 133(a)(7), 101 Stat. 171; Nov. 5, 1990, Pub. L. 101-516, § 327(a), 104 Stat. 2182.
31111(g) .....	49 App.:2311(d).  49 App.:2311(g).	

In this section, the words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “National System of Interstate and Defense Highways” because of the Act of October 15, 1990 (Public Law 101-427, 104 Stat. 927).

In subsection (a), the word “property” is substituted for “cargo” for consistency in the revised title.

Subsection (b)(1) is substituted for 49 App.:2311(a) and (b) (2d-last sentences) to eliminate unnecessary words and for consistency in the revised title and with other titles of the United States Code. Hyphens are used in describing the combinations “truck tractor-semi-trailer” and “truck tractor-semi-trailer-trailer” for consistency. In clause (D), the word “actually” is omitted as surplus.

Subsection (b)(2) is substituted for 49 App.:2311(b) (1st sentence) because of the restatement.

In subsection (d), the words “such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors and other devices” are omitted as unnecessary and because most items listed relate to width rather than length.

In subsection (e), the words “by regulation” are added for clarity. The words “subject to the provisions of subsections (a) and (c) of this section” are omitted as surplus. The text of 49 App.:2311(e)(2) and (3) is omitted as executed.

In subsection (f), the word “commercial” is added before “motor vehicle” for consistency.

In subsection (f)(4)(C), the reference to regulations prescribed under subsection (e) is substituted for the reference in the source to regulations issued under subsection (a) to be more precise. The word “amendment” is substituted for “revision” for consistency in the revised title.

Subsection (g) is substituted for 49 App.:2311(d) to eliminate unnecessary words. The Secretary’s general authority to prescribe regulations is provided in 49:322(a). The word “vessel” is substituted for “boat” because of 1:3. The text of 49 App.:2311(g) is omitted as executed.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, § 4005(1), substituted “section, the following definitions apply:” for “section—” in introductory provisions.

Subsec. (a)(1). Pub. L. 105-178, § 4005(5), added par. (1). Former par. (1) redesignated (2).

Pub. L. 105-178, § 4005(2), inserted “MAXI-CUBE VEHICLE.—The term” after “(1)”.

Subsec. (a)(2). Pub. L. 105-178, § 4005(4), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pub. L. 105-178, § 4005(3), inserted “TRUCK TRACTOR.—The term” after “(2)”.

Subsec. (a)(3). Pub. L. 105-178, § 4005(4), redesignated par. (2) as (3).

1995—Subsec. (b)(1)(E). Pub. L. 104-88 added subpar. (E).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 31112, 31114 of this title; title 23 section 127.

§ 31112. Property-carrying unit limitation

(a) DEFINITIONS.—In this section—

(1) “property-carrying unit” means any part of a commercial motor vehicle combination (except the truck tractor) used to carry property, including a trailer, a semitrailer, or the property-carrying section of a single unit truck.

(2) the length of the property-carrying units of a commercial motor vehicle combination is the length measured from the front of the first property-carrying unit to the rear of the last property-carrying unit.

(b) GENERAL LIMITATIONS.—A State may not allow by any means the operation, on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways and those classes of qualifying Federal-aid Primary System highways designated by the Secretary of Transportation under section 31111(e) of this title, of any commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

(1) the maximum combination trailer, semi-trailer, or other type of length limitation allowed by law or regulation of that State before June 2, 1991; or

(2) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State before June 2, 1991.

(c) SPECIAL RULES FOR WYOMING, OHIO, ALASKA, AND IOWA.—In addition to the vehicles allowed under subsection (b) of this section—

(1) Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, but authorized by State law not later than November 3, 1992, if the vehicle configurations comply with the single axle, tandem axle, and bridge formula limits in section 127(a) of title 23 and are not more than 117,000 pounds gross vehicle weight;

(2) Ohio may allow the operation of commercial motor vehicle combinations with 3 property-carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated in Ohio on the 1-mile segment of Ohio State Route 7 that begins at and is south of exit 16 of the Ohio Turnpike;

(3) Alaska may allow the operation of commercial motor vehicle combinations that were not in actual operation on June 1, 1991, but were in actual operation before July 6, 1991; and

(4) Iowa may allow the operation on Interstate Route 29 between Sioux City, Iowa, and the border between Iowa and South Dakota or on Interstate Route 129 between Sioux City, Iowa, and the border between Iowa and Nebraska of commercial motor vehicle combinations with trailer length, semitrailer length, and property-carrying unit length allowed by law or regulation and in actual lawful operation on a regular or periodic basis (including continued seasonal operation) in South Dakota or Nebraska, respectively, before June 2, 1991.

(d) ADDITIONAL LIMITATIONS.—(1) A commercial motor vehicle combination whose operation in a State is not prohibited under subsections (b) and (c) of this section may continue to operate in the State on highways described in subsection (b) only if at least in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-specific designations and all other restrictions in force in the State on June 1, 1991. However, subject to regulations prescribed by the Secretary under subsection (g)(2) of this section, the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991, for specific safety purposes and road construction.

(2) This section does not prevent a State from further restricting in any way or prohibiting the operation of any commercial motor vehicle combination subject to this section, except that a restriction or prohibition shall be consistent with this section and sections 31113(a) and (b) and 31114 of this title.

(3) A State making a minor adjustment of a temporary and emergency nature as authorized by paragraph (1) of this subsection or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by paragraph (2) of this subsection shall advise the Secretary not later than 30 days after the action. The Secretary shall publish a notice of the action in the Federal Register.

(4)<sup>1</sup> Nebraska may continue to allow to be operated under paragraphs (b)(1) and (b)(2) of this

section,<sup>2</sup> the State of Nebraska may allow longer combination vehicles that were not in actual operation on June 1, 1991 to be operated within its boundaries to transport sugar beets from the field where such sugar beets are harvested to storage, market, factory or stockpile or from stockpile to storage, market or factory. This provision shall expire on February 28, 1998.

(e) LIST OF STATE LENGTH LIMITATIONS.—(1) Not later than February 16, 1992, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in subsection (b) of this section. The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

(2) Not later than March 17, 1992, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under paragraph (1) of this subsection. The Secretary shall review for accuracy all information submitted by a State under paragraph (1) and shall solicit and consider public comment on the accuracy of the information.

(3) A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis before June 2, 1991.

(4) Except as revised under this paragraph or paragraph (5) of this subsection, the list shall be published as final in the Federal Register not later than June 15, 1992. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under paragraph (2) of this subsection. After publication of the final list, commercial motor vehicle combinations prohibited under subsection (b) of this section may not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways and other Federal-aid Primary System highways designated by the Secretary except as published on the list. The list may be combined by the Secretary with the list required under section 127(d) of title 23.

(5) On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under paragraph (4) of this subsection. If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.

(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—This section may not be construed—

(1) to allow the operation on any segment of the Dwight D. Eisenhower System of Interstate and Defense Highways of a longer combination vehicle prohibited under section 127(d) of title 23;

<sup>1</sup> See 1996 Amendment note below.

<sup>2</sup> So in original.

(2) to affect in any way the operation of a commercial motor vehicle having only one property-carrying unit; or

(3) to affect in any way the operation in a State of a commercial motor vehicle with more than one property-carrying unit if the vehicle was in actual operation on a regular or periodic basis (including seasonal operation) in that State before June 2, 1991, that was authorized under State law or regulation or lawful State permit.

(g) REGULATIONS.—(1) In carrying out this section only, the Secretary shall define by regulation loads that cannot be dismantled easily or divided easily.

(2) Not later than June 15, 1992, the Secretary shall prescribe regulations establishing criteria for a State to follow in making minor adjustments under subsection (d) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 995; Pub. L. 104-59, title III, §312(a)(3), Nov. 28, 1995, 109 Stat. 584; Pub. L. 104-205, title III, §352, Sept. 30, 1996, 110 Stat. 2980; Pub. L. 105-66, title III, §343, Oct. 27, 1997, 111 Stat. 1449.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31112(a)(1) ..	49 App.:2311(j)(7).	Jan 6, 1983, Pub. L. 97-424, 96 Stat. 2159, §411(j); added Dec. 18, 1991, Pub. L. 102-240, §4006(a), 105 Stat. 2148.
31112(a)(2) ..	49 App.:2311(j)(3).	
31112(b) .....	49 App.:2311(j)(1).	
31112(c) .....	49 App.:2311(j)(2).	
31112(d) .....	49 App.:2311(j)(4).	
31112(e) .....	49 App.:2311(j)(5).	
31112(f) .....	49 App.:2311(j)(6).	
31112(g)(1) ..	49 App.:2311(j)(9).	
31112(g)(2) ..	49 App.:2311(j)(8).	

