§ 31102. Motor carrier safety assistance program

(a) IN GENERAL.—The Secretary of Transportation shall administer a motor carrier safety assistance program funded under section 31104. A State may use the program funds to—

(1) make targeted investments to promote safe commercial motor vehicle transportation, including the transportation of passengers and hazardous materials;

(2) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and in fatalities resulting from such crashes;

(3) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

(4) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.

(c) STATE PLANS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall prescribe procedures for a State to submit a multiple-year plan, and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.

(2) CONTENTS.—The Secretary shall approve a State plan if the Secretary determines that the plan is adequate to comply with the requirements of this section, and the plan—

(A) implements performance-based activities, including deployment and maintenance of technology to enhance the efficiency and effectiveness of commercial motor vehicle safety programs;

(B) designates a lead State commercial motor vehicle safety agency responsible for administering the plan throughout the State;

(C) contains satisfactory assurances that the lead State commercial motor vehicle safety agency has or will have the legal authority, resources, and qualified personnel necessary to enforce the regulations, standards, and orders;

(D) contains satisfactory assurances that the State will undertake efforts that will emphasize and improve enforcement of State and local traffic safety laws and regulations related to commercial motor vehicle safety;

(O) provides satisfactory assurances that the State will address national priorities and performance goals, including—

(i) activities aimed at removing impaired commercial motor vehicle drivers from the highways of the United States through adequate enforcement of regulations on the use of alcohol and controlled substances and by ensuring ready roadside access to alcohol detection and measuring equipment;

(ii) activities aimed at providing an appropriate level of training to State motor carrier safety assistance program officers and employees on recognizing drivers impaired by alcohol or controlled substances; and

(iii) when conducted with an appropriate commercial motor vehicle inspection, criminal interdiction activities, and appropriate strategies for carrying out those interdiction activities, including interdiction activities that affect the transportation of controlled substances (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) and listed in part 1308 of...
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(3) The Secretary shall update the multiple-year plans, annual updates, and State plans under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety; (AA) in the case of a State that shares a land border with another country, provides that the State—

(i) will conduct a border commercial motor vehicle safety program focusing on international commerce that includes enforcement and related projects; or
(ii) will forfeit all funds calculated by the Secretary based on border-related activities if the State declines to conduct the program described in clause (i) in its plan; and

(BB) in the case of a State that meets the other requirements of this section and agrees to comply with the requirements established in subsection (U)(3), provides that the State may fund operation and maintenance costs associated with innovative technology deployment under subsection (I)(3) with motor carrier safety assistance program funds authorized under section 31104(a)(1).

(U) provides that the State will include in the training manuals for the licensing examination to drive noncommercial motor vehicles and commercial motor vehicles information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;

(V) provides that the State will conduct comprehensive and highly visible traffic enforcement and commercial motor vehicle safety inspection programs in high-risk locations and corridors;

(W) except in the case of an imminent hazard or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a bus station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop (excluding a weigh station);

(X) ensures that the State will transmit to its roadside inspectors notice of each Federal exemption granted under section 31105(b) of this title and sections 390.23 and 390.25 of title 49, Code of Federal Regulations, and provided to the Secretary by the Secretary, including the name of the person that received the exemption and any terms and conditions that apply to the exemption;

(Y) except as provided in subsection (d), provides that the State—

(i) will conduct safety audits of interstate and, at the State’s discretion, intrastate new entrant motor carriers under section 31144(g); and
(ii) if the State authorizes a third party to conduct safety audits under section 31144(g) on its behalf, the State verifies the quality of the work conducted and remains solely responsible for the management and oversight of the activities;

(Z) provides that the State agrees to fully participate in the performance and registration information systems management under section 31106(b) not later than October 1, 2020, by complying with the conditions for participation under paragraph (3) of that section, or demonstrates to the Secretary an alternative approach for identifying and immobilizing a motor carrier with serious safety deficiencies in a manner that provides an equivalent level of safety;
allow for maximum flexibility while ensuring a degree of uniformity that will not diminish motor vehicle safety.

