

ment interchange agreement” means the Uniform Intermodal Interchange and Facilities Access Agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment.

(3) INTERMODAL EQUIPMENT PROVIDER.—The term “intermodal equipment provider” means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment.

(4) INTERCHANGE.—The term “interchange”—

(A) means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider; but

(B) does not include the leasing of equipment to a motor carrier for primary use in the motor carrier’s freight hauling operations.

(Added Pub. L. 109–59, title IV, § 4118(a), Aug. 10, 2005, 119 Stat. 1729; amended Pub. L. 110–244, title III, § 301(e), June 6, 2008, 122 Stat. 1616; Pub. L. 112–141, div. C, title II, § 32931(b), July 6, 2012, 126 Stat. 829.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(3)(E)(ii), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112–141, § 32931(b)(1), amended par. (1) generally. Prior to amendment, text read as follows: “Not later than 1 year after the date of enactment of this section, the Secretary of Transportation, after providing notice and opportunity for comment, shall issue regulations establishing a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.”

Subsec. (a)(4). Pub. L. 112–141, § 32931(b)(2), struck out par. (4). Text read as follows: “Not later than 120 days after the date of enactment of this section, the Secretary shall initiate a rulemaking proceeding for issuance of the regulations under this section.”

2008—Subsec. (a)(3)(E)(ii). Pub. L. 110–244 substituted “section” for “Act”.

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.

SUBCHAPTER IV—MISCELLANEOUS

PRIOR PROVISIONS

A prior subchapter IV consisted of sections 31161 and 31162, prior to repeal by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

§ 31161. International cooperation

The Secretary of Transportation is authorized to use funds made available by section 31104(i) to

participate and cooperate in international activities to enhance motor carrier, commercial motor vehicle, driver, and highway safety by such means as exchanging information, conducting research, and examining needs, best practices, and new technology.

(Added Pub. L. 109–59, title IV, § 4119(a), Aug. 10, 2005, 119 Stat. 1733.)

PRIOR PROVISIONS

Prior sections 31161 and 31162 were repealed by Pub. L. 105–178, title IV, § 4010, June 9, 1998, 112 Stat. 407.

Section 31161, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1013, related to procedures to ensure timely correction of safety violations.

Section 31162, Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1014, related to compliance review priority.

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

Sec.	
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AMENDMENTS

2012—Pub. L. 112–141, div. C, title II, §§ 32304(d), 32402(b), 32604(b)(2), July 6, 2012, 126 Stat. 792, 802, 809, added items 31305, 31306a, and 31313 and struck out former items 31305 “General driver fitness and testing” and 31313 “Grants for commercial driver’s license program improvements”.

2005—Pub. L. 109–59, title IV, § 4124(b), Aug. 10, 2005, 119 Stat. 1738, added item 31313.

1999—Pub. L. 106–159, title II, § 203(b), Dec. 9, 1999, 113 Stat. 1762, added item 31312.

1998—Pub. L. 105–178, title IV, §§ 4007(b), 4011(b)(2), (f), June 9, 1998, 112 Stat. 403, 407, 408, substituted “Commercial driver’s license requirement” for “Limitation on the number of driver’s licenses” in item 31302 and “Waivers, exemptions, and pilot programs” for “Waiver authority” in item 31315 and struck out items 31312 “Grants for testing and ensuring the fitness of operators of commercial motor vehicles” and 31313 “Grants for issuing commercial drivers’ licenses and complying with State participation requirements”.

§ 31301. Definitions

In this chapter—

(1) “alcohol” has the same meaning given the term “alcoholic beverage” in section 158(c) of title 23.

¹ So in original. Does not conform to section catchline.

(2) “commerce” means trade, traffic, and transportation—

(A) in the jurisdiction of the United States between a place in a State and a place outside that State (including a place outside the United States); or

(B) in the United States that affects trade, traffic, and transportation described in subclause (A) of this clause.

(3) “commercial driver’s license” means a license issued by a State to an individual authorizing the individual to operate a class of commercial motor vehicles.