In this section, the word “property” is substituted for “cargo”, and the word “law” is substituted for “statute”, for consistency in the revised title. The words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “National System of Interstate and Defense Highways” because of the Act of October 15, 1990 (Public Law 101-427, 104 Stat. 927).

In subsections (b), before clause (1), and (g)(1), the words “dismantled easily or divided easily” are substituted for “easily dismantled or divided” for clarity.

In subsection (e)(4), the words “Except as revised under this paragraph or paragraph (5) of this subsection” are substituted for “Except as modified pursuant to subparagraph (B) or (E) of this subsection” for clarity.

AMENDMENTS

1997—Subsec. (d)(4). Pub. L. 105-66 substituted “February 28, 1998” for “September 30, 1997”.

1996—Subsec. (d)(4). Pub. L. 104-205, which directed amendment of this section by adding a new subsection designated par. (4) without specifying where, was executed by adding par. (4) to subsec. (d) to reflect the probable intent of Congress.

1995—Subsec. (c). Pub. L. 104-59 substituted “Alaska, and Iowa” for “and Alaska” in heading and added par. (4).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 23 sections 127, 141.

§ 31113. Width limitations

(a) GENERAL LIMITATIONS.—(1) Except as provided in subsection (e) of this section, a State (except Hawaii) may not prescribe or enforce a

regulation of commerce that imposes a vehicle width limitation of more or less than 102 inches on a commercial motor vehicle operating on—

(A) a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section);

(B) a qualifying Federal-aid highway designated by the Secretary of Transportation, with traffic lanes designed to be at least 12 feet wide; or

(C) a qualifying Federal-aid Primary System highway designated by the Secretary if the Secretary decides the designation is consistent with highway safety.

(2) Notwithstanding paragraph (1) of this subsection, a State may continue to enforce a regulation of commerce in effect on April 6, 1983, that applies to a commercial motor vehicle of more than 102 inches in width, until the date on which the State prescribes a regulation of commerce that complies with this subsection.

(3) A Federal-aid highway (except an interstate highway) not designated under this subsection on June 5, 1984, may be designated under this subsection only with the agreement of the chief executive officer of the State in which the highway is located.

(b) EXCLUSION OF SAFETY AND ENERGY CONSERVATION DEVICES.—Width calculated under this section does not include a safety or energy conservation device the Secretary decides is necessary for safe and efficient operation of a commercial motor vehicle.

(c) SPECIAL USE PERMITS.—A State may grant a special use permit to a commercial motor vehicle that is more than 102 inches in width.

(d) STATE ENFORCEMENT.—Consistent with this section, a State may enforce a commercial motor vehicle width limitation of 102 inches on a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under subsection (e) of this section) or other qualifying Federal-aid highway designated by the Secretary.

(e) EXEMPTIONS.—(1) If the chief executive officer of a State, after consulting under paragraph (2) of this subsection, decides a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having the width provided in subsection (a) of this section, the chief executive officer may notify the Secretary of that decision and request the Secretary to exempt that segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment.

(2) Before making a decision under paragraph (1) of this subsection, the chief executive officer shall consult with units of local government in the State in which the segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is located and with the chief executive officer of any adjacent State that may be directly affected by the exemption. As part of the consultations, consideration shall be given to any potential alternative route that serves the area in which the segment is located and can safely accommodate a commercial motor vehicle having the width provided for in subsection (a) of this section.

(3) A chief executive officer's notification under this subsection must include specific evidence of safety problems supporting the officer's decision and the results of consultations about alternative routes.

(4)(A) If the Secretary decides, on request of a chief executive officer or on the Secretary's own initiative, a segment of the Dwight D. Eisenhower System of Interstate and Defense Highways is not capable of safely accommodating a commercial motor vehicle having a width provided in subsection (a) of this section, the Secretary shall exempt the segment from subsection (a) to allow the State to impose a width limitation of less than 102 inches for a vehicle (except a bus) on that segment. Before making a decision under this paragraph, the Secretary shall consider any possible alternative route that serves the area in which the segment is located.

(B) The Secretary shall make a decision about a specific segment not later than 120 days after the date of receipt of notification from a chief executive officer under paragraph (1) of this subsection or the date on which the Secretary initiates action under subparagraph (A) of this paragraph, whichever is applicable. If the Secretary finds the decision will not be made in time, the Secretary immediately shall notify Congress, giving the reasons for the delay, information about the resources assigned, and the projected date for the decision.

(C) Before making a decision, the Secretary shall give an interested person notice and an opportunity for comment. If the Secretary exempts a segment under this subsection before the final regulations under subsection (a) of this section are prescribed, the Secretary shall include the exemption as part of the final regulations. If the Secretary exempts the segment after the final regulations are prescribed, the Secretary shall publish the exemption as an amendment to the final regulations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 997.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31113(a) .....	49 App.:2316(a), (f).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, §416(a), (d), (f); added Apr. 5, 1983, Pub. L. 98-17, §1(a), 97 Stat. 59; Oct. 30, 1984, Pub. L. 98-554, §§103(1), 104(d), (e), 105, 98 Stat. 2830, 2831.
31113(b) .....	49 App.:2316(b).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, §416(b), (c); added Apr. 5, 1983, Pub. L. 98-17, §1(a), 97 Stat. 59.
31113(c) .....	49 App.:2316(c).	
31113(d) .....	49 App.:2316(d).	
31113(e) .....	49 App.:2316(e).	Jan. 6, 1983, Pub. L. 97-424, 96 Stat. 2097, §416(e); added Oct. 30, 1984, Pub. L. 98-554, §103(2), 98 Stat. 2830.

In this section, the word "commercial" is added before "motor vehicle" for consistency. The words "Dwight D. Eisenhower System of Interstate and Defense Highways" are substituted for "National System of Interstate and Defense Highways" because of the Act of October 15, 1990 (Public Law 101-427, 104 Stat. 927).

In subsection (a)(1), before clause (A), the text of 49 App.:2316(f) is omitted as obsolete. The word "prescribe" is substituted for "establish, maintain" for consistency in the revised title and with other titles of the

United States Code. The words "a commercial motor vehicle operating on" are added for clarity.

In subsection (b), the words "or energy conservation" are added for consistency with section 31111(d) of the revised title and because of the reference to "efficient operation".

In subsection (e)(4)(C), the word "amendment" is substituted for "revision" for consistency in the revised title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5112, 31112, 31114 of this title; title 23 section 127.

#### § 31114. Access to the Interstate System

(a) PROHIBITION ON DENYING ACCESS.—A State may not enact or enforce a law denying to a commercial motor vehicle subject to this subchapter or subchapter I of this chapter reasonable access between—

(1) the Dwight D. Eisenhower System of Interstate and Defense Highways (except a segment exempted under section 31111(f) or 31113(e) of this title) and other qualifying Federal-aid Primary System highways designated by the Secretary of Transportation; and

(2) terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers, motor carriers of passengers, or any truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

(b) EXCEPTION.—This section does not prevent a State or local government from imposing reasonable restrictions, based on safety considerations, on a truck tractor-semitrailer combination in which the semitrailer has a length of not more than 28.5 feet and that generally operates as part of a vehicle combination described in section 31111(c) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31114(a) .....	49 App.:2312(a).	Jan. 6, 1983, Pub. L. 97-424, §412, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98-554, §§104(c), 106, 98 Stat. 2831, 2832; Dec. 18, 1991, Pub. L. 102-240, §4006(b)(2), 105 Stat. 2151.
31114(b) .....	49 App.:2312(b).	

In subsection (a), the words "Dwight D. Eisenhower System of Interstate and Defense Highways" are substituted for "Interstate and Defense Highway System" for consistency in the revised chapter.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31112 of this title; title 23 section 127.

