

(2) APPLICABILITY.—The preemption under paragraph (1) shall include—

- (A) the reporting of valid positive results from alcohol screening tests and drug tests;
- (B) the refusal to provide a specimen for an alcohol screening test or drug test; and
- (C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(3) EXCEPTION.—A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe shall not be preempted under this subsection to the extent it relates to an action taken with respect to a commercial motor vehicle operator’s commercial driver’s license or driving record as a result of the driver’s—

- (A) verified positive alcohol or drug test result;
- (B) refusal to provide a specimen for the test; or
- (C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

(m) DEFINITIONS.—In this section—

(1) AUTHORIZED USER.—The term “authorized user” means an employer, State licensing authority, or other person granted access to the clearinghouse under subsection (h).

(2) CHIEF COMMERCIAL DRIVER’S LICENSING OFFICIAL.—The term “chief commercial driver’s licensing official” means the official in a State who is authorized to—

- (A) maintain a record about commercial driver’s licenses issued by the State; and
- (B) take action on commercial driver’s licenses issued by the State.

(3) CLEARINGHOUSE.—The term “clearinghouse” means the clearinghouse established under subsection (a).

(4) COMMERCIAL MOTOR VEHICLE OPERATOR.—The term “commercial motor vehicle operator” means an individual who—

- (A) possesses a valid commercial driver’s license issued in accordance with section 31308; and
- (B) is subject to controlled substances and alcohol testing under title 49, Code of Federal Regulations.

(5) EMPLOYER.—The term “employer” means a person or entity employing, or seeking to employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.

(6) MEDICAL REVIEW OFFICER.—The term “medical review officer” means a licensed physician who is responsible for—

- (A) receiving and reviewing a laboratory result generated under the testing program;
- (B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and
- (C) interpreting the results of a controlled substances test.

(7) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(8) SERVICE AGENT.—The term “service agent” means a person or entity, other than an employee of the employer, who provides

services to employers or employees under the testing program.

(9) TESTING PROGRAM.—The term “testing program” means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.

(Added Pub. L. 112-141, div. C, title II, § 32402(a)(2), July 6, 2012, 126 Stat. 795.)

REFERENCES IN TEXT

The date of enactment of the Safe Roads Act of 2012, referred to in subsec. (a)(1), is the date of enactment of subtitle D of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

Section 226 of the Motor Carrier Safety Improvement Act of 1999, referred to in subsec. (b)(1)(A), is section 226 of Pub. L. 106-159, which is set out as a note under section 31306 of this title.

The Privacy Act of 1974, referred to in subsec. (d)(1), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 552a of Title 5 and Tables.

The Fair Credit Reporting Act, referred to in subsec. (d)(2), is title VI of Pub. L. 90-321, as added by Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1127, which is classified generally to subchapter III (§ 1681 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 31307. Minimum training requirements for operators of longer combination vehicles

(a) DEFINITION.—In this section, “longer combination vehicle” means a vehicle consisting of a truck tractor and more than one trailer or semitrailer that operates on the Dwight D. Eisenhower System of Interstate and Defense Highways with a gross vehicle weight of more than 80,000 pounds.

(b) REQUIREMENTS.—The Secretary shall maintain regulations establishing minimum training requirements for operators of longer combination vehicles. The training shall include certification of an operator’s proficiency by an instructor who has met the requirements established by the Secretary.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 112-141, div. C, title II, § 32931(c), July 6, 2012, 126 Stat. 829.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31307(a)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102-240, § 4007(f), 105 Stat. 2153.
31307(b)	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102-240, § 4007(b), 105 Stat. 2152.

In subsection (a), the words “a vehicle consisting” are substituted for “any combination” for clarity. The words “Dwight D. Eisenhower System of Interstate and Defense Highways” are substituted for “National System of Interstate and Defense Highways” because of

the Act of October 15, 1990 (Public Law 101-427, 104 Stat. 927).