(4) “commercial motor vehicle” means a motor vehicle used in commerce to transport passengers or property that—

(A) has a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds, whichever is greater, or a lesser gross vehicle weight rating or gross vehicle weight the Secretary of Transportation prescribes by regulation, but not less than a gross vehicle weight rating of 10,001 pounds;

(B) is designed to transport at least 16 passengers including the driver; or

(C) is used to transport material found by the Secretary to be hazardous under section 5103 of this title, except that a vehicle shall not be included as a commercial motor vehicle under this subclause if—

(i) the vehicle does not satisfy the weight requirements of subclause (A) of this clause;

(ii) the vehicle is transporting material listed as hazardous under section 306(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9656(a)) and is not otherwise regulated by the Secretary or is transporting a consumer commodity or limited quantity of hazardous material as defined in section 171.8 of title 49, Code of Federal Regulations; and

(iii) the Secretary does not deny the application of this exception to the vehicle (individually or as part of a class of motor vehicles) in the interest of safety.

(5) except in section 31306, “controlled substance” has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(6) “driver’s license” means a license issued by a State to an individual authorizing the individual to operate a motor vehicle on highways.

(7) “employee” means an operator of a commercial motor vehicle (including an independent contractor when operating a commercial motor vehicle) who is employed by an employer.

(8) “employer” means a person (including the United States Government, a State, or a political subdivision of a State) that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle.

(9) “felony” means an offense under a law of the United States or a State that is punishable by death or imprisonment for more than one year.

(10) “foreign commercial driver” means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.

(11) “hazardous material” has the same meaning given that term in section 5102 of this title.

(12) “motor vehicle” means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

(13) “serious traffic violation” means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies;

(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license;

(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver’s license on the date of the citation;

(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and

(G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.

(14) “State” means a State of the United States and the District of Columbia.

(15) “United States” means the States of the United States and the District of Columbia.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1014; Pub. L. 105–178, title IV, §4011(a), June 9, 1998, 112 Stat. 407; Pub. L. 106–159, title II, §201(a)(3), (c), Dec. 9, 1999, 113 Stat. 1759, 1760; Pub. L. 112–141, div. C, title II, §32203(a), July 6, 2012, 126 Stat. 784.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31301(1)	49 App.:2716(1), (13).	Oct. 27, 1986, Pub. L. 99–570, §12019(1)–(4), (6)–(15), 100 Stat. 3207–187, 3207–188.
31301(2)	49 App.:2716(3).	
31301(3)	49 App.:2716(4).	
31301(4)	49 App.:2716(6).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31301(5)	49 App.:2716(7).	
31301(6)	49 App.:2716(2).	
31301(7)	49 App.:2716(8).	
31301(8)	49 App.:2716(9).	
31301(9)	49 App.:2716(10).	
31301(10)	49 App.:2716(11).	
31301(11)	49 App.:2716(5).	Oct. 27, 1986, Pub. L. 99-570, § 12019(5), 100 Stat. 3207-188; Apr. 2, 1987, Pub. L. 100-17, § 133(c)(2), 101 Stat. 172; Dec. 18, 1991, Pub. L. 102-240, § 4010, 105 Stat. 2156.
31301(12)	49 App.:2716(12).	
31301(13)	49 App.:2716(14).	
31301(14)	49 App.:2716(15).	

In clause (1), the text of 49 App.:2716(13) 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 (4)(A), the words “at least 26,001 pounds” are substituted for “26,001 or more pounds”, and the word “prescribes” is substituted for “determines appropriate”, for consistency in the revised title.

In clause (4)(B), the words “at least 16 passengers” are substituted for “more than 15 passengers” for consistency.

Clause (4)(C)(i) is substituted for “and which has a gross vehicle weight rating of less than 26,001 pounds (or such gross vehicle weight rating as determined appropriate by the Secretary under subparagraph (A))” to eliminate unnecessary words. In subclause (iii), the words “deny the application of this exception” are substituted for “waive the application of the preceding sentence” for clarity and because of the restatement.

