

PART B—COMMERCIAL

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AMENDMENTS

2012—Pub. L. 112-141, div. C, title II, §§32105(b), 32301(d), July 6, 2012, 126 Stat. 781, 788, added items 31134 and 31137 and struck out former item 31137 "Monitoring device and brake maintenance regulations".

2005—Pub. L. 109-59, title IV, §§4109(b)(2), 4110(b), 4111(b), 4116(e), 4117(b), 4118(b), 4119(b), Aug. 10, 2005, 119 Stat. 1721, 1722, 1724, 1728, 1729, 1732, 1733, substituted "GENERAL AUTHORITY AND STATE GRANTS" for "STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS" in subchapter I heading, "Border enforcement grants" for "Contract authority funding for information systems" in item 31107, and "Motor carrier research and technology program" for "Authorization of appropriations" in item 31108 and added items 31109 and 31149 to 31151, subchapter IV heading, and item 31161.

1999—Pub. L. 106-159, title II, §211(b), Dec. 9, 1999, 113 Stat. 1766, added item 31148.

1998—Pub. L. 105-178, title IV, §§4002(b), 4004(d), 4008(c), (d), 4010, June 9, 1998, 112 Stat. 395, 400, 404, 407, inserted "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS" after "GRANTS" in subchapter I heading, added item 31100, substituted "Information systems" for "Commercial motor vehicle information system program" in item 31106 and "Contract authority funding for information systems" for "Truck and bus accident grant program" in item 31107, struck out items 31134 "Commercial Motor Vehicle Safety Regulatory Review Panel" and 31140 "Submission of State laws and regulations for review", subchapter IV heading "MISCELLANEOUS", and items 31161 "Procedures to ensure timely correction of safety violations" and 31162 "Compliance review priority".

SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS

AMENDMENTS

2005—Pub. L. 109-59, title IV, §4110(a)(1), Aug. 10, 2005, 119 Stat. 1721, substituted "GENERAL AUTHORITY AND STATE GRANTS" for "STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS" in subchapter heading.

1998—Pub. L. 105-178, title IV, §4004(c), June 9, 1998, 112 Stat. 400, inserted "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS" after "GRANTS" in subchapter heading.

**§ 31100. Purpose**

The purpose of this subchapter is to ensure that the Secretary, States, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

(1) focusing resources on strategic safety investments to promote safe for-hire and private transportation, including transportation of passengers and hazardous materials, to identify high-risk carriers and drivers, and to invest in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes;

(2) increasing administrative flexibility and developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including improving enforcement of State and local traffic safety laws and regulations;

(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information and analysis systems, and monitoring program effectiveness;

(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

(5) advancing promising technologies and encouraging adoption of safe operational practices.

(Added Pub. L. 105-178, title IV, §4002(a), June 9, 1998, 112 Stat. 395.)

ADMINISTRATION OF GRANT PROGRAMS

Pub. L. 112-141, div. C, title II, §32603(i), July 6, 2012, 126 Stat. 808, provided that: "The Secretary [of Trans-

portation] is authorized to identify and implement processes to reduce the administrative burden on the States and the Department of Transportation concerning the application and management of the grant programs authorized under chapter 311 and chapter 313 of title 49, United States Code.”

#### TRUCKING SECURITY

Pub. L. 109-347, title VII, § 703, Oct. 13, 2006, 120 Stat. 1944, provided that:

“(a) LEGAL STATUS VERIFICATION FOR LICENSED UNITED STATES COMMERCIAL DRIVERS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue regulations to implement the recommendations contained in the memorandum of the Inspector General of the Department of Transportation issued on June 4, 2004 (Control No. 2004-054).

“(b) COMMERCIAL DRIVER’S LICENSE ANTIFRAUD PROGRAMS.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary of Transportation, in cooperation with the Secretary [of Homeland Security], shall issue a regulation to implement the recommendations contained in the Report on Federal Motor Carrier Safety Administration Oversight of the Commercial Driver’s License Program (MH-2006-037).

“(c) VERIFICATION OF COMMERCIAL MOTOR VEHICLE TRAFFIC.—

“(1) GUIDELINES.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Secretary [of Homeland Security], in consultation with the Secretary of Transportation, shall draft guidelines for Federal, State, and local law enforcement officials, including motor carrier safety enforcement personnel, on how to identify noncompliance with Federal laws uniquely applicable to commercial motor vehicles and commercial motor vehicle operators engaged in cross-border traffic and communicate such noncompliance to the appropriate Federal authorities. Such guidelines shall be coordinated with the training and outreach activities of the Federal Motor Carrier Safety Administration under section 4139 of SAFETEA-LU (Public Law 109-59) [set out below].

