

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

**§ 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 record-keeping, 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)<sup>1</sup> 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)<sup>1</sup> of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat.<sup>2</sup> 614-615).

(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.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 re-

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

<sup>2</sup> So in original. Probably should be followed by a period.

statement. 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.

#### 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

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).

#### 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.

#### 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, provided that:

“(a) STUDY.—The Secretary [of Transportation] shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

“(b) REPORT.—Not later than the 3 years after the date of the enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

“(c) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000, and 2001, the Secretary may use not to exceed \$500,000 per fiscal year to carry out this section.”

#### 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.

#### § 31503. Research, investigation, and testing

(a) GENERAL AUTHORITY.—The Secretary of Transportation may investigate and report on the need for regulation by the United States Government of sizes, weight, and combinations of motor vehicles and qualifications and maximum hours of service of employees of a motor carrier subject to subchapter I of chapter 135 of this title and a motor private carrier. The Secretary shall use the services of each department, agency, or instrumentality of the Government and each organization of motor carriers having special knowledge of a matter being investigated.

(b) USE OF SERVICES.—In carrying out this chapter, the Secretary may use the services of a department, agency, or instrumentality of the Government having special knowledge about safety, to conduct scientific and technical research, investigation, and testing when necessary to promote safety of operation and equip-