

MOTOR CARRIER SAFETY SELECTION STANDARD ACT

NOVEMBER 26, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 915]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 915) to establish a national motor carrier safety selection standard for entities that contract with certain motor carriers to transport goods, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose of Legislation	2
Background and Need for Legislation	2
Hearings	2
Legislative History and Consideration	3
Committee Votes	3
Committee Oversight Findings and Recommendations	5
New Budget Authority and Tax Expenditures	5
Congressional Budget Office Cost Estimate	5
Performance Goals and Objectives	10
Duplication of Federal Programs	10
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	10
Federal Mandates Statement	10
Preemption Clarification	10
Advisory Committee Statement	10
Applicability to Legislative Branch	11
Section-by-Section Analysis of the Legislation	11
Changes in Existing Law Made by the Bill, as Reported	11

PURPOSE OF LEGISLATION

The purpose of H.R. 915 is to establish a national motor carrier safety selection standard for entities that contract with certain motor carriers to transport goods, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Under current law, a motor carrier is authorized to operate on the Nation's roadways unless that motor carrier has received an unsatisfactory safety rating via the Federal Motor Carrier Safety Administration's (FMCSA's) Safety Measurement System (SMS) or been ordered to discontinue operations by the FMCSA for additional violations.¹ FMCSA safety ratings are only issued following a carrier compliance review and made publicly available through the Safety and Fitness Electronic Records (SAFER) System website.²

Following a compliance review, FMCSA may issue one of three safety ratings: Satisfactory, Conditional, or Unsatisfactory.³ Carriers that have not been assigned a safety rating are labeled 'Unrated.' This existing safety determination and inspection process has resulted in an 'Unrated' designation being leveled on 92 percent of motor carriers operating across the Nation's surface supply chain.⁴

Shipping and transportation industry stakeholders depend on reliable, timely, and publicly available safety rating assessments of motor carriers in order to ensure a safe and efficient flow of goods across surface shipping lanes and within the interconnected domestic shipping supply chain. H.R. 915 will improve freight and cargo shipping efficiency and safety through expanded safety rating data reporting metrics.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearings were used to develop or consider H.R. 915:

On Wednesday, February 1, 2023, the Committee on Transportation and Infrastructure held a hearing entitled, "*The State of Transportation Infrastructure and Supply Chain Challenges*." The hearing provided an opportunity for Members of the Committee to discuss the current state of our Nation's transportation infrastructure, the implementation of the *Infrastructure Investment and Jobs Act (IIJA)* (P.L. 117–58) and receive updates on North American supply chain challenges. Members received testimony from Mr. Chris Spear, President and Chief Executive Officer, American Trucking Associations; Mr. Ian Jefferies, President and Chief Exec-

¹Enhancements to the Motor Carrier Safety Measurement System (SMS), 79 Fed. Reg. 43117 (July 24, 2014), available at <https://www.federalregister.gov/documents/2014/07/24/2014-17489/enhancements-to-the-motor-carrier-safety-measurement-system-sms-web-site>.

²UNITED STATES DEP'T OF TRANSP., FMCSA, *About SAFER*, available at <https://safer.fmcsa.dot.gov/about.aspx>.

³UNITED STATES DEP'T OF TRANSP., FMCSA, *The Motor Carrier Safety Planner, Chapter 3.6 Safety Ratings*, available at <https://csa.fmcsa.dot.gov/safetyplanner/MyFiles/Sections.aspx?ch=20&sec=58>.

⁴*Freight Forward: Overcoming Supply Chain Challenges to Deliver for America Before the Subcomm. on Highways and Transp. of the H. Comm. on Transp. and Infrastructure*, 118th Cong. (May 10, 2023) (testimony of Ms. Anne Reinke, President and Chief Executive Officer, Transportation Intermediaries Association).

utive Officer, Association of American Railroads (AAR); Mr. Jeff Firth, President, Hamilton Construction, on behalf of Associated General Contractors of America (AGC); Mr. Roger Guenther, Executive Director, Port Houston; and Mr. Greg Regan, President, Transportation Trades Department, AFL–CIO (TTD). The witnesses testified about the need to address National supply chain policies, including surface transportation safety and efficiency challenges.

On Wednesday, May 10, 2023, the Subcommittee on Highways and Transit held a hearing entitled, “*Freight Forward: Overcoming Supply Chain Challenges to Deliver for America.*” At the hearing Members received testimony from Mr. William “Lewie” Pugh, Executive Vice President, Owner-Operator Independent Drivers Association (OOIDA); Ms. Anne Reinke, President and Chief Executive Officer, Transportation Intermediaries Association (TIA); Mr. David Fialkov, Executive Vice President, Government Affairs for both NATSO, Representing America’s Travel Plazas and Truck Stops (NATSO) and SIGMA: America’s Leading Fuel Marketers (SIGMA); and Mr. Cole Scandaglia, Senior Legislative Representative and Policy Advisor, International Brotherhood of Teamsters (Teamsters). This hearing allowed Members to examine and discuss the trucking industry’s essential link within the Nation’s supply chain, as well as the challenges associated with moving freight by commercial motor vehicles.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 915, the *Motor Carrier Safety Selection Act*, was introduced in the United States House of Representatives on February 9, 2023, by Mr. Gallagher, with Mr. Moulton as an original cosponsor, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 915 was referred to the Subcommittee on Highways and Transit. The Subcommittee on Highways and Transit was discharged from further consideration of H.R. 915 on May 23, 2023.