In subsection (b), the words “Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate a rulemaking proceeding” are omitted as executed.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-141, which directed substitution of “The Secretary shall maintain” for “Not later than December 18, 1994, the Secretary shall prescribe”, was executed by making the substitution for “Not later than December 18, 1994, the Secretary of Transportation shall prescribe”, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 31308. Commercial driver’s license

After consultation with the States, the Secretary of Transportation shall prescribe regulations on minimum uniform standards for the issuance of commercial drivers’ licenses and learner’s permits by the States and for information to be contained on each of the licenses and permits. The standards shall require at a minimum that—

(1) an individual issued a commercial driver’s license—

(A) pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); and

(B) present certification of completion of driver training that meets the requirements established by the Secretary under section 31305(c);

(2) before a commercial driver’s license learner’s permit may be issued to an individual, the individual must pass a written test, that complies with the minimum standards prescribed by the Secretary under section 31305(a), on the operation of the commercial motor vehicle that the individual will be operating under the permit;

(3) the license or learner’s permit be tamperproof to the maximum extent practicable and each license or learner’s permit issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication; and

(4) the license or learner’s permit contain—

(A) the name and address of the individual issued the license or learner’s permit and a physical description of the individual;

(B) the social security account number or other number or information the Secretary decides is appropriate to identify the individual;

(C) the class or type of commercial motor vehicle the individual is authorized to operate under the license or learner’s permit;

(D) the name of the State that issued the license or learner’s permit; and

(E) the dates between which the license or learner’s permit is valid.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1020; Pub. L. 105-178, title IV, §4011(c)(1), June 9, 1998,

112 Stat. 407; Pub. L. 109-59, title IV, §4122(2), Aug. 10, 2005, 119 Stat. 1734; Pub. L. 110-244, title III, §301(g), June 6, 2008, 122 Stat. 1616; Pub. L. 112-141, div. C, title II, §32304(b), July 6, 2012, 126 Stat. 791.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
31308	49 App.:2705.	Oct. 27, 1986, Pub. L. 99-570, §12006, 100 Stat. 3207-175.

The words “Not later than July 15, 1988” are omitted as obsolete.

AMENDMENTS

2012—Par. (1). Pub. L. 112-141 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “an individual issued a commercial driver’s license pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a) of this title;”.

2008—Pub. L. 110-244 amended Pub. L. 109-59, §4122(2)(A). See 2005 Amendment note below.

2005—Pub. L. 109-59, §4122(2)(B), substituted “the licenses and permits” for “the licenses” in introductory provisions.

Pub. L. 109-59, §4122(2)(A), as amended by Pub. L. 110-244, inserted “and learner’s permits” after “licenses” in introductory provisions.

Par. (2). Pub. L. 109-59, §4122(2)(D), added par. (2). Former par. (2) redesignated (3).

Pars. (3), (4). Pub. L. 109-59, §4122(2)(C), (E), redesignated pars. (2) and (3) as (3) and (4), respectively, and inserted “or learner’s permit” after “license” wherever appearing.

1998—Par. (2). Pub. L. 105-178 inserted before semicolon “and each license issued after January 1, 2001, include unique identifiers (which may include biometric identifiers) to minimize fraud and duplication”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by 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.

DEADLINE FOR ISSUANCE OF REGULATIONS

Pub. L. 105-178, title IV, §4011(c)(2), June 9, 1998, 112 Stat. 407, provided that: “Not later than 180 days after the date of enactment of this Act [June 9, 1998], the Secretary [of Transportation] shall issue regulations to carry out the amendment made by paragraph (1) [amending this section].”

§ 31309. Commercial driver’s license information system

(a) GENERAL REQUIREMENT.—The Secretary of Transportation shall maintain an information system that will serve as a clearinghouse and depository of information about the licensing, identification, and disqualification of operators of commercial motor vehicles. The system shall be coordinated with activities carried out under section 31106. The Secretary shall consult with the States in carrying out this section.