

title and with other titles of the United States Code. In clause (C), the words “permits, authorizes” are omitted as being included in “allows”.

#### AMENDMENTS

2012—Subsec. (f). Pub. L. 112-141, § 32507, inserted “section 521 or” before “section 5102” in pars. (1) and (2).

Subsec. (g)(1). Pub. L. 112-141, § 32931(d), which directed substitution of “The” for “Not later than 1 year after the date of enactment of this Act, the”, was executed by making the substitution for “Not later than 1 year after the date of the enactment of this Act, the”, to reflect the probable intent of Congress.

Subsec. (k). Pub. L. 112-141, § 32204, added subsec. (k).  
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 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 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

Pub. L. 104-88, title IV, § 403(b), Dec. 29, 1995, 109 Stat. 956, 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 indi-

vidual 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.<sup>1</sup>

(5) Not later than the time period prescribed by the Secretary 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 from operating a commercial motor vehicle or the individual’s driver’s license is revoked, suspended, or canceled.

(B) The State may not issue a special license or permit (including a provisional or tem-

<sup>1</sup> See References in Text note below.

porary license) to an individual who holds a commercial driver's license that permits the individual to drive a commercial motor vehicle during a period in which—

- (i) the individual is disqualified from operating a commercial motor vehicle; or
- (ii) the individual's driver's license is revoked, suspended, or canceled.

(11) The State may issue a commercial driver's license to an individual who has a commercial driver's license issued by another State only if the individual first returns the driver's license issued by the other State.

(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

- (i) operates or will operate a commercial motor vehicle; and
- (ii) is not domiciled in a State that issues commercial driver's licenses.

(C) The State may issue a commercial driver's license to an individual who—

- (i) operates or will operate a commercial motor vehicle;
- (ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and
- (iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State.

(13) The State shall impose penalties consistent with this chapter that the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle.

(14) The State shall allow an individual to operate a commercial motor vehicle in the State if—

- (A) the individual has a commercial driver's license issued by another State under the minimum standards prescribed by the Secretary under section 31305(a) of this title;
- (B) the license is not revoked, suspended, or canceled; and
- (C) the individual is not disqualified from operating a commercial motor vehicle.

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsections (b)–(e), (i)(1)(A) and (i)(2) of section 31310.

(16)(A) Before issuing a commercial driver's license to an individual, the State shall request the Secretary for information from the National Driver Register maintained under chapter 303 of this title (after the Secretary decides the Register is operational) on whether the individual—

- (i) has been disqualified from operating a motor vehicle (except a commercial motor vehicle);
- (ii) has had a license (except a license authorizing the individual to operate a com-

mercial motor vehicle) revoked, suspended, or canceled for cause in the 3-year period ending on the date of application for the commercial driver's license; or

(iii) has been convicted of an offense specified in section 30304(a)(3) of this title.

(B) The State shall give full weight and consideration to that information in deciding whether to issue the individual a commercial driver's license.

(17) The State shall adopt and enforce regulations prescribed by the Secretary under as<sup>2</sup> 31310(j) of this title.

(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver's license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

(19) The State shall—

(A) record in the driving record of an individual who has a commercial driver's license issued by the State; and

(B) make available to all authorized persons and governmental entities having access to such record,

all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver's license.

(20) The State shall revoke, suspend, or cancel the commercial driver's license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).

(21) By the date established by the Secretary under section 31309(e)(4), the State shall be operating a commercial driver's license information system that is compatible with the modernized commercial driver's license information system under section 31309.

(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

(A) for a driver holding a foreign commercial driver's license—

- (i) each conviction relating to the operation of a commercial motor vehicle; and
- (ii) each conviction relating to the operation of a non-commercial motor vehicle; and

(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's li-

<sup>2</sup>So in original. Probably should be "section".

cense, each conviction relating to the operation of a commercial motor vehicle.

(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for the exclusive electronic exchange of driver history record information on the system the Secretary maintains under section 31309, including the posting of convictions, withdrawals, and disqualifications.

(24) Before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a.

(25) Not later than 5 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner's certificate, from a certified medical examiner, for each holder of a commercial driver's license issued by the State who operates or intends to operate in interstate commerce.