In clause (11), the words “public streets, roads, or” are added for consistency in the revised title.

In clause (12)(C), the words “involving a fatality” are substituted for “arising in connection with a fatal traffic accident” to eliminate unnecessary words.

AMENDMENTS

2012—Pars. (10) to (15). Pub. L. 112-141 added par. (10) and redesignated former pars. (10) to (14) as (11) to (15), respectively.

1999—Par. (12)(C). Pub. L. 106-159, § 201(a)(3), inserted “, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a fatality”.

Par. (12)(D) to (G). Pub. L. 106-159, § 201(c), added subpars. (D) to (F) and redesignated former subpar. (D) as (G).

1998—Par. (4)(A). Pub. L. 105-178, § 4011(a)(1), inserted “or gross vehicle weight” after “rating” first two places that term appears and “, whichever is greater,” after “26,001 pounds”.

Par. (4)(C)(ii). Pub. L. 105-178, § 4011(a)(2), inserted “is” before “transporting” in two places and before “not otherwise regulated”.

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.

PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER'S LICENSES

Pub. L. 112-141, div. C, title II, § 32308, July 6, 2012, 126 Stat. 794, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation], in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to as-

sess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces, who received safety training and operated qualifying motor vehicles during their service, in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

“(2) REQUIREMENTS.—The study under this subsection shall—

“(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

“(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

“(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

“(D) identify duplicative application costs;

“(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

“(F) include other factors that the Secretary determines to be appropriate to meet the requirements of the study.

“(b) REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the commencement of the study under subsection (a), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Financial Services of the House of Representatives that contains the findings and recommendations from the study.

“(2) ELEMENTS.—The report under paragraph (1) shall include—

“(A) findings related to the study requirements under subsection (a)(2);

“(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

“(C) a plan to implement the recommendations for which the Secretary has authority.

“(3) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and in cooperation with the States, shall implement the recommendations identified in subsection (b) and establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses.

“(d) ACCELERATED LICENSING PROCEDURES.—The procedures established under subsection (a) shall be designed to be applicable to any veteran who—

“(1) is attempting to acquire a commercial driver's license; and

“(2) obtained, during military service, documented driving experience that, in the determination of the Secretary, makes the use of accelerated licensing procedures appropriate.

“(e) DEFINITIONS.—In this section:

“(1) COMMERCIAL DRIVER'S LICENSE.—The term ‘commercial driver's license’ has the meaning given that term in section 31301 of title 49, United States Code.

“(2) STATE.—The term ‘State’ has the meaning given that term in section 31301 of title 49, United States Code.

“(3) VETERAN.—The term ‘veteran’ has the meaning given that term in section 101 of title 38, United States Code.”

EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER FOR CERTAIN FARM VEHICLES

For provisions relating to exemptions from certain requirements of this chapter with respect to certain

farm vehicles and individuals operating those vehicles, see section 32934 of Pub. L. 112-141, set out as a note under section 31136 of this title.

GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS

Pub. L. 109-59, title IV, §4134, Aug. 10, 2005, 119 Stat. 1744, as amended by Pub. L. 111-147, title IV, §422(h), Mar. 18, 2010, 124 Stat. 87; Pub. L. 111-322, title II, §2202(h), Dec. 22, 2010, 124 Stat. 3525; Pub. L. 112-5, title II, §202(h), Mar. 4, 2011, 125 Stat. 17; Pub. L. 112-30, title I, §122(g), Sept. 16, 2011, 125 Stat. 349; Pub. L. 112-102, title II, §202(g), Mar. 30, 2012, 126 Stat. 274; Pub. L. 112-140, title II, §202(g), June 29, 2012, 126 Stat. 395; Pub. L. 112-141, div. C, title II, §32603(g), July 6, 2012, 126 Stat. 808, provided that:

“(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish a grant program for persons to train operators of commercial motor vehicles (as defined in section 31301 of title 49, United States Code). The purpose of the program shall be to train operators and future operators in the safe use of such vehicles.