The Committee considered H.R. 915 on May 23, 2023, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by recorded vote of 36 yeas to 28 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

The following recorded vote was requested:

Vote: 013			
On: Final Passage of H.R. 915			
Yea	36	Nay	28
Member	Vote	Member	Vote
Mr. Graves of MO	Yea	Mr. Larsen of WA	Nay
Mr. Crawford	Yea	<i>Ms. Norton</i>	Nay
Mr. Webster of FL	Yea	Mrs. Napolitano	
Mr. Massie	Yea	Mr. Cohen	Nay
Mr. Perry	Yea	Mr. Garamendi	Nay
Mr. Babin	Yea	Mr. Johnson of GA	Nay
Mr. Graves of LA	Yea	Mr. Carson	Nay
Mr. Rouzer	Yea	Ms. Titus	Nay
Mr. Bost	Yea	Mr. Huffman	Nay
Mr. LaMalfa	Yea	Ms. Brownley	Nay
Mr. Westerman	Yea	Ms. Wilson of FL	Nay
Mr. Mast	Yea	Mr. Payne	Nay
<i>Mrs. González-Colón</i>	Yea	Mr. DeSaulnier	Nay
Mr. Stauber	Yea	Mr. Carbajal	Nay
Mr. Burchett	Yea	Mr. Stanton	Nay
Mr. Johnson of SD	Yea	Mr. Allred	Nay
Mr. Van Drew	Yea	Ms. Davids of KS	Nay
Mr. Nehls	Yea	Mr. García of IL	Nay
Mr. Gooden of TX	Yea	Mr. Pappas	Nay
Mr. Mann	Yea	Mr. Moulton	Nay
Mr. Owens	Yea	Mr. Auchincloss	Nay
Mr. Yakym	Yea	Ms. Strickland	Nay
Mrs. Chavez-DeRemer	Yea	Mr. Carter of LA	Nay
Mr. Edwards	Yea	Mr. Ryan	Nay
Mr. Kean of NJ	Yea	Mrs. Peltola	Yea
Mr. D'Esposito	Yea	Mr. Menendez	Nay
Mr. Burlison	Yea	Ms. Hoyle of OR	Nay
Mr. James	Yea	Mrs. Sykes	Nay
Mr. Van Orden	Yea	Ms. Scholten	Nay
Mr. Williams of NY	Yea	Mrs. Foushee	Nay
Mr. Molinaro	Yea		
Mr. Collins	Yea		
Mr. Ezell	Yea		
Mr. Duarte	Yea		
Mr. Bean of FL	Yea		

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 915 from the Director of the Congressional Budget Office:

At a Glance

Supply Chain Legislation

As ordered reported by the House Committee on Transportation and Infrastructure on May 23, 2023

On May 23, 2023, the House Committee on Transportation and Infrastructure ordered the following 12 bills to be reported—all aimed at easing concerns about the U.S. supply chain. This single, comprehensive document provides estimates for those bills.

Pay-as-you-go procedures apply to three bills that would affect direct spending—and thus affect the deficit. One bill would affect only direct spending; two bills would affect direct spending and spending subject to appropriation. Nine bills would affect only spending subject to appropriation. None of the bills would affect revenues.

None of the bills would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2034.

None of the bills would impose intergovernmental or private-sector mandates.

Details of the estimated costs of each bill are discussed in the text below.

Bill	Net Increase or Decrease (-) in the Deficit Over the 2023-2033 Period (Millions of Dollars)	Changes in Spending Subject to Appropriation Over the 2023-2028 Period (Outlays, Millions of Dollars)	Mandate Effects?
H.R. 915	0	*	No
H.R. 1500	0	30	No
H.R. 1836	0	7	No
H.R. 2948	0	*	No
H.R. 3013	0	*	No
H.R. 3316	*	*	No
H.R. 3317 ^a	*	0	No
H.R. 3318	0	*	No
H.R. 3365 ^a	*	*	No
H.R. 3372	0	*	No
H.R. 3395	0	*	No
H.R. 3447	0	*	No

* = between -\$500,000 and \$500,000.

a. Funding for programs affected by H.R. 3317 and H.R. 3365 was designated as an emergency requirement in keeping with section 4112(a) of H. Con. Res. 71 (115th Congress); the Concurrent Resolution on the Budget for Fiscal Year 2018; and section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Summary: On May 23, 2023, the House Committee on Transportation and Infrastructure considered multiple pieces of legislation. This document provides estimates for 12 bills that were ordered reported.

