

Subsection (c)(1)(D) is substituted for 49 App.:2707(a)(2)(A)(iv) for clarity and to eliminate unnecessary words.

In subsection (g)(1)(A), the words “Not later than 1 year after October 27, 1986” are omitted as obsolete.

In subsection (g)(2), before clause (A), the words “Not later than December 18, 1992, the Secretary shall prescribe regulations” are substituted for “The Secretary shall issue regulations” and 49 App.:2718(c) to eliminate executed words. The word “individuals” is substituted for “persons” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (C), the words “permits, authorizes” are omitted as being included in “allows”.

#### REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 106-159, which was approved Dec. 9, 1999.

#### AMENDMENTS

2005—Subsec. (i)(2). Pub. L. 109-59, § 4102(b)(1), substituted “The Secretary” for “Not later than December 18, 1992, the Secretary” in introductory provisions.

Subsec. (i)(2)(A). Pub. L. 109-59, § 4102(b)(2), substituted “180 days” for “90 days” and “\$2,500” for “\$1,000”.

Subsec. (i)(2)(B). Pub. L. 109-59, § 4102(b)(3), substituted “2 years” for “one year” and “\$5,000;” for “\$1,000; and”.

Subsec. (i)(2)(C). Pub. L. 109-59, § 4102(b)(4), substituted “\$25,000; and” for “\$10,000.”

Subsec. (i)(2)(D). Pub. L. 109-59, § 4102(b)(5), added subpar. (D).

1999—Subsec. (b)(1)(D), (E). Pub. L. 106-159, § 201(a)(1), added subpars. (D) and (E).

Subsec. (c)(1)(D), (E). Pub. L. 106-159, § 201(a)(2)(A), (C), added subpars. (D) and (E). Former subpar. (D) redesignated (F).

Subsec. (c)(1)(F). Pub. L. 106-159, § 201(a)(2)(B), (D), redesignated subpar. (D) as (F) and substituted “subparagraphs (A) through (E)” for “clauses (A)–(C) of this paragraph”.

Subsecs. (f), (g). Pub. L. 106-159, § 201(b)(2), added subsecs. (f) and (g). Former subsecs. (f) and (g) redesignated (h) and (i), respectively.

Subsec. (h). Pub. L. 106-159, § 201(b)(1), (3), redesignated subsec. (f) as (h) and substituted “(b) through (g)” for “(b)–(e)” in two places. Former subsec. (h) redesignated (j).

Subsecs. (i), (j). Pub. L. 106-159, § 201(b)(1), redesignated subsecs. (g) and (h) as (i) and (j), respectively.

1995—Subsec. (h). Pub. L. 104-88 added subsec. (h).

#### 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.

#### REGULATIONS

Section 403(b) of Pub. L. 104-88 provided that: “The initial regulations required under section 31310(h) of title 49, United States Code, shall be issued not later than 1 year after the date of the enactment of this Act [Dec. 29, 1995].”

### § 31311. Requirements for State participation

(a) GENERAL.—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) The State shall adopt and carry out a program for testing and ensuring the fitness of individuals to operate commercial motor vehicles consistent with the minimum standards prescribed by the Secretary of Transportation under section 31305(a) of this title.

(2) The State may issue a commercial driver’s license to an individual only if the individual passes written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards.

(3) The State shall have in effect and enforce a law providing that an individual with a blood alcohol concentration level at or above the level established by section 31310(a) of this title when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol.

(4) The State shall authorize an individual to operate a commercial motor vehicle only by issuing a commercial driver’s license containing the information described in section 31308(3) of this title.<sup>1</sup>

(5) At least 60 days before issuing a commercial driver’s license (or a shorter period the Secretary prescribes by regulation), the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the proposed issuance of the license and other information the Secretary may require to ensure identification of the individual applying for the license.

(6) Before issuing a commercial driver’s license to an individual or renewing such a license, the State shall request from any other State that has issued a driver’s license to the individual all information about the driving record of the individual.

(7) Not later than 30 days after issuing a commercial driver’s license, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, of the issuance.

(8) Not later than 10 days after disqualifying the holder of a commercial driver’s license from operating a commercial motor vehicle (or after revoking, suspending, or canceling the license) for at least 60 days, the State shall notify the Secretary or the operator of the information system under section 31309 of this title, as the case may be, and the State that issued the license, of the disqualification, revocation, suspension, or cancellation, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded.

(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

(A) has a commercial driver’s license issued by another State; or

(B) is operating a commercial vehicle without a commercial driver’s license and has a driver’s license issued by another State,

the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.

(10)(A) The State may not issue a commercial driver’s license to an individual during a period in which the individual is disqualified

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

from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

- (i) the individual is disqualified from operating a commercial motor vehicle; or
- (ii) the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12) The State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver's license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers' licenses.