(f) Maintenance of Effort.—

(1) Baseline.—Except as provided under paragraphs (2) and (3) and in accordance with section 5107 of the FAST Act, a State plan under subsection (c) shall provide that the total expenditure of amounts of the lead State commercial motor vehicle safety agency responsible for administering the plan will be maintained at a level each fiscal year that is at least equal to—

(A) the average level of that expenditure for fiscal years 2004 and 2005; or

(B) the level of that expenditure for the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act.

(2) Adjusted Baseline After Fiscal Year 2007.—At the request of a State, the Secretary may evaluate additional documentation related to the maintenance of effort and may make reasonable adjustments to the maintenance of effort baseline after the year in which the Secretary implements a new allocation formula under section 5106 of the FAST Act, and this adjusted baseline will replace the maintenance of effort requirement under paragraph (1).

(3) Waivers.—At the request of a State, the Secretary may waive or modify the requirements of this subsection for a total of 1 fiscal year if the Secretary determines that the waiver or modification is reasonable, based on circumstances described by the State, to ensure the continuation of commercial motor vehicle enforcement activities in the State.

(4) Level of State Expenditures.—In estimating the average level of a State’s expenditures under paragraph (1), the Secretary—

(A) may allow the State to exclude State expenditures for federally sponsored demonstration and pilot programs and strike forces;

(B) may allow the State to exclude expenditures for activities related to border enforcement and new entrant safety audits; and

(C) shall require the State to exclude State matching amounts used to receive Federal financing under section 31104.

(g) Use of Unified Carrier Registration Fees Agreement.—Amounts generated under section 15504a and received by a State and used for motor carrier safety purposes may be included as part of the State’s match required under section 31104 or maintenance of effort required by subsection (f).

(h) Use of Grants To Enforce Other Laws.—When approved as part of a State’s plan under subsection (c), the State may use motor carrier safety assistance program funds received under this section—

(1) if the activities are carried out in conjunction with an appropriate inspection of a commercial motor vehicle to enforce Federal or State commercial motor vehicle safety regulations, for—

(A) enforcement of commercial motor vehicle size and weight limitations at local
Act, the Secretary may not make elective adjustments to the allocation formula that decrease a State’s Federal funding levels by more than 3 percent in a fiscal year. The 3 percent limit shall not apply to the withholding provisions of subsection (k).

(k) PLAN MONITORING.—
(1) IN GENERAL.—On the basis of reports submitted by the lead State agency responsible for administering a State plan approved under this section and an investigation by the Secretary, the Secretary shall periodically evaluate State implementation of and compliance with the State plan.

(2) WITHHOLDING OF FUNDS.—
(A) DISAPPROVAL.—If, after notice and an opportunity to be heard, the Secretary finds that a State plan previously approved under this section is not being followed or has become inadequate to ensure enforcement of State regulations, standards, or orders described in subsection (c)(1), or the State is otherwise not in compliance with the requirements of this section, the Secretary may withdraw approval of the State plan and notify the State. Upon the receipt of such notice, the State plan shall no longer be in effect and the Secretary shall withhold all funding to the State under this section.

(B) NONCOMPLIANCE WITHHOLDING.—In lieu of withdrawing approval of a State plan under subparagraph (A), the Secretary may, after providing notice to the State and an opportunity to be heard, withhold funding from the State to which the State would otherwise be entitled under this section for the period of the State’s noncompliance. In exercising this option, the Secretary may withhold—
(i) up to 5 percent of funds during the fiscal year that the Secretary notifies the State of its noncompliance;
(ii) up to 10 percent of funds for the first full fiscal year of noncompliance;
(iii) up to 25 percent of funds for the second full fiscal year of noncompliance; and
(iv) not more than 50 percent of funds for the third and any subsequent full fiscal year of noncompliance.

(3) JUDICIAL REVIEW.—A State adversely affected by a determination under paragraph (2) may seek judicial review under chapter 7 of title 5. Notwithstanding the disapproval of a State plan under paragraph (2)(A) or the withholding of funds under paragraph (2)(B), the State may retain jurisdiction in an administrative or a judicial proceeding that commenced before the notice of disapproval or withholding if the issues involved are not related directly to the reasons for the disapproval or withholding.

(I) HIGH PRIORITY PROGRAM.—
(1) IN GENERAL.—The Secretary shall administer a high priority program funded under section 31104(a)(2) for the purposes described in paragraphs (2) and (3).

