

date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (d) imposes upon the United States a contractual obligation for payment of the Government’s share of costs incurred in carrying out the objectives of the grant.”

IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM

Pub. L. 105-178, title IV, § 4022, June 9, 1998, 112 Stat. 415, provided that:

“(a) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

“(2) PURPOSE.—The purpose of the program shall be to—

“(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation’s oversight;

“(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

“(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

“(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

“(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.”

§ 31310. Disqualifications

(a) BLOOD ALCOHOL CONCENTRATION LEVEL.—In this section, the blood alcohol concentration level at or above which an individual when operating a commercial motor vehicle is deemed to be driving under the influence of alcohol is .04 percent.

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section);

(D) committing a first violation of driving a commercial motor vehicle when the individual’s commercial driver’s license is revoked, suspended, or canceled based on the individual’s operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual’s operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(2) If the vehicle involved in a violation referred to in paragraph (1) of this subsection is transporting hazardous material required to be placarded under section 5103 of this title, the Secretary shall disqualify the individual for at least 3 years.

(c) SECOND AND MULTIPLE VIOLATIONS.—(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

(A) committing more than one violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing more than one violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual;

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes;

(D) committing more than one violation of driving a commercial motor vehicle when the individual’s commercial driver’s license is revoked, suspended, or canceled based on the individual’s operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual’s operation of a commercial motor vehicle;

(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or

(F) committing any combination of single violations or use described in subparagraphs (A) through (E).

(2) The Secretary may prescribe regulations establishing guidelines (including conditions) under which a disqualification for life under paragraph (1) of this subsection may be reduced to a period of not less than 10 years.

(d) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) SERIOUS TRAFFIC VIOLATIONS.—(1) The Secretary shall disqualify from operating a commercial motor vehicle for at least 60 days an individual who, in a 3-year period, commits 2 serious traffic violations involving a commercial motor vehicle operated by the individual.

(2) The Secretary shall disqualify from operating a commercial motor vehicle for at least 120 days an individual who, in a 3-year period, commits 3 serious traffic violations involving a commercial motor vehicle operated by the individual.

(f) EMERGENCY DISQUALIFICATION.—

(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from op-

erating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of—

(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual's license; or

(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.

(h) STATE DISQUALIFICATION.—Notwithstanding subsections (b) through (g) of this section, the Secretary does not have to disqualify an individual from operating a commercial motor vehicle if the State that issued the individual a license authorizing the operation has disqualified the individual from operating a commercial motor vehicle under subsections (b) through (g). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.

(i) OUT-OF-SERVICE ORDERS.—(1)(A) To enforce section 392.5 of title 49, Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5. An individual may not violate an out-of-service order issued under those regulations.

(B) The Secretary shall prescribe regulations establishing and enforcing requirements for reporting out-of-service orders issued under regulations prescribed under subparagraph (A) of this paragraph. Regulations prescribed under this subparagraph shall require at least that an operator of a commercial motor vehicle who is issued an out-of-service order to report the issuance to the individual's employer and to the State that issued the operator a driver's license.

(2) The Secretary shall prescribe regulations establishing sanctions and penalties related to violations of out-of-service orders by individuals operating commercial motor vehicles. The regulations shall require at least that—

(A) an operator of a commercial motor vehicle found to have committed a first violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 180 days and liable for a civil penalty of at least \$2,500;

(B) an operator of a commercial motor vehicle found to have committed a 2d violation of an out-of-service order shall be disqualified from operating such a vehicle for at least 2 years and not more than 5 years and liable for a civil penalty of at least \$5,000;

(C) an employer that knowingly allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall be liable for a civil penalty of not more than \$25,000; and

(D) an employer that knowingly and willfully allows or requires an employee to operate a commercial motor vehicle in violation of an out-of-service order shall, upon conviction, be subject for each offense to imprisonment for a term not to exceed one year or a fine under title 18, or both.

(j) GRADE-CROSSING VIOLATIONS.—

(1) SANCTIONS.—The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.

(2) MINIMUM REQUIREMENTS.—The regulations issued under paragraph (1) shall, at a minimum, require that—

(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than \$10,000.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1022; Pub. L. 104-88, title IV, §403(a), Dec. 29, 1995, 109 Stat. 956; Pub. L. 106-159, title II, §201(a)(1), (2), (b), Dec. 9, 1999, 113 Stat. 1758, 1759; Pub. L. 109-59, title IV, §4102(b), Aug. 10, 2005, 119 Stat. 1715.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31310(a)	49 App.:2707(f).	Oct. 27, 1986, Pub. L. 99-570, §12008, 100 Stat. 3207-177.
31310(b)	49 App.:2707(a)(1).	
31310(c)	49 App.:2707(a)(2).	
31310(d)	49 App.:2707(b).	
31310(e)	49 App.:2707(c).	
31310(f)	49 App.:2707(e).	
31310(g)(1) ..	49 App.:2707(d).	
31310(g)(2) ..	49 App.:2718.	Oct. 27, 1986, Pub. L. 99-570, 100 Stat. 3207-170, §12020; added Dec. 18, 1991, Pub. L. 102-240, §4009(a), 105 Stat. 2156.

In subsection (a), the text of 49 App.:2707(f)(1)-(4) (words before 2d comma) is omitted as executed and obsolete. The words "and section 2708 of the Appendix" are omitted as surplus.

In subsection (b)(2), the words "involved in a violation" are substituted for "operated or used in connection with the violation or the commission of the felony" to eliminate unnecessary words. The words "by the Secretary" are omitted as surplus.

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.¹

(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

¹ See References in Text note below.