#### § 31115. Enforcement

On the request of the Secretary of Transportation, the Attorney General shall bring a civil action for appropriate injunctive relief to ensure compliance with this subchapter or subchapter I of this chapter. The action may be brought in a district court of the United States in any State in which the relief is required. On a proper show-

ing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a State or person to comply with this subchapter, subchapter I, or a regulation prescribed under this subchapter or subchapter I.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31115 .....	49 App.:2313.	Jan. 6, 1983, Pub. L. 97-424, §413, 96 Stat. 2160; Oct. 30, 1984, Pub. L. 98-554, §214, 98 Stat. 2844.

The words “to assure compliance with the terms of this chapter” and “In any action under this section” are omitted as surplus. The last sentence is substituted for 49 App.:2313 (last sentence) for clarity and to eliminate unnecessary words.

SUBCHAPTER III—SAFETY REGULATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 507, 521, 526 of this title.

§ 31131. Purposes and findings

(a) PURPOSES.—The purposes of this subchapter are—

- (1) to promote the safe operation of commercial motor vehicles;
- (2) to minimize dangers to the health of operators of commercial motor vehicles and other employees whose employment directly affects motor carrier safety; and
- (3) to ensure increased compliance with traffic laws and with the commercial motor vehicle safety and health regulations and standards prescribed and orders issued under this chapter.

(b) FINDINGS.—Congress finds—

- (1) it is in the public interest to enhance commercial motor vehicle safety and thereby reduce highway fatalities, injuries, and property damage;
- (2) improved, more uniform commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries and the level of property damage related to commercial motor vehicle operations;
- (3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and
- (4) interested State governments can provide valuable assistance to the United States Government in ensuring that commercial motor vehicle operations are conducted safely and healthfully.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 999.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31131(a) .....	49 App.:2501.	Oct. 30, 1984, Pub. L. 98-554, §§202, 203, 98 Stat. 2832.
31131(b) .....	49 App.:2502.	

In subsection (a)(3), the words “this chapter” are substituted for “this Act” because title II of the Act of Oc-

tober 30, 1984 (Public Law 98-554, 98 Stat. 2832), amended and enacted provisions restated in this chapter.

§ 31132. Definitions

In this subchapter—

- (1) “commercial motor vehicle” means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle—
  - (A) has a gross vehicle weight rating or gross vehicle weight of at least 10,000 pounds, whichever is greater;
  - (B) is designed or used to transport more than 8 passengers (including the driver) for compensation;
  - (C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
  - (D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) “employee” means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

- (A) directly affects commercial motor vehicle safety in the course of employment; and
- (B) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of the employment by the Government, a State, or a political subdivision of a State.

(3) “employer”—

- (A) means a person engaged in a business affecting interstate commerce that owns or leases a commercial motor vehicle in connection with that business, or assigns an employee to operate it; but
- (B) does not include the Government, a State, or a political subdivision of a State.

(4) “interstate commerce” means trade, traffic, or transportation in the United States between a place in a State and—

- (A) a place outside that State (including a place outside the United States); or
- (B) another place in the same State through another State or through a place outside the United States.

(5) “intrastate commerce” means trade, traffic, or transportation in a State that is not interstate commerce.

(6) “regulation” includes a standard or order.

(7) “State” means a State of the United States, the District of Columbia, and, in sections 31136 and 31140-31142<sup>1</sup> of this title, a political subdivision of a State.

(8) “State law” includes a law enacted by a political subdivision of a State.

(9) “State regulation” includes a regulation prescribed by a political subdivision of a State.

<sup>1</sup> See References in Text note below.



(10) “United States” means the States of the United States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1000; Pub. L. 104–88, title I, §104(f), Dec. 29, 1995, 109 Stat. 919; Pub. L. 105–178, title IV, § 4008(a), June 9, 1998, 112 Stat. 404.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31132 .....	49 App.:2503.	Oct. 30, 1984, Pub. L. 98–554, §204, 98 Stat. 2833.

The text of 49 App.:2503(6) is omitted as unnecessary because of 1:1. The text of 49 App.:2503(8) is omitted as surplus because the complete name of the Commercial Motor Vehicle Safety Regulatory Review Panel is used the first time the term appears in a section. The text of 49 App.:2503(9) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

REFERENCES IN TEXT

Section 31140 of this title, referred to in par. (7), was repealed by Pub. L. 105–178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404.

AMENDMENTS

1998—Par. (1)(A). Pub. L. 105–178, § 4008(a)(1), inserted “or gross vehicle weight” after “rating” and “, whichever is greater” after “pounds”.

Par. (1)(B). Pub. L. 105–178, § 4008(a)(2), which directed substitution of “more than 8 passengers (including the driver) for compensation;” for “passengers” and all that follows through semicolon at end, was executed by making the substitution for “passengers for compensation, but excluding vehicles providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places;” to reflect the probable intent of Congress.

1995—Par. (1)(B) to (D). Pub. L. 104–88 added subpars. (B) and (C), redesignated former subpar. (C) as (D), and struck out former subpar. (B) which read as follows: “is designed to transport more than 15 passengers including the driver; or”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 521, 14503 of this title.

**§ 31133. General powers of the Secretary of Transportation**

(a) GENERAL.—In carrying out this subchapter and regulations prescribed under section 31102 of this title, the Secretary of Transportation may—

- (1) conduct and make contracts for inspections and investigations;
- (2) compile statistics;
- (3) make reports;
- (4) issue subpoenas;
- (5) require production of records and property;
- (6) take depositions;
- (7) hold hearings;
- (8) prescribe recordkeeping and reporting requirements;
- (9) conduct or make contracts for studies, development, testing, evaluation, and training; and

(10) perform other acts the Secretary considers appropriate.

(b) CONSULTATION.—In conducting inspections and investigations under subsection (a) of this section, the Secretary shall consult, as appropriate, with employers and employees and their authorized representatives and offer them a right of accompaniment.

(c) DELEGATION.—The Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 105–178, title IV, § 4006(a), June 9, 1998, 112 Stat. 401.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31133(a) .....	49 App.:2510(a), (b) (1st sentence).	Oct. 30, 1984, Pub. L. 98–554, §211, 98 Stat. 2841.
31133(b) .....	49 App.:2510(c).	
31133(c) .....	49 App.:2510(b) (last sentence).	

In subsection (a), the words before clause (1) are substituted for “In carrying out the Secretary’s functions under this chapter, the Secretary is authorized to” and “to carry out the provisions of this chapter, or regulations issued pursuant to section 2302 of this Appendix” to eliminate unnecessary words. Clause (10) is substituted for “perform such acts . . . as the Secretary determines necessary”. The text of 49 App.:2510(a) is omitted as covered by 49 App.:2510(b) (1st sentence).

In subsection (b), the words “In conducting inspections and investigations” are substituted for “To carry out the Secretary’s inspection and investigation functions” to eliminate unnecessary words. The words “or the Secretary’s agent” are omitted as unnecessary.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105–178 inserted “and make contracts for” after “conduct”.

**[§ 31134. Repealed. Pub. L. 105–178, title IV, § 4008(c), June 9, 1998, 112 Stat. 404]**

Section, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1001; Pub. L. 104–287, §5(9), Oct. 11, 1996, 110 Stat. 3389, related to Commercial Motor Vehicle Safety Regulatory Review Panel.

**§ 31135. Duties of employers and employees**

Each employer and employee shall comply with regulations on commercial motor vehicle safety prescribed by the Secretary of Transportation under this subchapter that apply to the employer’s or employee’s conduct.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1003.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31135 .....	49 App.:2504.	Oct. 30, 1984, Pub. L. 98–554, §205, 98 Stat. 2834.

**§ 31136. United States Government regulations**

(a) MINIMUM SAFETY STANDARDS.—Subject to section 30103(a) of this title, the Secretary of

Transportation shall prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles. At a minimum, the regulations shall ensure that—

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

(b) **ELIMINATING AND AMENDING EXISTING REGULATIONS.**—The Secretary may not eliminate or amend an existing motor carrier safety regulation related only to the maintenance, equipment, loading, or operation (including routing) of vehicles carrying material found to be hazardous under section 5103 of this title until an equivalent or more stringent regulation has been prescribed under section 5103.

(c) **PROCEDURES AND CONSIDERATIONS.**—(1) A regulation under this section shall be prescribed under section 553 of title 5 (without regard to sections 556 and 557 of title 5).