(2) ACTIVITIES RELATED TO MOTOR CARRIER SAFETY.—The Secretary may make discretionary grants to and enter into cooperative agreements with States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person to carry out high priority activities and projects that augment motor carrier safety activities and projects planned in accordance with subsections (b) and (c), including activities and projects that—
(A) increase public awareness and education on commercial motor vehicle safety;
(B) target unsafe driving of commercial motor vehicles and noncommercial motor vehicles in areas identified as high risk crash corridors;
(C) improve the safe and secure movement of hazardous materials;
(D) improve safe transportation of goods and persons in foreign commerce;
(E) demonstrate new technologies to improve commercial motor vehicle safety;
(F) support participation in performance and registration information systems management under section 31106(b)—
(i) for entities not responsible for submitting the plan under subsection (c); or
(ii) for entities responsible for submitting the plan under subsection (c)—
(I) before October 1, 2020, to achieve compliance with the requirements of participation; and
(II) beginning on October 1, 2020, or once compliance is achieved, whichever is sooner, for special initiatives or projects that exceed routine operations required for participation;
(G) conduct safety data improvement projects—
(i) that complete or exceed the requirements under subsection (c)(2)(P) for entities not responsible for submitting the plan under subsection (c); or
(ii) that exceed the requirements under subsection (c)(2)(P) for entities responsible for submitting the plan under subsection (c); and
(H) otherwise improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations.

(3) INNOVATIVE TECHNOLOGY DEPLOYMENT GRANT PROGRAM.—
(A) IN GENERAL.—The Secretary shall establish an innovative technology deployment grant program to make discretionary grants to eligible States for the innovative technology deployment of commercial motor vehicle information systems and networks.

(B) PURPOSES.—The purposes of the program shall be—
(i) to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial motor vehicle operations, including commercial motor vehicle, commercial driver, and carrier-specific information systems and networks; and
(ii) to support and maintain commercial motor vehicle information systems and networks—
(I) to link Federal motor carrier safety information systems with State commercial motor vehicle systems;
(II) to improve the safety and productivity of commercial motor vehicles and drivers; and

(III) to reduce costs associated with commercial motor vehicle operations and Federal and State commercial motor vehicle regulatory requirements.

(C) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State shall—

(i) have a commercial motor vehicle information systems and networks program plan approved by the Secretary that describes the various systems and networks at the State level that need to be refined, revised, upgraded, or built to accomplish deployment of commercial motor vehicle information systems and networks capabilities;

(ii) certify to the Secretary that its commercial motor vehicle information systems and networks deployment activities, including hardware procurement, software and system development, and infrastructure modifications—

(I) are consistent with the national intelligent transportation systems and commercial motor vehicle information systems and networks architectures and available standards; and

(II) promote interoperability and efficiency to the extent practicable; and

(iii) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that its systems conform with the national intelligent transportation systems architecture, applicable standards, and protocols for commercial motor vehicle information systems and networks.

(D) USE OF FUNDS.—Grant funds received under this paragraph may be used—

(i) for deployment activities and activities to develop new and innovative advanced technology solutions that support commercial motor vehicle information systems and networks;

(ii) for planning activities, including the development or updating of program or top level design plans in order to become eligible or maintain eligibility under subparagraph (C); and

(iii) for the operation and maintenance costs associated with innovative technology.

(E) SECRETARY AUTHORIZATION.—The Secretary is authorized to award a State funding for the operation and maintenance costs associated with innovative technology deployment with funds made available under sections 31104(a)(1) and 31104(a)(2).


In this section, the word “rules” is omitted as being synonymous with “regulations.”

In subsection (a), the words “Subject to this section and the availability of amounts” are substituted for “Under the terms and conditions of this section, subject to the availability of funds” to eliminate unnecessary words.

In subsection (b)(1), before clause (A), the word “prescribe” is substituted for “formulate” for consistency in the revised title. Clause (D) is substituted for 49 App. C.32602(d) to state the requirements of a plan in one place and to eliminate unnecessary words. In clause (K), the words “into law and practice” are omitted as unnecessary. In clause (O)(i), the words “highways of the United States” are substituted for “our Nation’s highways” for consistency in the revised title and with other titles of the United States Code. In subclause (iii), the word “especially” is omitted as unnecessary. In subsection (b)(3)(B), the words “Government financing” are substituted for “Federal funding” for clarity and consistency in the revised title.

