

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.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31303, 49 App.:2702, Oct. 27, 1986, Pub. L. 99-570, §12003, 100 Stat. 3207-171.

In this section, the words "Effective July 1, 1987" are omitted as executed.

In subsection (c)(1), the words "operates a commercial motor vehicle and" and "with an employer" are omitted as surplus.

§ 31304. Employer responsibilities

(a) IN GENERAL.—An employer may not allow an employee to operate a commercial motor vehicle in the United States during a period that the employer knows or should reasonably know that the employee—

- (1) has a driver's license revoked, suspended, or canceled by a State, has lost the right to operate a commercial motor vehicle in a State, or has been disqualified from operating a commercial motor vehicle; or
- (2) has more than one driver's license (except as allowed under section 31302 of this title).

(b) DRIVER VIOLATION RECORDS.—

(1) PERIODIC REVIEW.—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver's license or permit during such time period;

(B) by receiving occurrence-based reports of changes in the status of a driver's record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

(C) by a combination of inquiries to States and reports from driver record notification systems.

(2) RECORD KEEPING.—A copy of the reports received under paragraph (1) shall be maintained in the driver's qualification file.

(3) EXCEPTIONS TO RECORD REVIEW REQUIREMENT.—Paragraph (1) shall not apply to a driv-

er employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—

(A) if the employer obtains the driver's identification number, type, and issuing State of the driver's commercial motor vehicle license; or

(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

(4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED.—In this section, the term "driver record notification system" means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee's driver's license due to a conviction for a moving violation, a failure to appear, an accident, driver's license suspension, driver's license revocation, or any other action taken against the driving privilege.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1016; Pub. L. 112-141, div. C, title II, §§32303(a), 32307, July 6, 2012, 126 Stat. 790, 794.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 31304, 49 App.:2703, Oct. 27, 1986, Pub. L. 99-570, §12004, 100 Stat. 3207-171.

In this section, before clause (1), the words "Effective July 1, 1987" are omitted as executed. The words "permit, or authorize" are omitted as surplus. Clause (2) is substituted for 49 App.:2703(2) to eliminate unnecessary words.

AMENDMENTS

2012—Pub. L. 112-141, §32303(a), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (a). Pub. L. 112-141, §32307, in introductory provisions, struck out "knowingly" before "allow an employee" and substituted "that the employer knows or should reasonably know that" for "in which".

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.

STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS

Pub. L. 112-141, div. C, title II, §32303(b), July 6, 2012, 126 Stat. 791, 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 issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided."

§ 31305. General driver fitness, testing, and training

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—