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

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

(d) **EFFECT OF EXISTING REGULATIONS.**—If the Secretary does not prescribe regulations on commercial motor vehicle safety under this section, regulations on commercial motor vehicle safety prescribed by the Secretary before October 30, 1984, and in effect on October 30, 1984, shall be deemed in this subchapter to be regulations prescribed by the Secretary under this section.

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

(f) **LIMITATIONS ON MUNICIPALITY AND COMMERCIAL ZONE EXEMPTIONS AND WAIVERS.**—(1) The Secretary may not—

- (A) exempt a person or commercial motor vehicle from a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality; or
- (B) waive application to a person or commercial motor vehicle of a regulation related to commercial motor vehicle safety only because the operations of the person or vehicle are entirely in a municipality or commercial zone of a municipality.

(2) If a person was authorized to operate a commercial motor vehicle in a municipality or commercial zone of a municipality in the United States for the entire period from November 19,

1987, through November 18, 1988, and if the person is otherwise qualified to operate a commercial motor vehicle, the person may operate a commercial motor vehicle entirely in a municipality or commercial zone of a municipality notwithstanding—

- (A) paragraph (1) of this subsection;
- (B) a minimum age requirement of the United States Government for operation of the vehicle; and
- (C) a medical or physical condition that—
  - (i) would prevent an operator from operating a commercial motor vehicle under the commercial motor vehicle safety regulations in title 49, Code of Federal Regulations;
  - (ii) existed on July 1, 1988;
  - (iii) has not substantially worsened; and
  - (iv) does not involve alcohol or drug abuse.

(3) This subsection does not affect a State commercial motor vehicle safety law applicable to intrastate commerce.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1003; Pub. L. 104-59, title III, §344, Nov. 28, 1995, 109 Stat. 610; Pub. L. 104-287, §5(60), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 105-178, title IV, §4007(c), June 9, 1998, 112 Stat. 403.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31136(a) .....	49 App.:2505(a), (g).	Oct. 30, 1984, Pub. L. 98-554, §206(a)-(g), 98 Stat. 2834.
31136(b) .....	49 App.:2505(b).	
31136(c) .....	49 App.:2505(c).	
31136(d) .....	49 App.:2505(d), (e).	
31136(e) .....	49 App.:2505(f).	
31136(f) .....	49 App.:2505(h).	Oct. 30, 1984, Pub. L. 98-554, §206(h), 98 Stat. 2835; re-stated Nov. 18, 1988, Pub. L. 100-690, §9102(a), 102 Stat. 4528.

In subsection (a), the text of 49 App.:2505(g) is omitted because 5:ch. 7 applies unless otherwise stated. Before clause (1), the words “Not later than 18 months after October 30, 1984” are omitted because the time period specified has expired. The words “Subject to section 30103(a) of this title” are added to alert the reader to that section.

In subsection (c)(1), the words “except that the time periods specified in this subsection shall apply to the issuance of such regulations” are omitted because the time periods referred to do not appear in subsection (c) as enacted. The reference was probably to the time periods in a prior version of subsection (c). See S. 2174, 98th Cong., 2d Sess., §6(b) (as reported by the Committee on Commerce, Science, and Transportation of the Senate on May 2, 1984, in S. Rept. 98-424).

In subsection (d), the text of 49 App.:2505(d) is omitted as obsolete.

In subsection (f)(2)(C)(i), the words “an operator” are substituted for “such person” because only a natural person can have a medical or physical condition.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105-178 amended heading and text of subsec. (e) generally. Prior to amendment, subsec. (e) consisted of pars. (1) to (3) relating to waivers.

1996—Subsec. (e)(2)(A), (J), (3). Pub. L. 104-287 substituted “November 28, 1995” for “the date of the enactment of this paragraph”.

1995—Subsec. (e)(1) to (3). Pub. L. 104-59 designated existing text as par. (1) and inserted heading, and added pars. (2) and (3).

PROTECTION OF EXISTING EXEMPTIONS

Pub. L. 105-178, title IV, §4007(d), June 9, 1998, 112 Stat. 404, provided that: “The amendments made by

this section [amending this section and section 31315 of this title] shall not apply to or otherwise affect a waiver, exemption, or pilot program in effect on the day before the date of enactment of this Act [June 9, 1998] under chapter 313 or section 31136(e) of title 49, United States Code.”

APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES

Pub. L. 105-178, title IV, §4008(b), June 9, 1998, 112 Stat. 404, provided that: “Effective on the last day of the 1-year period beginning on the date of enactment of this Act [June 9, 1998], regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.”

IMPROVED INTERSTATE SCHOOL BUS SAFETY

Pub. L. 105-178, title IV, §4024, June 9, 1998, 112 Stat. 416, provided that: “Not later than 6 months after the date of enactment of this Act [June 9, 1998], the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 8801]).”

FEDERAL HIGHWAY ADMINISTRATION RULEMAKING

Pub. L. 104-88, title IV, §408, Dec. 29, 1995, 109 Stat. 958, provided that:

“(a) ADVANCE NOTICE.—The Federal Highway Administration shall issue an advance notice of proposed rulemaking dealing with a variety of fatigue-related issues pertaining to commercial motor vehicle motor vehicle safety (including 8 hours of continuous sleep after 10 hours of driving, loading and unloading operations, automated and tamper-proof recording devices, rest and recovery cycles, fatigue and stress in longer combination vehicles, fitness for duty, and other appropriate regulatory and enforcement countermeasures for reducing fatigue-related incidents and increasing driver alertness) not later than March 1, 1996.

“(b) RULEMAKING.—The Federal Highway Administration shall issue a notice of proposed rulemaking dealing with such issues within 1 year after issuance of the advance notice under subsection (a) is published and shall issue a final rule dealing with those issues within 2 years after the last day of such 1-year period.”

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

Section 345 of Pub. L. 104-59 provided that:

“(a) EXEMPTIONS.—

“(1) TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.—Regulations prescribed by the Secretary under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in a State if such transportation is limited to an area within a 100 air mile radius from the source of the commodities or the distribution point for the farm supplies and is during the planting and harvesting seasons within such State, as determined by the State.

“(2) TRANSPORTATION AND OPERATION OF GROUND WATER WELL DRILLING RIGS.—Such regulations shall, in the case of a driver of a commercial motor vehicle

who is used primarily in the transportation and operation of a ground water well drilling rig, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

“(3) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—Such regulations shall, in the case of a driver of a commercial motor vehicle who is used primarily in the transportation of construction materials and equipment, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

“(4) DRIVERS OF UTILITY SERVICE VEHICLES.—Such regulations shall, in the case of a driver of a utility service vehicle, permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum driving and on-duty time.

“(5) SNOW AND ICE REMOVAL.—A State may waive the requirements of chapter 313 of title 49, United States Code, with respect to a vehicle that is being operated within the boundaries of an eligible unit of local government by an employee of such unit for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting. Such waiver authority shall only apply in a case where the employee is needed to operate the vehicle because the employee of the eligible unit of local government who ordinarily operates the vehicle and who has a commercial drivers license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency.

“(b) PREEMPTION.—Nothing contained in this section shall require the preemption of State laws and regulations concerning the safe operation of commercial motor vehicles as the result of exemptions from Federal requirements provided under this section.

“(c) REVIEW BY THE SECRETARY.—The Secretary may conduct a rulemaking proceeding to determine whether granting any exemption provided by subsection (a) (other than paragraph (2)) is not in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles. If, at any time as a result of such a proceeding, the Secretary determines that granting such exemption would not be in the public interest and would have a significant adverse impact on the safety of commercial motor vehicles, the Secretary may prevent the exemption from going into effect, modify the exemption, or revoke the exemption. The Secretary may develop a program to monitor the exemption, including agreements with carriers to permit the Secretary to examine insurance information maintained by an insurer on a carrier.

“(d) REPORT.—The Secretary shall monitor the commercial motor vehicle safety performance of drivers of vehicles that are subject to an exemption under this section. If the Secretary determines that public safety has been adversely affected by an exemption granted under this section, the Secretary shall report to Congress on the determination.