In subsection (c), the words “type of” are omitted as unnecessary. In clause (1), the word “leave” is substituted for “exit” for clarity and consistency in the revised title.

In subsection (d), the words “the regulations, standards, or orders” are substituted for “Federal rules, regulations, standards, or orders applicable to commercial motor vehicle safety or compatible State rules, regulations, standards, or orders” for consistency and to eliminate unnecessary words. The last sentence is substituted for 49 App. C.32602(c) (last sentence) for clarity.

REFERENCES IN TEXT

Sections 5106 and 5107 of the FAST Act, referred to in subsecs. (f)(1), (2) and (j)(3), are sections 5106 and 5107 of Pub. L. 114–94, which are set out as notes below.

AMENDMENTS


Subsec. (b)(2). Pub. L. 112–141, §32601(a)(2), redesignated par. (1) as (2). Former par. (2) redesignated (3).


Subsec. (b)(2)(M). Pub. L. 112–141, §32601(a)(4)(B), amended subpar. (M) generally. Prior to amendment, subpar. (M) read as follows: “ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section.”.

Subsec. (b)(2)(Q). Pub. L. 112–141, §32601(a)(4)(C), inserted “and dedicated sufficient resources to” after “has established”.


Subsec. (b)(3). Pub. L. 112–141, §32601(a)(2), redesignated par. (2) as (3). Former par. (3) redesignated (4).


Subsec. (b)(2)(M). Pub. L. 112–141, §32601(a)(4)(B), amended subpar. (M) generally. Prior to amendment, subpar. (M) read as follows: “ensures participation in SAFETYNET and other information systems by all appropriate jurisdictions receiving funding under this section.”.

Subsec. (b)(2)(Q). Pub. L. 112–141, §32601(a)(4)(C), inserted “and dedicated sufficient resources to” after “has established”.


Subsec. (b)(3). Pub. L. 112–141, §32601(a)(2), redesignated par. (2) as (3). Former par. (3) redesignated (4).
Subsec. (b)(4). Pub. L. 112–141, § 32601(a)(5), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "In estimating the average level of State expenditure under paragraph (1)(E) of this subsection, the Secretary—

"(A) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

"(B) shall require the State to exclude Government amounts and State matching amounts used to receive Government financing under subsection (a) of this section."

Pub. L. 112–141, § 32601(a)(2), redesignated par. (3) as (4).

2005—Subsec. (b)(1)(A). Pub. L. 109–59, § 4106(a)(1), added subpar. (A) and struck out former subpar. (A) which read as follows: "implements performance-based activities by fiscal year 2000."

Subsec. (b)(1)(E). Pub. L. 109–59, § 4106(a)(2), added subpar. (E) and struck out former subpar. (E) which read as follows: "provides that the total expenditure of amounts of the State and its political subdivisions (not including amounts of the Government) for commercial motor vehicle safety programs for enforcement of commercial motor vehicle size and weight limitations, drug interdiction, and State traffic safety laws and regulations under subsection (c) of this section will be maintained at a level at least equal to the average level of that expenditure for its last 3 full fiscal years before December 18, 1991."

Subsec. (b)(1)(Q). Pub. L. 109–59, § 4106(a)(3), added subpar. (Q) and struck out former subpar. (Q) which read as follows: "provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104."

Subsec. (b)(1)(R). Pub. L. 109–59, § 4106(a)(4), aligned par. (R) and struck out former subpar. (R) which read as follows: "provides that for the last 3 full fiscal years before December 18, 1991, the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104."

Subsec. (b)(1)(U) to (X). Pub. L. 109–59, § 4106(a)(5)–(7), added subpars. (U) to (X).

Subsec. (b)(3). Pub. L. 109–59, § 437(b), substituted "paragraph (1)(D)" for "paragraph (1)(D)" in introductory provisions.

