

the Attorney General for collection under this subsection.

(5) The amount of the penalty may be deducted from amounts the Government owes the person. An amount collected under this section shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).

(h) NONAPPLICATION.—This section does not apply to a motor vehicle having a gross vehicle weight rating of less than 10,000 pounds if the vehicle is not used to transport in interstate or foreign commerce—

- (1) class A or B explosives;
- (2) poison gas; or
- (3) a large quantity of radioactive material.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1006; Pub. L. 104–88, title I, §104(e), Dec. 29, 1995, 109 Stat. 919; Pub. L. 109–59, title IV, §§4120(b), 4121, Aug. 10, 2005, 119 Stat. 1733, 1734; Pub. L. 110–244, title III, §§301(f), 305(b), June 6, 2008, 122 Stat. 1616, 1620.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31139(a)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(h), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, §406(c), 96 Stat. 2159; Oct. 30, 1984, Pub. L. 98–554, §222(b), 98 Stat. 2847; Nov. 18, 1988, Pub. L. 100–690, §9112, 102 Stat. 4534.
31139(b)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(a), 94 Stat. 820; Jan. 6, 1983, Pub. L. 97–424, §406(a), 96 Stat. 2158.
31139(c)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(b), 94 Stat. 821; Jan. 6, 1983, Pub. L. 97–424, §406(a), 96 Stat. 2158; Oct. 30, 1984, Pub. L. 98–554, §222(a), 98 Stat. 2846; Nov. 16, 1990, Pub. L. 101–615, §23, 104 Stat. 3272.
31139(d)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, 94 Stat. 793, §30(g); added Nov. 18, 1988, Pub. L. 100–690, §9112, 102 Stat. 4534.
31139(e)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(c), 94 Stat. 822; Jan. 6, 1983, Pub. L. 97–424, §406(b), 96 Stat. 2158.
31139(f)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(e), 94 Stat. 822.
31139(g)	49:10927 (note).	July 1, 1980, Pub. L. 96–296, §30(d), 94 Stat. 822.
		July 1, 1980, Pub. L. 96–296, §30(f), 94 Stat. 823; Jan. 6, 1983, Pub. L. 97–424, §406(d), 96 Stat. 2159.

In subsection (a), before clause (1), the text of section 30(h)(3) of the Motor Carrier Act of 1980 (Public Law 96–296, 94 Stat. 823) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. In clause (3), the words “(including its use in the terms ‘interstate’ and ‘intrastate’)” are omitted as surplus.

In subsections (b)(2) and (c)(2) and (3), the word “minimal” is omitted as surplus.

In subsection (b)(2), the words “for any vehicle” are omitted as surplus. The words beginning with “except” are omitted as expired. The text of section 30(a)(3) of the Act (Public Law 96–296, 94 Stat. 821) is omitted because the regulations have been issued. See 49 C.F.R. part 387.

In subsection (c)(2), the text of section 30(b)(2)(B) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired.

In subsection (c)(3), before clause (A), the text of section 30(b)(3)(A) of the Act (Public Law 96–296, 94 Stat. 821) is omitted as expired. The text of section 30(b)(4) of the Act (Public Law 96–296, 94 Stat. 822) is omitted be-

cause the regulations have been issued. See 49 C.F.R. part 387. The words “for any vehicle . . . in interstate or intrastate commerce” are omitted as unnecessary because of the reference to paragraph (1).

In subsection (e)(1), the words “The Secretary shall establish, by regulation, methods and procedures to assure compliance with this section” are omitted as surplus. The text of section 30(e) of the Act (Public Law 96–296, 94 Stat. 822) is omitted as executed.

In subsection (f)(4), the words “The Attorney General shall bring a civil action . . . to collect a penalty referred to the Attorney General for collection under this subsection” are substituted for “Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States” for consistency in the revised title.

In subsection (f)(5), the words “when finally determined (or agreed upon in compromise)” are omitted as surplus.

In subsection (g)(1) and (2), the words “any quantity of” are omitted as surplus.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–244, §305(b)(1), in introductory provisions, substituted “motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)” for “commercial motor vehicle”.

Subsec. (c). Pub. L. 110–244, §305(b)(2), struck out “commercial” before “motor vehicle”.

Subsec. (g)(5). Pub. L. 110–244, §301(f), amended Pub. L. 109–59, §4121. See 2005 Amendment note below.

2005—Subsec. (b)(1). Pub. L. 109–59, §4120(b)(1), struck out “for compensation” after “property” and inserted “commercial” before “motor vehicle” in introductory provisions.

Subsecs. (c) to (f). Pub. L. 109–59, §4120(b)(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (e) as (d) to (f), respectively. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 109–59, §4120(b)(2), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(5). Pub. L. 109–59, §4121, as amended by Pub. L. 110–244, §301(f), substituted “Highway Trust Fund (other than the Mass Transit Account)” for “Treasury as miscellaneous receipts”.

Subsec. (h). Pub. L. 109–59, §4120(b)(2), redesignated subsec. (g) as (h).

1995—Subsec. (e)(3). Pub. L. 104–88 added par. (3).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 301(f) of Pub. L. 110–244 effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of Title 23, Highways.

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.

[§ 31140. Repealed. Pub. L. 105–178, title IV, § 4008(d), June 9, 1998, 112 Stat. 404]

Section, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1008, related to submission of State laws and regulations for review by Secretary of Transportation and Commercial Motor Vehicle Safety Regulatory Review Panel.

§ 31141. Review and preemption of State laws and regulations

(a) PREEMPTION AFTER DECISION.—A State may not enforce a State law or regulation on com-