

- (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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 October 30, 1984 (Public Law 98-554, 98 Stat. 2832), amended and enacted provisions restated in this chapter.

TRAFFIC LAW INITIATIVE

Pub. L. 106-159, title II, §220, Dec. 9, 1999, 113 Stat. 1769, provided that:

“(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

“(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.”

§ 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 10,001 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) “medical examiner” means an individual licensed, certified, or registered in accordance with regulations issued by the Federal Motor Carrier Safety Administration as a medical examiner.

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

(8) “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.

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

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

(11) “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; Pub. L. 109-59, title IV, §4116(c), Aug. 10, 2005, 119 Stat. 1728.)

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

## 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. (8), was repealed by Pub. L. 105-178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404.

## AMENDMENTS

2005—Pars. (6) to (11). Pub. L. 109-59 added par. (6) and redesignated former pars. (6) to (10) as (7) to (11), respectively.

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.

### § 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”.

## BORDER STAFFING STANDARDS

Pub. L. 106-159, title II, § 218, Dec. 9, 1999, 113 Stat. 1767, provided that:

“(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

“(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

“(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

“(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

“(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under [former] section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

“(2) ALLOCATION.—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that