Subsec. (c). Pub. L. 109–59, § 4106(b)(1), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: "A State may use amounts received under a grant under subsection (a) of this section for the following activities if the activities are carried out in conjunction with an appropriate inspection of the commercial motor vehicle to enforce Government or State commercial motor vehicle safety regulations:

"(i) enforcement of commercial motor vehicle size and weight limitations at locations other than fixed weight facilities, at specific locations such as steep grades or mountainous terrains where the weight of a commercial motor vehicle can significantly affect the safe operation of the vehicle, or at ports where intermodal shipping containers enter and leave the United States.

"(2) detection of the unlawful presence of a controlled substance (as defined under section 162 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)) in a commercial motor vehicle or on the person of any occupant (including the operator) of the vehicle.

"(3) enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles."


Subsec. (b)(1). Pub. L. 105–178, § 4003(b)(2), in introductory provisions, substituted "assumes responsibility for improving motor carrier safety and to adopt and enforce" for "for adopt and assume responsibility for enforcing" and inserted "hazardous materials transportation safety," after "commercial motor vehicle safety."

Subsec. (b)(1)(A) to (I). Pub. L. 105–178, § 4003(c)(6), (7), added subpar. (A) and redesignated former subpars. (A) to (H) as (B) to (I), respectively. Former subpar. (I) redesignated (J).


Pub. L. 105–178, § 4003(c)(1), substituted "subsection (c)(1)" for "subsection (c)(1)".

Subsec. (b)(1)(K) to (M). Pub. L. 105–178, § 4003(c)(6), redesignated subpars. (J) to (L) as (K) to (M), respectively. Former subpar. (M) redesignated (N).

Pub. L. 105–178, § 4003(c)(2), added subpars. (K) to (M) and struck out former subpars. (K) to (M) which read as follows:

"(K) ensures that fines imposed and collected by the State for violations of commercial motor vehicle safety regulations will be reasonable and appropriate and that, to the maximum extent practicable, the State will attempt to implement the recommended fine schedule published by the Commercial Vehicle Safety Alliance;

"(L) ensures that the State agency will coordinate the plan prepared under this section with the State highway safety plan under section 402 of title 23;

"(M) ensures participation by the 48 contiguous States in SAFETynet not later than January 1, 1994."


Pub. L. 105–178, § 4003(c)(3), inserted "in support of national priorities and performance goals, including" after "activities" in introductory provisions, substituted "activities aimed at removing" for "to remove" in cl. (i), substituted "activities aimed at providing" for "to provide" and inserted "and" after semicolon in cl. (ii), added cl. (iii), and struck out former cl. (iv) which read as follows:

"(i) to promote enforcement of the requirements related to the licensing of commercial motor vehicle drivers, including checking the status of commercial drivers' licenses; and

"(ii) to improve enforcement of hazardous material transportation regulations by encouraging more inspections of shipper facilities affecting highway transportation and more comprehensive inspection of the loads of commercial motor vehicles transporting hazardous material."


Pub. L. 105–178, § 4003(c)(4), added subpar. (P) and struck out former subpar. (P) which read as follows: "provides satisfactory assurances that the State will promote effective—

"(i) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities; and

"(ii) use of trained and qualified officers and employees of political subdivisions and local governments, under the supervision and direction of the State motor vehicle safety agency, in the enforcement of regulations affecting commercial motor vehi-
Section 104 of this title, repealing sections 31104, 31106, and 31144 of this title, repealing provisions set out as notes under this title 49, United States Code, and any sections repealed by section 2 of Pub. L. 104–88, set out as an Effective Date note under section 31133 of this title, and repealing section 31107 of this title, as a note under this section and sections 31103, 31104, 31106, and 31114 of this title, repealing sections 31107 and 31109 of this title, amending this section and sections 31103, 31104, 31106, and 31301 of this title shall take effect on October 1, 2016.

Effective Date of 2015 Amendment
Pub. L. 114–94, div. A, title V, § 5101(f), Dec. 4, 2015, 129 Stat. 1526, provided that: "Notwithstanding the amendments made by this section (amending this section and sections 31103, 31104, 31106, and 31114 of this title, repealing sections 31107 and 31109 of this title, amending provisions set out as a note under section 31133 of this title, and repealing provisions set out as notes under this section and sections 3110, 31106, 31136, and 31301 of this title) shall take effect on October 1, 2016."

