

49 USC 31502: Requirements for qualifications, hours of service, safety, and equipment standards

Text contains those laws in effect on January 30, 2022

From Title 49-TRANSPORTATION

SUBTITLE VI-MOTOR VEHICLE AND DRIVER PROGRAMS

PART B-COMMERCIAL

CHAPTER 315-MOTOR CARRIER SAFETY

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§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.

(Pub. L. 97–449, Jan. 12, 1983, 96 Stat. 2438 , §3102; Pub. L. 98–554, title II, §206(h), Oct. 30, 1984, 98 Stat. 2835 ; renumbered §31502 and amended Pub. L. 103–272, §1(c), (e), July 5, 1994, 108 Stat. 745 , 1029; Pub. L. 104–88, title III, §308(k)(3), Dec. 29, 1995, 109 Stat. 948 ; Pub. L. 105–178, title IV, §4012(a), June 9, 1998, 112 Stat. 408 ; Pub. L. 109–59, title IV, §4145(b), Aug. 10, 2005, 119 Stat. 1749 ; Pub. L. 114–94, div. A, title V, §5521, Dec. 4, 2015, 129 Stat. 1559 .)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3102(a)	(no source).	
3102(b)(1)	49:304(a)(1)–(2) (related to qualifications, hours of service, and safety).	Feb. 4, 1887, ch. 104, 24 Stat. 379 , §204(a) (1)–(2) (related to qualifications, hours of service, and safety), (3) (1st sentence); added Aug. 9, 1935, ch. 498, 49 Stat. 546 .
3102(b)(2)	49:304(a)(3) (1st sentence). 49:1655(e)(6)(C).	Oct. 15, 1966, Pub. L. 89–670, §6(e)(6)(C), 80 Stat. 939 .
3102(c)	49:304(a)(3a) (1st sentence). 49:1655(e)(6)(C).	Feb. 4, 1887, ch. 104, 24 Stat. 379 , §204(a) (3a) (1st sentence); added Aug. 3, 1956, ch. 905, §2, 70 Stat. 958 .

Throughout the chapter, the words "Secretary of Transportation" are substituted for "Interstate Commerce Commission" because 49:1655(e)(6)(B)–(D) transferred the authority of the Interstate Commerce Commission under the provisions restated in this chapter to the Secretary of Transportation.

Subsection (a) is included to maintain the jurisdictional scope of the source provisions from which subsections (b) and (c) of the revised section are taken. Subsections (b) and (c) are based on 49:304 which, as part of 49:ch. 8, is now restated as subchapter II of chapter 105 of the revised title. In addition, 49:303(a)(11) (last sentence) extended the jurisdictional scope of 49:304 as provided in subsection (a) of the revised section.

In subsection (b), before clause (1), the words "and to that end" are omitted as surplus. The word "prescribe" is substituted for "establish" for consistency. The word "reasonable" is omitted as surplus. In subsection (b)(1), the words "as provided in this chapter" are omitted as unnecessary because of the restatement. The term "motor carrier" is substituted for "common carriers by motor vehicle" and "contract carriers by motor vehicle" because they are inclusive.

In subsection (b)(2), the words "when needed" are substituted for "if need therefor is found" to eliminate unnecessary words.

In subsection (c), the word "prescribe" is substituted for "establish" for consistency. The word "reasonable" is omitted as surplus. The words "for a total distance of" are omitted as unnecessary because of the restatement. The words "at least" are substituted for "more than" for consistency. The word "line" is omitted as surplus. The words "possession of the United States" are added for consistency in the revised title. The words "a foreign country" and "the District of Columbia" are omitted as unnecessary because a carrier crossing the boundary of a foreign country or the District of Columbia into or from the United States would necessarily cross the boundary of a State and be covered by the provision related to a State.

EDITORIAL NOTES

REFERENCES IN TEXT

Section 345 of the National Highway System Designation Act of 1995, referred to in subsec. (e)(4), is section 345 of Pub. L. 104–59, which was set out as a note under section 31136 of this title, prior to repeal by Pub. L. 109–59, title IV, §4115(d), Aug. 10, 2005, 119 Stat. 1726 . The text of section 345 of Pub. L. 104–59 was inserted as part of section 229 of Pub. L. 106–159, as added by section 4115(a) of Pub. L. 109–59, and is set out as a note under section 31136 of this title.

AMENDMENTS

2015-Subsec. (f). Pub. L. 114–94 added subsec. (f).

2005-Subsec. (e)(2). Pub. L. 109–59, §4145(b)(1), substituted "Field Administrator of the Federal Motor Carrier Safety Administration" for "Regional Director of the Federal Highway Administration".

Subsec. (e)(3). Pub. L. 109–59, §4145(b)(2), substituted "Field Administrator" for "Regional Director" in introductory provisions.

1998-Subsec. (e). Pub. L. 105–178 added subsec. (e).

1995-Subsec. (a)(1). Pub. L. 104–88 substituted "13501 and 13502" for "10521 and 10522".

1994-Pub. L. 103–272 renumbered section 3102 of this title as this section and amended it generally, restating it without substantive change.

1984-Subsec. (d). Pub. L. 98–554 added subsec. (d).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

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 1301 of this title.

SAVINGS PROVISION

Pub. L. 100–690, title IX, §9102(c), Nov. 18, 1988, 102 Stat. 4529 , provided that: "The amendment made by subsection (a) [amending section 2505 of former Title 49, Transportation] shall not be construed as having any effect on the enactment of subsection (d) of section 3102 [now 31502] of title 49, United States Code, which subsection (d) was added to such section by section 206(h) of the Motor Carrier Safety Act of 1984 [Pub. L. 98–554] on October 30, 1984."

CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS

Pub. L. 105–178, title IV, §4012(b), June 9, 1998, 112 Stat. 409 , provided that:

"(1) IN GENERAL.-The amendment made by subsection (a) [amending this section] may not be construed-

"(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

"(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

"(2) DEFINITIONS.-In this subsection, the following definitions apply:

"(A) COMMERCIAL DRIVER'S LICENSE.-The term 'commercial driver's license' has the meaning that term has under section 31301 of title 49, United States Code.

"(B) DRIVER OF A UTILITY SERVICE VEHICLE.-The term 'driver of a utility service vehicle' has the meaning that term has under section 31502(e)(2) of such title [probably should be section 31502(e)(4)(A) of such title].

"(C) REGULATION.-The term 'regulation' has the meaning that term has under section 31132 of such title.

"(D) UTILITY SERVICE VEHICLE.-The term 'utility service vehicle' has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 [Pub. L. 104-59] (49 U.S.C. 31136 note; 109 Stat. 614-615)."

STUDY OF ADEQUACY OF PARKING FACILITIES

Pub. L. 105-178, title IV, §4027, June 9, 1998, 112 Stat. 417 , directed the Secretary to conduct a study on the adequacy of parking facilities at commercial truck stops and to transmit a report on the study and authorized appropriations for fiscal years 1999, 2000, and 2001.

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to exemptions from regulations prescribed under this section as to maximum driving and on-duty time for drivers used by motor carriers, see section 345 of Pub. L. 104-59, set out as a note under section 31136 of this title.

¹ See References in Text note below.

² So in original. Probably should be followed by a period.