§ 31150 TITLED 49—TRANSPORTATION

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

“(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to change any statutory penalty associated with fraud or abuse.”

DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS

Pub. L. 112–141, div. C, title II, §32302(a), July 6, 2012, 126 Stat. 788, provided that: “Not later than 1 year 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] shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.”

INTERNAL OVERSIGHT POLICY

Pub. L. 112–141, div. C, title II, §32302(c)(2)(A), July 6, 2012, 126 Stat. 789, provided that: “Not later than 2 years 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] shall establish an oversight policy and procedure to carry out section 31149(c)(1)(G) of title 49, United States Code, as added by section 32302(c)(1) of this Act.”

§ 31150. Safety performance history screening

(a) IN GENERAL.—The Secretary of Transportation shall provide persons conducting pre-employment screening services for the motor carrier industry electronic access to the following reports contained in the Motor Carrier Management Information System:

(1) Commercial motor vehicle accident reports.

(2) Inspection reports that contain no driver-related safety violations.

(3) Serious driver-related safety violation inspection reports.

(b) CONDITIONS ON PROVIDING ACCESS.—Before providing a person access to the Motor Carrier Management Information System under subsection (a), the Secretary shall:

(1) ensure that any information that is released to such person will be in accordance with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and all other applicable Federal law;

(2) ensure that such person will not conduct a screening without the operator-applicant’s written consent;

(3) ensure that any information that is released to such person will not be released to any person or entity, other than the motor carrier requesting the screening services or the operator-applicant, unless expressly authorized or required by law; and

(4) provide a procedure for the operator-applicant to correct inaccurate information in the System in a timely manner.

(c) DESIGN.—The process for providing access to the Motor Carrier Management Information System under subsection (a) shall be designed to assist the motor carrier industry in assessing an individual operator’s crash and serious safety violation inspection history as a preemployment condition. Use of the process shall not be mandatory and may only be used during the preemployment assessment of an operator-applicant.

(d) SERIOUS DRIVER-RELATED SAFETY VIOLATION DEFINED.—In this section, the term “serious driver-related violation” means a violation by an operator of a commercial motor vehicle that the Secretary determines will result in the operator being prohibited from continuing to operate a commercial motor vehicle until the violation is corrected.


REFERENCES IN TEXT

(b) INSPECTION, REPAIR, AND MAINTENANCE OF INTERMODAL EQUIPMENT.—The Secretary or an employee of the Department of Transportation designated by the Secretary may inspect intermodal equipment, and copy related maintenance and repair records for such equipment, on demand and display of proper credentials.

(c) OUT-OF-SERVICE UNTIL REPAIR.—Any intermodal equipment that is determined under this section to fail to comply with applicable Federal safety regulations may be placed out of service by the Secretary or a Federal, State, or government official designated by the Secretary and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have been completed. Repairs of equipment taken out of service shall be documented in the maintenance records for such equipment.

(d) PREEMPTION GENERALLY.—Except as provided in subsection (e), a law, regulation, order, or other requirement of a State, a political subdivision of a State, or a tribal organization relating to commercial motor vehicle safety is preempted if such law, regulation, order, or other requirement exceeds or is inconsistent with a requirement imposed under or pursuant to this section.

(e) PRE-EXISTING STATE REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State requirement for the periodic inspection of intermodal chassis by intermodal equipment providers that was in effect on January 1, 2005, shall remain in effect only until the date on which requirements prescribed under this section take effect.

(2) NONPREEMPTION DETERMINATIONS.—

(A) IN GENERAL.—Notwithstanding subsection (d), a State requirement described in paragraph (1) is not preempted by a Federal requirement prescribed under this section if the Secretary determines that the State requirement is as effective as the Federal requirement and does not unduly burden interstate commerce.

(B) APPLICATION REQUIRED.—Subparagraph (A) applies to a State requirement only if the State applies to the Secretary for a determination under this paragraph with respect to the requirement before the date on which the regulations issued under this section take effect. The Secretary shall make a determination with respect to any such application within 6 months after the date on which the Secretary receives the application.

(C) AMENDED STATE REQUIREMENTS.—Any amendment to a State requirement not preempted under this subsection because of a determination by the Secretary under subparagraph (A) may not take effect unless—

(i) it is submitted to the Secretary before the effective date of the amendment; and

(ii) the Secretary determines that the amendment would not cause the State requirement to be less effective than the Federal requirement and would not unduly burden interstate commerce.

(f) DEFINITIONS.—In this section the following definitions apply:

(1) INTERMODAL EQUIPMENT.—The term "intermodal equipment" means trailing equipment that is used in the intermodal transpor-
interruption of containers over public highways in interstate commerce, including trailers and chassis.

(2) INTERMODAL EQUIPMENT INTERCHANGE AGREEMENT.—The term "intermodal equipment 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.


PRIORITY PROVISIONS


AMENDMENTS
2015—Pub. L. 114–94 substituted “section 3110” for “section 3104(1)".

EFFECTIVE DATE OF 2015 AMENDMENT

CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS

§ 31301. Definitions

§ 31302. Commercial driver’s license requirement.

§ 31303. Notification requirements.

§ 31304. Employer responsibilities.

§ 31305. General driver fitness, testing, and training.

§ 31306. Alcohol and controlled substances testing.

§ 31306a. National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators.

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

§ 31308. Commercial driver’s license.

§ 31309. Commercial driver’s license information system.

§ 31310. Disqualifications.

§ 31311. Requirements for State participation.

§ 31312. Decertification authority.

§ 31313. Commercial driver’s license program implementation financial assistance program.

§ 31314. Withholding amounts for State noncompliance.

§ 31315. Waivers, exemptions, and pilot programs.

§ 31316. Limitation on statutory construction.

§ 31317. Procedure for prescribing regulations.

EFFECTIVE DATE OF 2012 AMENDMENT

SUBCHAPTER IV—MISCELLANEOUS

§ 31301. Definitions

§ 31302. Commercial driver’s license requirement.

§ 31303. Notification requirements.

§ 31304. Employer responsibilities.

§ 31305. General driver fitness, testing, and training.

§ 31306. Alcohol and controlled substances testing.

§ 31306a. National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators.

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

§ 31308. Commercial driver’s license.

§ 31309. Commercial driver’s license information system.

§ 31310. Disqualifications.

§ 31311. Requirements for State participation.

§ 31312. Decertification authority.

§ 31313. Commercial driver’s license program implementation financial assistance program.

§ 31314. Withholding amounts for State noncompliance.

§ 31315. Waivers, exemptions, and pilot programs.

§ 31316. Limitation on statutory construction.

§ 31317. Procedure for prescribing regulations.


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”.


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