(b) STATE SATISFACTION OF REQUIREMENTS.—A State may satisfy the requirements of subsection (a) of this section that the State disqualify an individual from operating a commercial motor vehicle by revoking, suspending, or canceling the driver's license issued to the individual.

(c) NOTIFICATION.—Not later than 30 days after being notified by a State of the proposed issuance of a commercial driver's license to an individual, the Secretary or the operator of the information system under section 31309 of this title, as the case may be, shall notify the State whether the individual has a commercial driver's license issued by another State or has been disqualified from operating a commercial motor vehicle by another State or the Secretary.

(d) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM PLAN.—

(1) IN GENERAL.—A State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

(2) CONTENTS.—A plan submitted by a State under paragraph (1) shall identify—

(A) the actions that the State will take to address any deficiencies in the State's commercial driver's license program, as identified by the Secretary in the most recent audit of the program; and

(B) other actions that the State will take to comply with the requirements under subsection (a).

(3) PRIORITY.—

(A) IMPLEMENTATION SCHEDULE.—A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize actions to address any deficiencies highlighted by the Secretary as critical in the most recent audit of the program.

(B) DEADLINE FOR COMPLIANCE WITH REQUIREMENTS.—A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the requirements of subsection (a) not later than September 30, 2015.

(4) APPROVAL AND DISAPPROVAL.—The Secretary shall—

(A) review each plan submitted under paragraph (1);

(B)(i) approve a plan if the Secretary determines that the plan meets the requirements under this subsection and promotes the goals of this chapter; and

(ii) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

(5) MODIFICATION OF DISAPPROVED PLANS.—If the Secretary disapproves a plan under paragraph (4), the Secretary shall—

(A) provide a written explanation of the disapproval to the State; and

(B) allow the State to modify the plan and resubmit it for approval.

(6) PLAN UPDATES.—The Secretary may require a State to review and update a plan, as appropriate.

(e) ANNUAL COMPARISON OF STATE LEVELS OF COMPLIANCE.—The Secretary shall annually—

(1) compare the relative levels of compliance by States with the requirements under subsection (a); and

(2) make the results of the comparison available to the public.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1023; Pub. L. 104-88, title IV, §403(c), Dec. 29, 1995, 109 Stat. 956; Pub. L. 105-178, title IV, §4011(e), June 9, 1998, 112 Stat. 408; Pub. L. 106-159, title II, §202, Dec. 9, 1999, 113 Stat. 1760; Pub. L. 109-59, title IV, §4123(b), Aug. 10, 2005, 119 Stat. 1735; Pub. L. 112-141, div. C, title II, §§32203(b), 32302(d), 32305(b), July 6, 2012, 126 Stat. 784, 790, 792; Pub. L. 112-196, §2, Oct. 19, 2012, 126 Stat. 1459.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31311 .....	49 App.:2708.	Oct. 27, 1986, Pub. L. 99-570, §12009, 100 Stat. 3207-179; Dec. 18, 1991, Pub. L. 102-240, §4009(b), 105 Stat. 2156.

Subsection (a)(15) is substituted for 49 App.:2708(a)(15)-(19) for consistency with section 31310(b)-(e) of the revised title and to avoid repeating the language restated in section 31310(b)-(e).

In subsection (b), the words "in accordance with the requirements of such subsection" are omitted as surplus.

REFERENCES IN TEXT

Par. (3) of section 31308 of this title, referred to in subsec. (a)(4), was redesignated par. (4) by Pub. L. 109-59, title IV, §4122(2)(C), Aug. 10, 2005, 119 Stat. 1734.

The date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (a)(23), (25), is the date of enactment of title II of div. C of Pub. L. 112-141, which was approved July 6, 2012.

## AMENDMENTS

2012—Subsec. (a)(5). Pub. L. 112-141, § 32305(b)(1)(A), substituted “Not later than the time period prescribed by the Secretary by regulation,” for “At least 60 days before issuing a commercial driver’s license (or a short-term period the Secretary prescribes by regulation).”