“(2) VERIFICATION.—Not later than 18 months after the date of the enactment of this Act [Oct. 13, 2006], the Administrator of the Federal Motor Carrier Safety Administration shall modify the final rule regarding the enforcement of operating authority (Docket No. FMCSA-2002-13015) to establish a system or process by which a carrier’s operating authority can be verified during a roadside inspection.”

#### OUTREACH AND EDUCATION

Pub. L. 109-59, title IV, § 4127, Aug. 10, 2005, 119 Stat. 1741, as amended by Pub. L. 111-147, title IV, § 422(g), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, § 2202(g), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, § 202(g), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, § 122(f), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, § 202(f), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, § 202(f), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, § 32603(f), div. G, title II, § 112002(e), July 6, 2012, 126 Stat. 808, 983, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall conduct, through any combination of grants, contracts, or cooperative agreements, an outreach and education program to be administered by the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration.

“(b) PROGRAM ELEMENTS.—The program shall include, at a minimum, the following:

“(1) A program to promote a more comprehensive and national effort to educate commercial motor vehicle drivers and passenger vehicle drivers about how commercial motor vehicle drivers and passenger vehicle drivers can more safely share the road with each other.

“(2) A program to promote enhanced traffic enforcement efforts aimed at reducing the incidence of the most common unsafe driving behaviors that cause or contribute to crashes involving commercial motor vehicles and passenger vehicles.

“(3) A program to establish a public-private partnership to provide resources and expertise for the development and dissemination of information relating to sharing the road referred to in paragraphs (1) and (2) to each partner’s constituents and to the general public through the use of brochures, videos, paid and public advertisements, the Internet, and other media.

“(c) FEDERAL SHARE.—The Federal share of a program or activity for which a grant is made under this section shall be 100 percent of the cost of such program or activity.

“(d) ANNUAL REPORT.—The Secretary shall prepare and transmit to Congress an annual report on the programs and activities carried out under this section. The final annual report shall be submitted not later than September 30, 2009.

“(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$4,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2013 and 2014 to carry out this section (other than subsection (f)).

“(f) STUDY.—The Comptroller General shall update the Government Accountability Office’s evaluation of the ‘Share the Road Safely’ program to determine if it has achieved reductions in the number and severity of commercial motor vehicle crashes, including reductions in the number of deaths and the severity of injuries sustained in these crashes and shall report its updated evaluation to Congress no later than June 30, 2006.”

#### SAFETY DATA IMPROVEMENT PROGRAM

Pub. L. 109-59, title IV, § 4128, Aug. 10, 2005, 119 Stat. 1742, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall make grants to States for projects and activities to improve the accuracy, timeliness, and completeness of commercial motor vehicle safety data reported to the Secretary.

“(b) ELIGIBILITY.—A State shall be eligible for a grant under this section in a fiscal year if the Secretary determines that the State has—

“(1) conducted a comprehensive audit of its commercial motor vehicle safety data system within the preceding 2 years;

“(2) developed a plan that identifies and prioritizes its commercial motor vehicle safety data needs and goals; and

“(3) identified performance-based measures to determine progress toward those goals.

“(c) FEDERAL SHARE.—The Federal share of a grant under this section shall be 80 percent of the cost of the activities for which the grant is made.

“(d) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], and biennially thereafter, the Secretary shall transmit to Congress a report on the activities and results of the program carried out under this section, together with any recommendations the Secretary determines appropriate.”

#### OPERATING AUTHORITY ENFORCEMENT ASSISTANCE FOR STATES

Pub. L. 109-59, title IV, § 4139(a), Aug. 10, 2005, 119 Stat. 1745, provided that:

“(1) TRAINING AND OUTREACH.—Not later than 180 days after the date of enactment of this Act [Aug. 10, 2005], the Administrator of the Federal Motor Carrier Safety Administration shall conduct outreach and provide training as necessary to State personnel engaged in the enforcement of Federal motor carrier safety regulations to ensure their awareness of the process to be used for verification of the operating authority of

motor carriers, including motor carriers of passengers, and to ensure proper enforcement when motor carriers are found to be in violation of operating authority requirements.

“(2) ASSESSMENT.—The Inspector General of the Department of Transportation may periodically assess the implementation and effectiveness of the training and outreach program.”