(13) The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

- (A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;
- (B) the license is not revoked, suspended, or canceled; and
- (C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section 31310.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

- (i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);
- (ii) has had a license (except a license authorizing the individual to operate a commercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or
- (iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding

whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as<sup>2</sup> 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

(21) By the date established by the Secretary under section 31309(e)(4), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section 31309.

(b) STATE SATISFACTION OF REQUIREMENTS.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1023; Pub. L. 104-88, title IV, § 403(c), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105-178, title IV, § 4011(e), June 9, 1998, 112 Stat. 408; Pub. L. 106-159, title II, § 202, Dec. 9, 1999, 113 Stat. 1760; Pub. L. 109-59, title IV, § 4123(b), Aug. 10, 2005, 119 Stat. 1735.)

<sup>2</sup> So in original. Probably should be "section".

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31311 .....	49 App.:2708.	Oct. 27, 1986, Pub. L. 99-570, §12009, 100 Stat. 3207-179; Dec. 18, 1991, Pub. L. 102-240, §4009(b), 105 Stat. 2156.

Subsection (a)(15) is substituted for 49 App.:2708(a)(15)–(19) for consistency with section 31310(b)–(e) of the revised title and to avoid repeating the language restated in section 31310(b)–(e).

In subsection (b), the words “in accordance with the requirements of such subsection” are omitted as surplus.

## REFERENCES IN TEXT

Par. (3) of section 31308 of this title, referred to in subsec. (a)(4), was redesignated par. (4) by Pub. L. 109-59, title IV, §4122(2)(C), Aug. 10, 2005, 119 Stat. 1734.

## AMENDMENTS

2005—Subsec. (a)(15). Pub. L. 109-59, §4123(b)(1), substituted “(i)(1)(A) and (i)(2)” for “(g)(1)(A), and (g)(2)”.

Subsec. (a)(17). Pub. L. 109-59, §4123(b)(2), substituted “as 31310(j)” for “section 31310(h)”.

Subsec. (a)(21). Pub. L. 109-59, §4123(b)(3), added par. (21).

1999—Subsec. (a)(6). Pub. L. 106-159, §202(a), inserted “or renewing such a license” after “to an individual” and struck out “commercial” after “has issued a”.

Subsec. (a)(8). Pub. L. 106-159, §202(b), inserted “, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded” before the period at end.

Subsec. (a)(9). Pub. L. 106-159, §202(c), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a driver’s license issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violation not later than 10 days after the date the individual is found to have committed the violation.”

Subsec. (a)(10). Pub. L. 106-159, §202(d), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (a)(13). Pub. L. 106-159, §202(e), inserted “consistent with this chapter that” after “penalties”, substituted “vehicle.” for “vehicle when the individual—”, and struck out pars. (A) to (C) which read as follows:

“(A) does not have a commercial driver’s license;

“(B) has a driver’s license revoked, suspended, or canceled; or

“(C) is disqualified from operating a commercial motor vehicle.”

Subsec. (a)(18) to (20). Pub. L. 106-159, §202(f)–(h), added pars. (18) to (20).

1998—Subsec. (a)(15). Pub. L. 105-178, §4011(e)(1), substituted “subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310” for “section 31310(b)–(e) of this title”.

Subsec. (a)(17), (18). Pub. L. 105-178, §4011(e)(2), (3), redesignated par. (18) as (17) and struck out former par. (17) which read as follows: “The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(g)(1)(A) and (2) of this title.”

1995—Subsec. (a)(18). Pub. L. 104-88 added par. (18).

## 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.

## STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

Pub. L. 106-159, title II, §221, Dec. 9, 1999, 113 Stat. 1769, provided that:

“(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to sup-

port the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

“(b) STATUS REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.”

## § 31312. Decertification authority

(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

(1) prohibit that State from carrying out licensing procedures under this chapter; and

(2) prohibit that State from issuing any commercial driver’s licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver’s license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the non-resident licensing requirements of the issuing State.

(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver’s licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(Added Pub. L. 106-159, title II, §203(a), Dec. 9, 1999, 113 Stat. 1762.)

## PRIOR PROVISIONS

A prior section 31312, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1025, related to grants for testing and ensuring the fitness of operators of commercial motor vehicles, prior to repeal by Pub. L. 105-178, title IV, §4011(f), June 9, 1998, 112 Stat. 408.

## § 31313. Grants for commercial driver’s license program improvements

(a) GRANTS FOR COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENTS.—

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

(A) to comply with the requirements of section 31311; and

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of section 31311 and this section, to improve its implementation of its commercial driver’s license program.

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

(A) IN GENERAL.—A State may use grants under paragraphs (1)(A) and (1)(B) only for expenses directly related to its compliance with section 31311; except that a grant under paragraph (1)(B) may be used for improving