Effective Date of 2012 Amendment

Effective Date of 1995 Amendment

Transition

(1) Establishment.—Not later than 180 days after the date of enactment of this Act [Dec. 4, 2015, the Secretary of Transportation] shall establish a motor carrier safety assistance program working group (in this section referred to as the 'working group')

(2) Membership.—

(A) In general.—Subject to subparagraph (B), the working group shall consist of representatives of the following:

(i) The Federal Motor Carrier Safety Administration

(ii) The lead State commercial motor vehicle safety agencies responsible for enforcing a program on inspection of commercial motor vehicles

(iii) An organization representing State agencies responsible for enforcing a program on inspection of commercial motor vehicles

(iv) Such other persons as the Secretary considers necessary.

(B) Composition.—Representatives of State commercial motor vehicle safety agencies shall comprise at least 51 percent of the membership.

(3) New Allocation Formula.—The working group shall analyze requirements and factors for the establishment of a new allocation formula for the motor carrier safety assistance program under section 31102 of title 49, United States Code.

(5) Exemption.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working group established under this subsection.

(6) Publication.—The Administrator of the Federal Motor Carrier Safety Administration shall publish on a publicly accessible Internet Web site of the Federal Motor Carrier Safety Administration—

(A) detailed summaries of the meetings of the working group; and

(B) the final recommendation of the working group provided to the Secretary.

(b) Notice of Proposed Rulemaking.—After receiving the recommendation of the working group under subsection (a)(4), the Secretary shall publish in the Federal Register a notice seeking public comment on the establishment of a new allocation formula for the motor carrier safety assistance program.

(c) Basis for Formula.—The Secretary shall ensure that the new allocation formula for the motor carrier safety assistance program is based on factors that reflect, at a minimum—

(1) the relative needs of the States to comply with section 31102 of title 49, United States Code;

(2) the relative administrative capacities of and challenges faced by States in complying with that section;

(3) the average of each State's new entrant motor carrier inventory for the 3-year period prior to the date of enactment of this Act;

(4) the number of international border inspection facilities and border crossings by commercial vehicles in each State; and

(5) any other factors the Secretary considers appropriate.

(d) Funding Amounts Prior to Development of New Allocation Formula.—

(1) Interim Formula.—Prior to the development of the new allocation formula for the motor carrier safety assistance program, the Secretary may calculate the interim funding amounts for that program in fiscal year 2017 (and later fiscal years, as necessary) under section 31104(a)(1) of title 49, United States Code, as amended by this subtitle, by using the following methodology:

(A) The Secretary shall calculate the funding amount to a State using the allocation formula the Secretary used to award motor carrier safety assistance program funding in fiscal year 2016 under section 31102 of title 49, United States Code.

(B) The Secretary shall average the funding awarded or other equitable amounts to a State in fiscal years 2013, 2014, and 2015 for—

(i) border enforcement grants under section 31107 of title 49, United States Code; and

(ii) new entrant audit grants under section 31144(g)(5) of that title.

(C) The Secretary shall add the amounts calculated in subparagraphs (A) and (B).

(2) Adjustments.—Subject to the availability of funding and notwithstanding fluctuations in the data elements used by the Secretary, the initial amounts resulting from the calculation described in paragraph (1) shall be adjusted to ensure that, for each State, the amount shall not be less than 97 percent of the average amount of funding received or other equitable amounts in fiscal years 2013, 2014, and 2015 for—

(A) motor carrier safety assistance program funds awarded to the State under section 31102 of title 49, United States Code;
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"(B) border enforcement grants awarded to the State under section 31107 of title 49, United States Code; and

"(C) new entrant audit grants awarded to the State under section 31144(g)(5) of title 49, United States Code.

"(3) IMMEDIATE RELIEF.—On the date of enactment of this Act, and for the 3 fiscal years following the date of enactment of this Act, the Secretary shall provide grants to a State to...  

"(D) The Secretary shall subtract the amount in subparagraph (B) from the amount in subparagraph (C) and—

"(i) if the number is greater than 0, the Secretary shall subtract the number from the amount required under section 31102(b)(4) of title 49, United States Code, as amended by this subtitle.

"(ii) if the number is not greater than 0, the Secretary shall calculate the maintenance of effort using the methodology in subparagraph (A).