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) 7 OR 8 CONSECUTIVE DAYS.—The term ‘7 or 8 consecutive days’ means the period of 7 or 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

“(2) 24-HOUR PERIOD.—The term ‘24-hour period’ means any 24 consecutive hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

“(3) GROUND WATER WELL DRILLING RIG.—The term ‘ground water well drilling rig’ means any vehicle, machine, tractor, trailer, semi-trailer, or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water.

“(4) TRANSPORTATION OF CONSTRUCTION MATERIALS AND EQUIPMENT.—The term ‘transportation of construction materials and equipment’ means the transportation of construction and pavement materials, construction equipment, and construction maintenance vehicles, by a driver to or from an active construction site (a construction site between initial mobilization of equipment and materials to the site to the final completion of the construction project) within a 50 air mile radius of the normal work reporting location of the driver. This paragraph does not apply to the transportation of material found by the Secretary to be hazardous under section 5103 of title 49, United States Code, in a quantity requiring placarding under regulations issued to carry out such section.

“(5) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ‘eligible unit of local government’ means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law which has a total population of 3,000 individuals or less.

“(6) UTILITY SERVICE VEHICLE.—The term ‘utility service vehicle’ means any commercial motor vehicle—

“(A) used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

“(B) while engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

“(C) except for any occasional emergency use, operated primarily within the service area of a utility’s subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

“(f) EFFECTIVE DATE.—Subsection (a) of this section shall take effect on the 180th day following the date of the enactment of this Act [Nov. 28, 1995]; except that paragraphs (1) and (2) of subsection (a) shall take effect on such date of enactment.”

#### WINTER HOME HEATING OIL DELIVERY STATE FLEXIBILITY PROGRAM

Pub. L. 104-59, title III, §346, Nov. 28, 1995, 109 Stat. 615, as amended by Pub. L. 105-178, title I, §1211(j), June 9, 1998, 112 Stat. 192; Pub. L. 105-206, title IX, §9003(d)(3), July 22, 1998, 112 Stat. 839, provided that:

“(a) IN GENERAL.—After notice and opportunity for comment, the Secretary shall develop and implement a pilot program for the purpose of evaluating waivers of the regulations issued by the Secretary pursuant to sections 31136 and 31502 of title 49, United States Code, relating to maximum on-duty time, and sections 31102 and 31104(j) of such title, relating to the Motor Carrier Safety Assistance Program, to permit any period of 7 or 8 consecutive days to end with the beginning of an off-duty period of 24 or more consecutive hours for the purposes of determining maximum on-duty time for drivers of motor vehicles making intrastate home heating oil deliveries that occur within 100 air miles of a central terminal or distribution point of the delivery of such oil. The Secretary may approve up to 5 States to participate in the pilot program during the winter heating season in the 6-month period beginning on November 1, 1996.

“(b) APPROVAL CRITERIA.—The Secretary shall select States to participate in the pilot program upon approval of applications submitted by States to the Secretary. The Secretary shall act on a State’s application within 30 days after the date of its submission. The Secretary may only approve an application of a State under this section if the Secretary finds, at a minimum, that—

“(1) a substantial number of the citizens of the State rely on home heating oil for heat during winter months;

“(2) current maximum on-duty time regulations may endanger the welfare of these citizens by impeding timely deliveries of home heating oil;

“(3) the State will ensure an equal to or greater level of safety with respect to home heating oil deliveries than the level of safety resulting from compliance with the regulations referred to in subsection (a);

“(4) the State will monitor the safety of home heating oil deliveries while participating in the program;

“(5) employers of deliverers of home heating oil that will be covered by the program will agree to make all safety data developed from the pilot program available to the State and to the Secretary;

“(6) the State will only permit employers of deliverers of home heating oil with satisfactory safety records to be covered by the program; and

“(7) the State will comply with such other criteria as the Secretary determines are necessary to implement the program consistent with this section.

“(c) PARTICIPATION IN PROGRAM.—Upon approval of an application of a State under this section, the Secretary shall permit the State to participate in the pilot program for an initial period of 15 days during the winter heating season of the State (as determined by the Governor and the Secretary). If, after the last day of such 15-day period, the Secretary finds that a State’s continued participation in the program is consistent with this section and has resulted in no significant adverse impact on public safety and is in the public interest, the Secretary shall extend the State’s participation in the program for periods of up to 30 additional days during such heating season.

“(d) SUSPENSION FROM PROGRAM.—The Secretary may suspend a State’s participation in the pilot program at any time if the Secretary finds—

“(1) that the State has not complied with any of the criteria for participation in the program under this section;

“(2) that a State’s participation in the program has caused a significant adverse impact on public safety and is not in the public interest; or

“(3) the existence of an emergency.

“(e) REVIEW BY SECRETARY.—Within 90 days after the completion of the pilot program, the Secretary shall initiate a rulemaking to determine, based in part on the results of the program, whether to—

“(1) permit a State to grant waivers of the regulations referred to in subsection (a) to motor carriers transporting home heating oil within the borders of the State, subject to such conditions as the Secretary may impose, if the Secretary determines that such waivers by the State meet the conditions in section 31136(e) of title 49, United States Code; or

“(2) amend the regulations referred to in subsection (a) as may be necessary to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

“(f) DEFINITION.—In this section, the term ‘7 or 8 consecutive days’ has the meaning such term has under section 345 of this Act [set out above].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31132, 31141, 31142, 31146, 31315, 31502 of this title.

### § 31137. Monitoring device and brake maintenance regulations

(a) USE OF MONITORING DEVICES.—If the Secretary of Transportation prescribes a regulation about the use of monitoring devices on commercial motor vehicles to increase compliance by operators of the vehicles with hours of service regulations of the Secretary, the regulation shall ensure that the devices are not used to

harass vehicle operators. However, the devices may be used to monitor productivity of the operators.

(b) **BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.**—Not later than December 31, 1990, the Secretary shall prescribe regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1004.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31137(a) .....	49 App.:2505 (note).	Nov. 18, 1988, Pub. L. 100-690, §9104(b), 102 Stat. 4529.
31137(b) .....	49 App.:2521.	Oct. 30, 1984, Pub. L. 98-554, 98 Stat. 2829, §231; added Nov. 18, 1988, Pub. L. 100-690, §9110, 102 Stat. 4531.

In subsection (b), the text of 49 App.:2521(a) is omitted as executed.

**§ 31138. Minimum financial responsibility for transporting passengers**

(a) **GENERAL REQUIREMENT.**—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

- (1) a place in another State;
- (2) another place in the same State through a place outside of that State; or
- (3) a place outside the United States.

(b) **MINIMUM AMOUNTS.**—The level of financial responsibility established under subsection (a) of this section for a motor vehicle with a seating capacity of—

- (1) at least 16 passengers shall be at least \$5,000,000; and
- (2) not more than 15 passengers shall be at least \$1,500,000.

(c) **EVIDENCE OF FINANCIAL RESPONSIBILITY.**—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

- (A) insurance, including high self-retention.
- (B) a guarantee.
- (C) a surety bond issued by a bonding company authorized to do business in the United States.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the trans-

portation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(d) **CIVIL PENALTY.**—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and
- (C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(e) **NONAPPLICATION.**—This section does not apply to a motor vehicle—

- (1) transporting only school children and teachers to or from school;
- (2) providing taxicab service, having a seating capacity of not more than 6 passengers, and not being operated on a regular route or between specified places;
- (3) carrying not more than 15 individuals in a single, daily round trip to and from work; or
- (4) providing transportation service within a transit service area under an agreement with a Federal, State, or local government funded, in whole or in part, with a grant under section 5307, 5310, or 5311, including transportation designed and carried out to meet the special needs of elderly individuals and individuals with disabilities; except that, in any case in which the transit service area is located in more than 1 State, the minimum level of financial responsibility for such motor vehicle will be at least the highest level required for any of such States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1005; Pub. L. 104-88, title I, §104(c), (d), Dec. 29, 1995, 109 Stat. 919.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31138(a) .....	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, § 18(a), 96 Stat. 1121.
31138(b) .....	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, § 18(b), (c), 96 Stat. 1121.
31138(c) .....	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, § 18(d), 96 Stat. 1121; Oct. 30, 1984, Pub. L. 98-554, § 224, 98 Stat. 2847.
31138(d) .....	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, § 18(e), 96 Stat. 1122.
31138(e) .....	49:10927 (note).	Sept. 20, 1982, Pub. L. 97-261, § 18(f), (g), 96 Stat. 1122.