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

“(c) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$1,000,000 for each of fiscal years 2005 through 2014 to carry out this section.”

CDL TASK FORCE

Pub. L. 109-59, title IV, §4135, Aug. 10, 2005, 119 Stat. 1744, provided that:

“(a) IN GENERAL.—The Secretary [of Transportation] shall convene a task force to study and address current impediments and foreseeable challenges to the commercial driver’s license program’s effectiveness and measures needed to realize the full safety potential of the commercial driver’s license program, including such issues as—

- “(1) State enforcement practices;
“(2) operational procedures to detect and deter fraud;
“(3) needed improvements for seamless information sharing between States;
“(4) effective methods for accurately sharing electronic data between States;
“(5) adequate proof of citizenship;
“(6) updated technology; and
“(7) timely notification from judicial bodies concerning traffic and criminal convictions of commercial driver’s license holders.

“(b) MEMBERSHIP.—Members of the task force should include State motor vehicle administrators, organizations representing government agencies or officials, members of the Judicial Conference, representatives of the trucking industry, representatives of labor organizations, safety advocates, and other significant stakeholders.

“(c) REPORT.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary, on behalf of the task force, shall complete a report of the task forces [sic] findings and recommendations for legislative, regulatory, and enforcement changes to improve the commercial drivers [sic] license program and submit such the [sic] report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(d) FUNDING.—From the funds amounts made available by section 4101(c)(1) [119 Stat. 1715], \$200,000 shall be available for each of fiscal years 2006 and 2007 to carry out this section.”

EXEMPTIONS FROM REQUIREMENTS RELATING TO COMMERCIAL MOTOR VEHICLES AND THEIR OPERATORS

For provisions relating to waiver of requirements of this chapter with respect to vehicles used for snow or ice removal, see section 229(a)(5) of Pub. L. 106-159, set out as a note under section 31136 of this title.

§ 31302. Commercial driver’s license requirement

No individual shall operate a commercial motor vehicle without a valid commercial driver’s license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver’s license at any time and may have only one learner’s permit at any time.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1015; Pub. L. 105-178, title IV, §4011(b)(1), June 9, 1998, 112 Stat. 407; Pub. L. 109-59, title IV, §4122(1), Aug. 10, 2005, 119 Stat. 1734.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31302, 49 App.:2701, Oct. 27, 1986, Pub. L. 99-570, §12002, 100 Stat. 3207-170.

The words “Effective July 1, 1987” are omitted as executed. The words after “issued a driver’s license” are omitted as expired.

AMENDMENTS

2005—Pub. L. 109-59 inserted “and may have only one learner’s permit at any time” before period at end.

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as follows: “An individual operating a commercial motor vehicle may have only one driver’s license at any time, except during the 10-day period beginning on the date the individual is issued a driver’s license.”

§ 31303. Notification requirements

(a) VIOLATIONS.—An individual operating a commercial motor vehicle, having a driver’s license issued by a State, and violating a State or local law on motor vehicle traffic control (except a parking violation) shall notify the individual’s employer of the violation. If the violation occurred in a State other than the issuing State, the individual also shall notify a State official designated by the issuing State. The notifications required by this subsection shall be made not later than 30 days after the date the individual is found to have committed the violation.

(b) REVOCATIONS, SUSPENSIONS, AND CANCELLATIONS.—An employee who has a driver’s license revoked, suspended, or canceled by a State, who loses the right to operate a commercial motor vehicle in a State for any period, or who is disqualified from operating a commercial motor vehicle for any period, shall notify the employee’s employer of the action not later than 30 days after the date of the action.

(c) PREVIOUS EMPLOYMENT.—(1) Subject to paragraph (2) of this subsection, an individual applying for employment as an operator of a commercial motor vehicle shall notify the prospective employer, at the time of the application, of any previous employment as an operator of a commercial motor vehicle.

(2) The Secretary of Transportation shall prescribe by regulation the period for which notice of previous employment must be given under paragraph (1) of this subsection. However, the period may not be less than the 10-year period ending on the date of the application.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016.)