#### MOTOR CARRIER SAFETY ADVISORY COMMITTEE

Pub. L. 109-59, title IV, §4144, Aug. 10, 2005, 119 Stat. 1748, as amended by Pub. L. 111-147, title IV, §422(i), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(i), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(i), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(h), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(h), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(h), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §32912, July 6, 2012, 126 Stat. 818, provided that:

“(a) ESTABLISHMENT AND DUTIES.—The Secretary [of Transportation] shall establish in the Federal Motor Carrier Safety Administration a motor carrier safety advisory committee. The committee shall—

“(1) provide advice and recommendations to the Administrator of the Federal Motor Carrier Safety Administration about needs, objectives, plans, approaches, content, and accomplishments of the motor carrier safety programs carried out by the Administration; and

“(2) provide advice and recommendations to the Administrator on motor carrier safety regulations.

“(b) MEMBERS, CHAIRMAN, PAY, AND EXPENSES.—

“(1) IN GENERAL.—The committee shall be composed of not more than 20 members appointed by the Administrator from among individuals who are not employees of the Administration and who are specially qualified to serve on the committee because of their education, training, or experience. The members shall include representatives of the motor carrier industry, safety advocates, and safety enforcement officials. Representatives of a single enumerated interest group may not constitute a majority of the members of the advisory committee.

“(2) CHAIRMAN.—The Administrator shall designate the chairman of the committee.

“(3) PAY.—A member of the committee shall serve without pay; except that the Administrator may allow a member, when attending meetings of the committee or a subcommittee of the committee, expenses authorized under section 5703 of title 5, relating to per diem, travel, and transportation expenses.

“(c) SUPPORT STAFF, INFORMATION, AND SERVICES.—The Administrator shall provide support staff for the committee. On request of the committee, the Administrator shall provide information, administrative services, and supplies that the Administrator considers necessary for the committee to carry out its duties and powers.

“(d) TERMINATION DATE.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall terminate on September 30, 2013.”

#### MOTOR CARRIER SAFETY STRATEGY

Pub. L. 106-159, title I, §104, Dec. 9, 1999, 113 Stat. 1754, provided that:

“(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

“(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

“(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

“(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

“(b) CONTENTS OF STRATEGY.—

“(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

“(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

“(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

“(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

“(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

“(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

“(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

“(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

“(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

“(d) ANNUAL PERFORMANCE.—

“(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

“(A) The Secretary and the Federal Motor Carrier Safety Administrator.

“(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

“(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

“(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

“(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

“(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

“(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

## “(e) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

“(2) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official’s performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

“(f) EXPEDITING REGULATORY PROCEEDINGS.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

“(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

“(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.”

COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY  
COMMITTEE

Pub. L. 106-159, title I, §105, Dec. 9, 1999, 113 Stat. 1756, provided that:

“(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

“(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

“(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

“(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.”

STUDY OF COMMERCIAL MOTOR VEHICLE CRASH  
CAUSATION

Pub. L. 106-159, title II, §224, Dec. 9, 1999, 113 Stat. 1770, provided that:

“(a) OBJECTIVES.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation’s and States’ ability to—

“(1) evaluate future crashes involving commercial motor vehicles;

“(2) monitor crash trends and identify causes and contributing factors; and

“(3) develop effective safety improvement policies and programs.

“(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to

lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

“(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

“(1) crash causation and prevention;

“(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

“(3) highways and noncommercial motor vehicles and drivers;

“(4) Federal and State highway and motor carrier safety programs;

“(5) research methods and statistical analysis; and

“(6) other relevant topics.

“(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

“(e) REPORTS.—

“(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

“(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

“(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century [Pub. L. 105-178, 49 U.S.C. 31104 note] (112 Stat. 395-398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out this section.”

DATA COLLECTION AND ANALYSIS

Pub. L. 106-159, title II, §225, Dec. 9, 1999, 113 Stat. 1771, directed the Secretary, in cooperation with the States, to carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles and to transmit a report on the program and authorized appropriations for fiscal years 2001, 2002, and 2003.

**§ 31101. Definitions**

In this subchapter—

(1) “commercial motor vehicle” means (except in section 31106) a self-propelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,000 pounds, whichever is greater;

(B) is designed to transport more than 10 passengers including the driver; or

(C) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

(2) “employee” means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

(A) directly affects commercial motor vehicle safety in the course of employment by a commercial motor carrier; and

(B) is not an employee of the United States Government, a State, or a political subdivi-