In subsection (b), before clause (1), the text of section 18(b)(1) (words beginning with “except”) and (2) (words beginning with “except”) and (c) of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1121) is omitted as expired. The word “minimal” is omitted as surplus.

In subsection (c)(1), the words “The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section” are omitted as surplus.

In subsection (d)(4), the words “The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection” are substituted for “Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States” for consistency in the revised title.

In subsection (d)(5), the words “when finally determined (or agreed upon in compromise)” are omitted as surplus.

In subsection (e), before clause (1), the text of section 18(g) of the Bus Regulatory Reform Act of 1982 (Public Law 97-261, 96 Stat. 1122) is omitted as unnecessary because of the restatement.

AMENDMENTS

1995—Subsec. (c)(3). Pub. L. 104-88, § 104(c), added par. (3).

Subsec. (e)(4). Pub. L. 104-88, § 104(d), added par. (4).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 507, 521, 526, 10927, 13101, 13902, 13906, 31102 of this title.

§ 31139. Minimum financial responsibility for transporting property

(a) DEFINITIONS.—In this section—

(1) “farm vehicle” means a vehicle—

(A) designed or adapted and used only for agriculture;

(B) operated by a motor private carrier (as defined in section 10102 of this title); and

(C) operated only incidentally on highways.

(2) “interstate commerce” includes transportation between a place in a State and a place outside the United States, to the extent the transportation is in the United States.

(3) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) GENERAL REQUIREMENT AND MINIMUM AMOUNT.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to

satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation of property for compensation by motor vehicle in the United States between a place in a State and—

(A) a place in another State;

(B) another place in the same State through a place outside of that State; or

(C) a place outside the United States.

(2) The level of financial responsibility established under paragraph (1) of this subsection shall be at least \$750,000.

(c) REQUIREMENTS FOR HAZARDOUS MATTER AND OIL.—(1) The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability, property damage, and environmental restoration for the transportation by motor vehicle in interstate or intrastate commerce of—

(A) hazardous material (as defined by the Secretary);

(B) oil or hazardous substances (as defined by the Administrator of the Environmental Protection Agency); or

(C) hazardous wastes (as defined by the Administrator).

(2)(A) Except as provided in subparagraph (B) of this paragraph, the level of financial responsibility established under paragraph (1) of this subsection shall be at least \$5,000,000 for the transportation—

(i) of hazardous substances (as defined by the Administrator) in cargo tanks, portable tanks, or hopper-type vehicles, with capacities of more than 3,500 water gallons;

(ii) in bulk of class A explosives, poison gas, liquefied gas, or compressed gas; or

(iii) of large quantities of radioactive material.

(B) The Secretary of Transportation by regulation may reduce the minimum level in subparagraph (A) of this paragraph (to an amount not less than \$1,000,000) for transportation described in subparagraph (A) in any of the territories of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands if—

(i) the chief executive officer of the territory requests the reduction;

(ii) the reduction will prevent a serious disruption in transportation service and will not adversely affect public safety; and

(iii) insurance of \$5,000,000 is not readily available.

(3) The level of financial responsibility established under paragraph (1) of this subsection for the transportation of a material, oil, substance, or waste not subject to paragraph (2) of this subsection shall be at least \$1,000,000. However, if the Secretary of Transportation finds it will not adversely affect public safety, the Secretary by regulation may reduce the amount for—

(A) a class of vehicles transporting such a material, oil, substance, or waste in intrastate commerce (except in bulk); and

(B) a farm vehicle transporting such a material or substance in interstate commerce (except in bulk).

(d) FOREIGN MOTOR CARRIERS AND PRIVATE CARRIERS.—Regulations prescribed under this section may allow foreign motor carriers and foreign motor private carriers (as those terms are defined in section 10530 of this title) providing transportation of property under a certificate of registration issued under section 10530 to meet the minimum levels of financial responsibility under this section only when those carriers are providing transportation for property in the United States.

(e) EVIDENCE OF FINANCIAL RESPONSIBILITY.—(1) Subject to paragraph (2) of this subsection, financial responsibility may be established by evidence of one or a combination of the following if acceptable to the Secretary of Transportation:

- (A) insurance.
- (B) a guarantee.
- (C) a surety bond issued by a bonding company authorized to do business in the United States.
- (D) qualification as a self-insurer.

(2) A person domiciled in a country contiguous to the United States and providing transportation to which a minimum level of financial responsibility under this section applies shall have evidence of financial responsibility in the motor vehicle when the person is providing the transportation. If evidence of financial responsibility is not in the vehicle, the Secretary of Transportation and the Secretary of the Treasury shall deny entry of the vehicle into the United States.

(3) A motor carrier may obtain the required amount of financial responsibility from more than one source provided the cumulative amount is equal to the minimum requirements of this section.

(f) CIVIL PENALTY.—(1) If, after notice and an opportunity for a hearing, the Secretary of Transportation finds that a person (except an employee acting without knowledge) has knowingly violated this section or a regulation prescribed under this section, the person is liable to the United States Government for a civil penalty of not more than \$10,000 for each violation. A separate violation occurs for each day the violation continues.

(2) The Secretary of Transportation shall impose the penalty by written notice. In determining the amount of the penalty, the Secretary shall consider—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue doing business; and
- (C) other matters that justice requires.

(3) The Secretary of Transportation may compromise the penalty before referring the matter to the Attorney General for collection.

(4) The Attorney General shall bring a civil action in an appropriate district court of the United States to collect a penalty referred to the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section

shall be deposited in the Treasury as miscellaneous receipts.

(g) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

- (1) class A or B explosives;
- (2) poison gas; or
- (3) a large quantity of radioactive material.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1006; Pub. L. 104–88, title I, §104(e), Dec. 29, 1995, 109 Stat. 919.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31139(a) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(h), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, §406(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, §222(b), 98 Stat. 2847; Nov. 18, 1988, Pub. L. 100–690, §9112, 102 Stat. 4534.
31139(b) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(a), 94 Stat. 820; Jan. 6, 1983, Pub. L. 97–424, §406(a), 96 Stat. 2158.
31139(c) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(b), 94 Stat. 821; Jan. 6, 1983, Pub. L. 97–424, §406(a), 96 Stat. 2158; Oct. 30, 1984, Pub. L. 98–554, §222(a), 98 Stat. 2846; Nov. 16, 1990, Pub. L. 101–615, §23, 104 Stat. 3272.
31139(d) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, 94 Stat. 793, §30(g); added Nov. 18, 1988, Pub. L. 100–690, §9112, 102 Stat. 4534.
31139(e) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(c), 94 Stat. 822; Jan. 6, 1983, Pub. L. 97–424, §406(b), 96 Stat. 2158.
31139(f) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(e), 94 Stat. 822.
31139(g) .....	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(d), 94 Stat. 822. July 1, 1980, Pub. L. 96–296, §30(f), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, §406(d), 96 Stat. 2159.

In subsection (a), before clause (1), the text of section 30(h)(3) of the Motor Carrier Act of 1980 (Public Law 96–296, 94 Stat. 823) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In clause (3), the words “(including its use in the terms ‘interstate’ and ‘intrastate’)” are omitted as surplus.

In subsections (b)(2) and (c)(2) and (3), the word “minimal” is omitted as surplus.

In subsection (b)(2), the words “for any vehicle” are omitted as surplus. The words beginning with “except” are omitted as expired. The text of section 30(a)(3) of the Act (Public Law 96–296, 94 Stat. 821) is omitted because the regulations have been issued. See 49 C.F.R. part 387.

In subsection (c)(2), the text of section 30(b)(2)(B) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired.

In subsection (c)(3), before clause (A), the text of section 30(b)(3)(A) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired. The text of section 30(b)(4) of the Act (Public Law 96–296, 94 Stat. 822) is omitted because the regulations have been issued. See 49 C.F.R. part 387. The words “for any vehicle . . . in interstate or intrastate commerce” are omitted as unnecessary because of the reference to paragraph (1).

In subsection (e)(1), the words “The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section” are omitted as surplus. The text of section 30(e) of the Act (Public Law 96–296, 94 Stat. 822) is omitted as executed.