Subsec. (a)(12). Pub. L. 112-196 amended par. (12) generally. Prior to amendment, par. (12) read as follows: “The State may issue a commercial driver’s license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State, except that, under regulations the Secretary shall prescribe, the State may issue a commercial driver’s license to an individual who operates or will operate a commercial motor vehicle and is not domiciled in a State that issues commercial drivers’ licenses.”

Subsec. (a)(22). Pub. L. 112-141, § 32203(b), added par. (22).

Subsec. (a)(23), (24). Pub. L. 112-141, § 32305(b)(1)(B), added pars. (23) and (24).

Subsec. (a)(25). Pub. L. 112-141, § 32302(d), added par. (25).

Subsecs. (d), (e). Pub. L. 112-141, § 32305(b)(2), added subsecs. (d) and (e).

2005—Subsec. (a)(15). Pub. L. 109-59, § 4123(b)(1), substituted “(i)(1)(A) and (i)(2)” for “(g)(1)(A), and (g)(2)”.

Subsec. (a)(17). Pub. L. 109-59, § 4123(b)(2), substituted “as 31310(j)” for “section 31310(h)”.

Subsec. (a)(21). Pub. L. 109-59, § 4123(b)(3), added par. (21).

1999—Subsec. (a)(6). Pub. L. 106-159, § 202(a), inserted “or renewing such a license” after “to an individual” and struck out “commercial” after “has issued a”.

Subsec. (a)(8). Pub. L. 106-159, § 202(b), inserted “, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded” before the period at end.

Subsec. (a)(9). Pub. L. 106-159, § 202(c), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “If an individual operating a commercial motor vehicle violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual 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 violation not later than 10 days after the date the individual is found to have committed the violation.”

Subsec. (a)(10). Pub. L. 106-159, § 202(d), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (a)(13). Pub. L. 106-159, § 202(e), inserted “consistent with this chapter that” after “penalties”, substituted “vehicle.” for “vehicle when the individual—”, and struck out pars. (A) to (C) which read as follows:

“(A) does not have a commercial driver’s license;

“(B) has a driver’s license revoked, suspended, or canceled; or

“(C) is disqualified from operating a commercial motor vehicle.”

Subsec. (a)(18) to (20). Pub. L. 106-159, § 202(f)–(h), added pars. (18) to (20).

1998—Subsec. (a)(15). Pub. L. 105-178, § 4011(e)(1), substituted “subsections (b)–(e), (g)(1)(A), and (g)(2) of section 31310” for “section 31310(b)–(e) of this title”.

Subsec. (a)(17), (18). Pub. L. 105-178, § 4011(e)(2), (3), re-designated par. (18) as (17) and struck out former par. (17) which read as follows: “The State shall adopt and enforce regulations prescribed by the Secretary under section 31310(g)(1)(A) and (2) of this title.”

1995—Subsec. (a)(18). Pub. L. 104-88 added par. (18).

## 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 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.

## STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

Pub. L. 106-159, title II, § 221, Dec. 9, 1999, 113 Stat. 1769, provided that:

“(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers’ licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

“(b) STATUS REPORT.—Not later than 2 years after the date of the enactment of this Act [Dec. 9, 1999], the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.”

## § 31312. Decertification authority

(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

(1) prohibit that State from carrying out licensing procedures under this chapter; and

(2) prohibit that State from issuing any commercial driver’s licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver’s license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the non-resident licensing requirements of the issuing State.

(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver’s licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.

(Added Pub. L. 106-159, title II, § 203(a), Dec. 9, 1999, 113 Stat. 1762.)

## PRIOR PROVISIONS

A prior section 31312, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1025, related to grants for testing and ensuring the fitness of operators of commercial motor vehicles, prior to repeal by Pub. L. 105-178, title IV, § 4011(f), June 9, 1998, 112 Stat. 408.

## § 31313. Grants for commercial driver’s license program implementation

(a) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—

(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant to a State in a fiscal year—

(A) to comply with the requirements of section 31311;

(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of this section and section 31311, to improve its implementation of its commercial driver’s license program, including expenses—

(i) for computer hardware and software;

(ii) for publications, testing, personnel, training, and quality control;