"(3) MAINTENANCE OF EFFORT AMOUNT.—

"(A) IN GENERAL.—The Secretary shall use the amount calculated under paragraph (2) as the baseline maintenance of effort required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

"(B) DEADLINE.—If a State does not request a waiver or modification under this subsection before...  

"(C) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date that a new maintenance of effort baseline required under section 31102 of title 49, United States Code, is calculated based on a new allocation for...  

"(4) MAINTENANCE OF EFFORT DESCRIBED.—The maintenance of effort calculated under this section is the amount required under section 31102(f) of title 49, United States Code, as amended by this subtitle.

"(c) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary under this section shall terminate effective on the date that a new maintenance of effort baseline is calculated based on a new allocation formula for the motor carrier safety assistance program implemented under section 31102 of title 49, United States Code.

RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subject to sections 14001, 14004, and 14008 of this title, section 31102(f) of title 49, United States Code, as amended by this subtitle, was not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, motor freight forwarder, or leasing company that is not otherwise prohibited by law, section 3402 of Pub. L. 109–59, set out as a note under section 13802 of this title.

MAINTENANCE OF EFFORT


STATE COMPLIANCE WITH CDL REQUIREMENTS


EFFECTS OF MCSAP GRANT REDUCTIONS

Pub. L. 106–178, title IV, §4002, June 9, 1998, 112 Stat. 419, required the Secretary of Transportation to conduct a study and submit a report not later than two...
years after June 9, 1998, on the effects of reductions of grants under this section and authorized the Secretary to adjust State allocations under section 31103 of this title based on the study.

§ 31103. Commercial motor vehicle operators grant program

(a) In General.—The Secretary shall administer a commercial motor vehicle operators grant program under section 31104.

(b) Purpose.—The purpose of the grant program is to train individuals in the safe operation of commercial motor vehicles (as defined in section 31301).

(c) Veterans.—In administering grants under this section, the Secretary shall award priority to grant applications for programs to train former members of the armed forces (as defined in section 101 of title 10) in the safe operation of such vehicles.


HISTORICAL AND REVISION NOTES


2005—Subsec. (a). Pub. L. 109–59 substituted “(A) $1,000,000 for fiscal year 2017;” for “(A) $924,000 for fiscal year 2017;” and redesignated subsec. (b) as (c). Pub. L. 112–141, § 32933(d), struck out “authorized by section 31104(f)(2)” after “public education activities’’.


EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT


RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14501, 14504a, and 14506 of this title, subtitle C (§§ 4301–4308) of title IV of Pub. L. 109–59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109–59, set out as a note under section 13902 of this title.

§ 31104. Authorization of appropriations

(a) Financial Assistance Programs.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) Motor Carrier Safety Assistance Program.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (i))—

(A) $292,600,000 for fiscal year 2017;

(B) $298,900,000 for fiscal year 2018;

(C) $304,300,000 for fiscal year 2019; and

(D) $308,700,000 for fiscal year 2020.

(2) High Priority Activities Program.—Subject to subsection (c), to carry out section 31102(b)—

(A) $42,200,000 for fiscal year 2017;

(B) $43,100,000 for fiscal year 2018;

(C) $44,000,000 for fiscal year 2019; and

(D) $44,900,000 for fiscal year 2020.

(3) Commercial Motor Vehicle Operators Grant Program.—To carry out section 31103—

(A) $1,000,000 for fiscal year 2017;

(B) $1,000,000 for fiscal year 2018;

(C) $1,000,000 for fiscal year 2019; and

(D) $1,000,000 for fiscal year 2020.

(4) Commercial Driver’s License Program Implementation Program.—Subject to subsection (c), to carry out section 31313—

(A) $31,200,000 for fiscal year 2017;

(B) $31,800,000 for fiscal year 2018;

(C) $32,500,000 for fiscal year 2019; and

(D) $33,200,000 for fiscal year 2020.

(b) Reimbursement and Payment to Recipient for Government Share of Costs.—

(1) In General.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government’s share of the costs incurred.

(2) Reimbursement Amounts.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient’s in-kind contributions in determining the reimbursement.

(3) Vouchers.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

(c) Deductions for Partner Training and Program Support.—On October 1 of each fiscal year, or as soon after that date as practicable,