

PROTECTION OF EXISTING EXEMPTIONS

For provisions making amendment by section 4007 of Pub. L. 105-178 inapplicable to or otherwise not affecting waiver, exemption, or pilot program in effect the day before June 9, 1998, under this chapter or section 31136(e) of this title, see section 4007(d) of Pub. L. 105-178, set out as a note under section 31136 of this title.

§ 31316. Limitation on statutory construction

This chapter does not affect the authority of the Secretary of Transportation to regulate commercial motor vehicle safety involving motor vehicles with a gross vehicle weight rating of less than 26,001 pounds or a lesser gross vehicle weight rating the Secretary decides is appropriate under section 31301(4)(A) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31316, 49 App.:2714, Oct. 27, 1986, Pub. L. 99-570, §12017, 100 Stat. 3207-187.

The words "This chapter does not affect" are substituted for "Nothing in this chapter shall be construed to diminish, limit, or otherwise affect" to eliminate unnecessary words.

§ 31317. Procedure for prescribing regulations

Regulations prescribed by the Secretary of Transportation to carry out this chapter (except section 31307) shall be prescribed under section 553 of title 5 without regard to sections 556 and 557 of title 5.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1029.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31317, 49 App.:2715, Oct. 27, 1986, Pub. L. 99-570, §12018, 100 Stat. 3207-187.

The text of 49 App.:2715(a) is omitted as surplus because of 49:322(a). The words "(except section 31307)" are added because the source provisions restated in this section do not apply to the source provisions restated in section 31307 of the revised title.

CHAPTER 315—MOTOR CARRIER SAFETY

- Sec. 31501. Definitions. 31502. Requirements for qualifications, hours of service, safety, and equipment standards. 31503. Research, investigation, and testing. 31504. Identification of motor vehicles.

HISTORICAL AND REVISION NOTES

Chapter 315 is a restatement of existing chapter 31 of title 49, United States Code, that is redesignated as chapter 315 by section 1(c) of the bill.

§ 31501. Definitions

In this chapter—

(1) "migrant worker" means an individual going to or from employment in agriculture as provided under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)) or sec-

tion 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)).

(2) "motor carrier", "motor common carrier", "motor private carrier", "motor vehicle", and "United States" have the same meanings given those terms in section 13102 of this title.

(3) "motor carrier of migrant workers"—

(A) means a person (except a motor common carrier) providing transportation referred to in section 13501 of this title by a motor vehicle (except a passenger automobile or station wagon) for at least 3 migrant workers at a time to or from their employment; but

(B) does not include a migrant worker providing transportation for migrant workers and their immediate families.

(Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2438, §3101; renumbered §31501 and amended Pub. L. 103-272, §1(c), (e), July 5, 1994, 108 Stat. 745, 1029; Pub. L. 103-429, §6(26), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 104-88, title III, §308(k)(1), (2), Dec. 29, 1995, 109 Stat. 947, 948.)

HISTORICAL AND REVISION NOTES

PUB. L. 97-449

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 3101(1), 3101(2), 3101(3) with various source citations.

In clause (1), the words "going to or from" are substituted for "proceeding to or returning from" for clarity.

Clause (2) is included to ensure that the identical definitions that are relevant are used without repeating them. The source provisions for the quoted definitions are found in the revision notes for section 10102 of the revised title.

In clause (3), the words "including any 'contract common carrier by motor vehicle'" are omitted as covered by the definition of "motor carrier". The words "referred to in section 10521(a) of this title" are substituted for "in interstate or foreign commerce" for clarity and consistency in the revised title. The word "except" is substituted for "but not including" for clarity. The words "at least" are substituted for "or more", and the words "but the term does not include" are substituted for "except", for consistency.

PUB. L. 103-429

This amends 49:31501(1) to correct an erroneous cross-reference.

AMENDMENTS

1995—Par. (2). Pub. L. 104-88, §308(k)(1), substituted "13102" for "10102".

Par. (3)(A). Pub. L. 104-88, §308(k)(2), substituted "13501" for "10521(a)".

1994—Pub. L. 103-272 renumbered section 3101 of this title as this section and amended it generally, restating it without substantive change.

Par. (1). Pub. L. 103-429 substituted "section 3(f)" for "section 203(f)".

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.

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)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).

(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-

¹ See References in Text note below.

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