

Attachment I

49 U.S.C. 31502. Requirements for qualifications, hours of service, safety, and equipment standards

(a) Application.-This section applies to transportation-

- (1) described in sections 13501 and 13502 of this title; and
- (2) to the extent the transportation is in the United States and is between places in a foreign country, or between a place in a foreign country and a place in another foreign country.

(b) Motor Carrier and Private Motor Carrier Requirements.-The Secretary of Transportation may prescribe requirements for-

- (1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and
- (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.

(c) Migrant Worker Motor Carrier Requirements.-The Secretary may prescribe requirements for the comfort of passengers, qualifications and maximum hours of service of operators, and safety of operation and equipment of a motor carrier of migrant workers. The requirements only apply to a carrier transporting a migrant worker-

- (1) at least 75 miles; and
- (2) across the boundary of a State, territory, or possession of the United States.

(d) Considerations.-Before prescribing or revising any requirement under this section, the Secretary shall consider the costs and benefits of the requirement.

(e) Exception.-

- (1) In general.-Notwithstanding any other provision of law, regulations issued under this section or section 31136 regarding-
 - (A) maximum driving and on-duty times applicable to operators of commercial motor vehicles,
 - (B) physical testing, reporting, or recordkeeping, and
 - (C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

(2) Declaration of emergency.-An elected State or local government official or elected officials of more than one State or local government jointly may issue an emergency declaration for purposes of paragraph (1) after notice to the Field Administrator of the Federal Motor Carrier Safety Administration with jurisdiction over the area covered by the declaration.

(3) Incident report.-Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Field

Administrator a report of each safety-related incident or accident that occurred during the emergency period involving-

- (A) a utility service vehicle driver to which the declaration applied; or
- (B) a utility service vehicle of the driver to which the declaration applied.

(4) Definitions.-In this subsection, the following definitions apply:

(A) Driver of a utility service vehicle.-The term "driver of a utility service vehicle" means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4)¹ of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 613).

(B) Utility service vehicle.-The term "utility service vehicle" has the meaning that term has under section 345(e)(6)¹ of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat.² 614-615).

(f) Ready Mixed Concrete Delivery Vehicles.-

(1) In general.-Notwithstanding any other provision of law, regulations issued under this section or section 31136 (including section 395.1(e)(1)(ii) of title 49, Code of Federal Regulations) regarding reporting, recordkeeping, or documentation of duty status shall not apply to any driver of a ready mixed concrete delivery vehicle if-

(A) the driver operates within a 100 air-mile radius of the normal work reporting location;

(B) the driver returns to the work reporting location and is released from work within 14 consecutive hours;

(C) the driver has at least 10 consecutive hours off duty following each 14 hours on duty;

(D) the driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty; and

(E) the motor carrier that employs the driver maintains and retains for a period of 6 months accurate and true time records that show-

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day; and

(iv) the total time for the preceding driving week the driver is used for the first time or intermittently.

(2) Definition.-In this section, the term "driver of a ready mixed concrete delivery vehicle" means a driver of a vehicle designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.