In subsection (f)(4), the words “The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection” are substituted for “Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States” for consistency in the revised title.

In subsection (f)(5), the words “when finally determined (or agreed upon in compromise)” are omitted as surplus.

In subsection (g)(1) and (2), the words “any quantity of” are omitted as surplus.

#### AMENDMENTS

1995—Subsec. (e)(3). Pub. L. 104-88 added par. (3).

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 507, 521, 526, 10927, 13906, 31102 of this title; title 42 section 9608.

### [§ 31140. Repealed. Pub. L. 105-178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1008, related to submission of State laws and regulations for review by Secretary of Transportation and Commercial Motor Vehicle Safety Regulatory Review Panel.

### § 31141. Review and preemption of State laws and regulations

(a) PREEMPTION AFTER DECISION.—A State may not enforce a State law or regulation on commercial motor vehicle safety that the Secretary of Transportation decides under this section may not be enforced.

(b) SUBMISSION OF REGULATION.—A State receiving funds made available under section 31104 that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary immediately after the enactment or issuance.

(c) REVIEW AND DECISIONS BY SECRETARY.—

(1) REVIEW.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

(B) is less stringent than such regulation;

or

(C) is additional to or more stringent than such regulation.

(2) REGULATIONS WITH SAME EFFECT.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

(3) LESS STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

(4) ADDITIONAL OR MORE STRINGENT REGULATIONS.—If the Secretary decides a State law or regulation is additional to or more stringent

than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

(A) the State law or regulation has no safety benefit;

(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

(5) CONSIDERATION OF EFFECT ON INTERSTATE COMMERCE.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.

(d) WAIVERS.—(1) A person (including a State) may petition the Secretary for a waiver of a decision of the Secretary that a State law or regulation may not be enforced under this section. The Secretary shall grant the waiver, as expeditiously as possible, if the person demonstrates to the satisfaction of the Secretary that the waiver is consistent with the public interest and the safe operation of commercial motor vehicles.

(2) Before deciding whether to grant or deny a petition for a waiver under this subsection, the Secretary shall give the petitioner an opportunity for a hearing on the record.

(e) WRITTEN NOTICE OF DECISIONS.—Not later than 10 days after making a decision under subsection (c) of this section that a State law or regulation may not be enforced, the Secretary shall give written notice to the State of that decision.

(f) JUDICIAL REVIEW AND VENUE.—(1) Not later than 60 days after the Secretary makes a decision under subsection (c) of this section, or grants or denies a petition for a waiver under subsection (d) of this section, a person (including a State) adversely affected by the decision, grant, or denial may file a petition for judicial review. The petition may be filed in the court of appeals of the United States for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business.

(2) The court has jurisdiction to review the decision, grant, or denial and to grant appropriate relief, including interim relief, as provided in chapter 7 of title 5.

(3) A judgment of a court under this subsection may be reviewed only by the Supreme Court under section 1254 of title 28.

(4) The remedies provided for in this subsection are in addition to other remedies provided by law.

(g) INITIATING REVIEW PROCEEDINGS.—To review a State law or regulation on commercial motor vehicle safety under this section, the Secretary may initiate a regulatory proceeding on the Secretary’s own initiative or on petition of an interested person (including a State).



(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1008; Pub. L. 105-178, title IV, § 4008(e), June 9, 1998, 112 Stat. 404.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31141(a) .....	49 App.:2507(a).	Oct. 30, 1984, Pub. L. 98-554, § 208(a)-(g), (i), 98 Stat. 2836, 2838.
31141(b) .....	49 App.:2507(b).	
31141(c) .....	49 App.:2507(c).	
31141(d) .....	49 App.:2507(d).	
31141(e) .....	49 App.:2507(e).	
31141(f) .....	49 App.:2507(f).	
31141(g) .....	49 App.:2507(g).	Oct. 30, 1984, Pub. L. 98-554, § 208(h), 98 Stat. 2838; Nov. 18, 1988, Pub. L. 100-690, § 9109, 102 Stat. 4530.
31141(h) .....	49 App.:2507(h).	
	49 App.:2507(i).	

In this section, language about whether a State law or regulation may be “in effect” is omitted as redundant to language about whether it may be “enforced”. The words “regulatory proceeding” are substituted for “rulemaking proceeding” for consistency in the revised title and because “rule” is synonymous with “regulation”.

In subsection (a), the words “with respect to commercial motor vehicles” are omitted as surplus.

In subsection (b)(1), the words “Not later than 18 months after October 30, 1984, and . . . thereafter” are omitted as obsolete.

In subsection (g)(1), the words “court of appeals of the United States for the District of Columbia Circuit” are substituted for “United States court of appeals for the District of Columbia” to be more precise.

In subsection (g)(2), the words “Upon the filing of a petition under paragraph (1) of this subsection” are omitted as surplus.

Subsection (g)(3) is substituted for 49 App.:2507(g)(3) for consistency in this part and to eliminate unnecessary words.

In subsection (h), the text of 49 App.:2507(h) and the words “After the last day of the 48-month period beginning on October 30, 1984” are omitted as obsolete.

## AMENDMENTS

1998—Subsecs. (b), (c). Pub. L. 105-178, § 4008(e)(1), added subsecs. (b) and (c) and struck out headings and text of former subsecs. (b) and (c) which related to analysis and decisions by Commercial Motor Vehicle Safety Regulatory Review Panel and to review and decisions by Secretary, respectively.

Subsecs. (e) to (h). Pub. L. 105-178, § 4008(e)(2), (3), redesignated subsecs. (f) to (h) as (e) to (g), respectively, and struck out heading and text of former subsec. (e). Text read as follows: “The Secretary may consolidate regulatory proceedings under this section if the Secretary decides that the consolidation will not adversely affect a party to a proceeding.”

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31132 of this title.

## § 31142. Inspection of vehicles

(a) INSPECTION OF SAFETY EQUIPMENT.—On the instruction of an authorized enforcement official of a State or of the United States Government, a commercial motor vehicle is required to pass an inspection of all safety equipment required under the regulations issued under section 31136.

(b) INSPECTION OF VEHICLES AND RECORD RETENTION.—The Secretary of Transportation shall prescribe regulations on Government standards for inspection of commercial motor vehicles and

retention by employers of records of an inspection. The standards shall provide for annual or more frequent inspections of a commercial motor vehicle unless the Secretary finds that another inspection system is as effective as an annual or more frequent inspection system. Regulations prescribed under this subsection are deemed to be regulations prescribed under section 31136 of this title.

(c) PREEMPTION.—(1) Except as provided in paragraph (2) of this subsection, this subchapter and section 31102 of this title do not—

(A) prevent a State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside inspection programs of commercial motor vehicles;

(B) prevent a State from enforcing a program for inspection of commercial motor vehicles that the Secretary decides is as effective as the Government standards prescribed under subsection (b) of this section;

(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or

(D) require a State that is enforcing a program described in clause (B) or (C) of this paragraph to enforce a Government standard prescribed under subsection (b) of this section or to adopt a provision on inspection of commercial motor vehicles in addition to that program to comply with the Government standards.

(2) The Government standards prescribed under subsection (b) of this section shall preempt a program of a State described in paragraph (1)(C) of this subsection as the program applies to the inspection of commercial motor vehicles in that State. The State may not enforce the program if the Secretary—

(A) decides, after notice and an opportunity for a hearing, that the State is not enforcing the program in a way that achieves the objectives of this section; and

(B) after making a decision under clause (A) of this paragraph, provides the State with a 6-month period to improve the enforcement of the program to achieve the objectives of this section.

(d) INSPECTION TO BE ACCEPTED AS ADEQUATE IN ALL STATES.—A periodic inspection of a commercial motor vehicle under the Government standards prescribed under subsection (b) of this section or a program described in subsection (c)(1)(B) or (C) of this section that is being enforced shall be recognized as adequate in every State for the period of the inspection. This subsection does not prohibit a State from making random inspections of commercial motor vehicles.

(e) EFFECT OF GOVERNMENT STANDARDS.—The Government standards prescribed under subsection (b) of this section may not be enforced as the standards apply to the inspection of commercial motor vehicles in a State enforcing a program described in subsection (c)(1)(B) or (C) of this section if the Secretary decides that it is in the public interest and consistent with public safety for the Government standards not to be enforced as they apply to that inspection.

(f) APPLICATION OF STATE REGULATIONS TO GOVERNMENT-LEASED VEHICLES AND OPERATORS.—A State receiving financial assistance under section 31102 of this title in a fiscal year may enforce in that fiscal year a regulation on commercial motor vehicle safety adopted by the State as the regulation applies to commercial motor vehicles and operators leased to the Government.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1010; Pub. L. 105-178, title IV, §4008(f), (g), June 9, 1998, 112 Stat. 405.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31142(a) .....	49 App.:2509(a).	Oct. 30, 1984, Pub. L. 98-554, §210(a)–(f), 98 Stat. 2839.
31142(b) .....	49 App.:2509(b), (c).	
31142(c) .....	49 App.:2509(d).	
31142(d) .....	49 App.:2509(e).	
31142(e) .....	49 App.:2509(f).	
31142(f) .....	49 App.:2509(g).	Oct. 30, 1984, Pub. L. 98-554, 98 Stat. 2829, §210(g); added Nov. 16, 1990, Pub. L. 101-615, §24, 104 Stat. 3273.

In this section, language about whether a State law or regulation may be “in effect” is omitted as redundant to language about whether it may be “enforced”.

In subsection (b), the words “shall prescribe regulations on” are substituted for “shall, by rule, establish” for consistency in the revised title and with other titles of the United States Code and because “rule” is synonymous with “regulation”. The words “For purposes of this chapter” are omitted as unnecessary. The text of 49 App.:2509(c) is omitted as executed.

In subsection (c)(1), before clause (A), the words “this subchapter and section 31102 of this title do not” are substituted for “nothing in section 2302 of this Appendix or section 2507 of this Appendix or any other provision of this chapter shall be construed as” to eliminate unnecessary words.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, §4008(f), substituted “the regulations issued under section 31136” for “part 393 of title 49, Code of Federal Regulations”.

Subsec. (c)(1)(C). Pub. L. 105-178, §4008(g), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “prevent a State from enforcing a program for inspection of commercial motor vehicles that meets the requirements for membership in the Commercial Vehicle Safety Alliance, as those requirements were in effect on October 30, 1984; or”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31132 of this title.

**§ 31143. Investigating complaints and protecting complainants**

(a) INVESTIGATING COMPLAINTS.—The Secretary of Transportation shall conduct a timely investigation of a nonfrivolous written complaint alleging that a substantial violation of a regulation prescribed under this subchapter is occurring or has occurred within the prior 60 days. The Secretary shall give the complainant timely notice of the findings of the investigation. The Secretary is not required to conduct separate investigations of duplicative complaints.

(b) PROTECTING COMPLAINANTS.—Notwithstanding section 552 of title 5, the Secretary may disclose the identity of a complainant only if disclosure is necessary to prosecute a viola-

tion. If disclosure becomes necessary, the Secretary shall take every practical means within the Secretary’s authority to ensure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss because of the disclosure.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31143(a) .....	49 App.:2511(a).	Oct. 30, 1984, Pub. L. 98-554, §212, 98 Stat. 2841.
31143(b) .....	49 App.:2511(b).	

TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS

Pub. L. 105-178, title IV, §4017, June 9, 1998, 112 Stat. 413, provided that:

“(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations.

“(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

“(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

“(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

“(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

“(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not more than \$250,000 for each of fiscal years 1999 through 2003 to carry out this section.”

**§ 31144. Safety fitness of owners and operators**

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; and

(4) prescribe by regulation penalties for violations of this section consistent with section 521.

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

## (c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

## (d) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(e) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United

States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012; Pub. L. 104-88, title I, §104(g), Dec. 29, 1995, 109 Stat. 920; Pub. L. 105-178, title IV, §4009(a), June 9, 1998, 112 Stat. 405.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31144(a)(1) ..	49 App.:2512(a), (b).	Oct. 30, 1984, Pub. L. 98-554, §215, 98 Stat. 2844.
31144(a)(2) ..	49 App.:2512(c).	
31144(b) .....	49 App.:2512(d).	

In subsection (a), the word "regulation" is substituted for "rule" for consistency in the revised title and because the terms are synonymous.

In subsection (a)(1), the words "after notice and opportunity for comment" are omitted as unnecessary because of 5:553. The text of 49 App.:2512(b) is omitted as executed.

## AMENDMENTS

1998—Pub. L. 105-178 reenacted section catchline without change and amended text generally, substituting, in subsec. (a), general provisions for provisions relating to procedure and, in subsec. (b), provisions relating to procedure for provisions relating to findings and action on registrations, and adding subsecs. (c) to (e).

1995—Subsec. (a)(1). Pub. L. 104-88, §104(g)(1)-(3), in first sentence substituted "The Secretary" for "In cooperation with the Interstate Commerce Commission, the Secretary" and "section 13902" for "sections 10922 and 10923" and in subpar. (C) struck out "and the Commission" after "Secretary".

Subsec. (b). Pub. L. 104-88, §104(g)(4), added subsec. (b) and struck out former subsec. (b) which read as follows: "FINDINGS AND ACTION ON APPLICATIONS.—The Commission shall—

"(1) find an applicant for authority to operate as a motor carrier unfit if the applicant does not meet the safety fitness requirements established under subsection (a) of this section; and

"(2) deny the application."

## EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5113, 13902, 13905 of this title.

**§ 31145. Coordination of Governmental activities and paperwork**

The Secretary of Transportation shall coordinate the activities of departments, agencies, and instrumentalities of the United States Government to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary shall attempt to minimize paperwork burdens to ensure maximum coordination and to avoid overlap and the imposition of unreasonable burdens on persons subject to regulations under this subchapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31145 .....	49 App.:2517(b).	Oct. 30, 1984, Pub. L. 98-554, § 220(b), 98 Stat. 2846.

§ 31146. Relationship to other laws

Except as provided in section 31136(b) of this title, this subchapter and the regulations prescribed under this subchapter do not affect chapter 51 of this title or a regulation prescribed under chapter 51.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31146 .....	49 App.:2518.	Oct. 30, 1984, Pub. L. 98-554, § 221, 98 Stat. 2846.

§ 31147. Limitations on authority

(a) TRAFFIC REGULATIONS.—This subchapter does not authorize the Secretary of Transportation to prescribe traffic safety regulations or preempt State traffic regulations. However, the Secretary may prescribe traffic regulations to the extent their subject matter was regulated under parts 390-399 of title 49, Code of Federal Regulations, on October 30, 1984.

(b) REGULATING THE MANUFACTURING OF VEHICLES.—This subchapter does not authorize the Secretary to regulate the manufacture of commercial motor vehicles for any purpose, including fuel economy, safety, or emission control.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31147(a) .....	49 App.:2519(a).	Oct. 30, 1984, Pub. L. 98-554, § 229, 98 Stat. 2853.
31147(b) .....	49 App.:2519(b).	

In subsection (a), the word “prescribe” is substituted for “establish or maintain” for consistency in the revised title and with other titles of the United States Code.

[SUBCHAPTER IV—REPEALED]

[[§§ 31161, 31162. Repealed. Pub. L. 105-178, title IV, § 4010, June 9, 1998, 112 Stat. 407]

Section 31161, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1013, related to procedures to ensure timely correction of safety violations.

Section 31162, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1014, related to compliance review priority.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

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31308.	Commercial driver’s license.
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31315.	Waivers, exemptions, and pilot programs.
31316.	Limitation on statutory construction.
31317.	Procedure for prescribing regulations.

AMENDMENTS

1998—Pub. L. 105-178, title IV, §§ 4007(b), 4011(b)(2), (f), June 9, 1998, 112 Stat. 403, 407, 408, substituted “Commercial driver’s license requirement” for “Limitation on the number of driver’s licenses” in item 31302 and “Waivers, exemptions, and pilot programs” for “Waiver authority” in item 31315 and struck out items 31312 “Grants for testing and ensuring the fitness of operators of commercial motor vehicles” and 31313 “Grants for issuing commercial drivers’ licenses and complying with State participation requirements”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 11303 of this title; title 18 section 2721.

§ 31301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given the term “alcoholic beverage” in section 158(c) of title 23.

(2) “commerce” means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) “commercial driver’s license” means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) “commercial motor vehicle” means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; or

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transport-