The bills would, among other things, direct the Department of Transportation (DOT) or the Federal Maritime Commission to:

- Prioritize grant applications for projects that would improve the resiliency of the supply chain and revise the permitting process for certain port, airport, and pipeline projects, with the goal of accelerating approval;
- Change restrictions on the type, size, and weight of vehicles that can travel on the Interstate highways; and
- Require data collection and new studies aimed at improving the safety and efficiency of domestic transportation systems.

Estimated Federal cost: The bills' estimated budgetary effects are shown in Table 1. This cost estimate does not include any effects of interaction among the bills. If all 12 bills were combined and enacted as a single piece of legislation, the effects could be different

from the sum of the separate estimates, although CBO expects that any differences would be small. The bills' costs fall within budget function 400 (transportation).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF THE SUPPLY CHAIN LEGISLATION

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
H.R. 1500, Intelligent Transportation Integration Act:							
Estimated Authorization	0	6	6	6	6	7	31
Estimated Outlays	0	5	6	6	6	7	30
H.R. 1836, Ocean Shipping Reform Implementation Act of 2023:							
Estimated Authorization	0	1	1	1	2	2	7
Estimated Outlays	0	1	1	1	2	2	7

CBO estimates that H.R. 915, H.R. 2948, H.R. 3013, H.R. 3316, H.R. 3318, H.R. 3365, H.R. 3372, H.R. 3395, and H.R. 3447, would each increase spending subject to appropriation by less than \$500,000 in every year and over the 2023–2028 period.

CBO estimates that H.R. 3316, H.R. 3317, and H.R. 3365 would each affect direct spending by less than \$500,000 in every year and over the 2023–2033 period.

Basis of estimate: For this estimate, CBO assumes that the bills will be enacted near the end of fiscal year 2023 and that the authorized and estimated amounts will be appropriated each year. Outlays for discretionary programs are estimated based on historical spending patterns for similar programs.

As discussed below, one bill would affect direct spending only and two bills would affect both direct spending and spending subject to appropriation. CBO estimates that the effects of each bill on direct spending would be insignificant over the 2023–2033 period. The other bills would affect spending subject to appropriation alone. None of the bills would affect revenues.

Bill that affects direct spending only: CBO estimates that just one bill would have an insignificant effect on direct spending and no effects on revenues or spending subject to appropriation.

H.R. 3317, the Rolling Stock Protection Act, would remove an exemption from current law that allows a small number of public transit agencies to procure rolling stock from entities owned, controlled, or associated with certain countries. CBO estimates that enacting the bill could change the pace of spending for amounts previously appropriated for the Federal Transit Administration's Capital Investment Grants, relative to current law. (Those amounts could include funds that were designated as an emergency requirement under the Infrastructure Investment and Jobs Act.) However, because few transit agencies would be affected, CBO expects that any changes in spending would total less than \$500,000 in any year and over the 2023–2033 period.

Bills that affect direct spending and spending subject to appropriation: CBO estimates that two bills could have insignificant effects on direct spending and spending subject to appropriation but would not affect revenues.

H.R. 3316, a bill to amend titles 46 and 49, United States Code, to streamline the environmental review process for major projects, and for other purposes, would require DOT to revise the permitting process for certain port, airport, and pipeline projects, with the aim of making the process more efficient. The bill also would require DOT to maintain a database of projects and to update agency regulations.

Under current law, if an agency fails to meet certain permitting deadlines, specified amounts of funding would be rescinded from that agency's account. Because the bill would expand the number of projects subject to those conditions, enacting H.R. 3316 could reduce direct spending. CBO estimates that any effect would not be significant over the 2023–2033 period because of the small number of projects likely to be affected.

CBO estimates that implementing the bill would increase spending subject to appropriation by less than \$500,000 over the 2023–2028 period, mostly for administrative activities.

H.R. 3365, the Supply Chain Improvement Act, would direct DOT to prioritize consideration of grant applications for projects aimed at improving resiliency in the supply chain, unless those projects support the use of electric vehicles. In particular, the requirement would apply to grants under the Nationally Significant Multimodal Freight and Highway Projects program (known as the INFRA grant program) and the National Infrastructure Project Assistance program. The bill would increase the share of INFRA grants that could be used for intermodal freight rail projects.

The Infrastructure Investment and Jobs Act provided \$21 billion for those two programs over the 2022–2026 period. (The appropriated amounts were designated as an emergency requirement.) CBO estimates that H.R. 3365 could alter the spending patterns for those previously appropriated amounts, which would be recorded as changes in direct spending. CBO estimates that, on net, those changes would amount to less than \$500,000 in any year and over the 2023–2033 period.

H.R. 3365 also would direct the Government Accountability Office to report on the effects of electric vehicles in several areas, including infrastructure integrity and grid security. The bill also would prevent agencies from prioritizing any project seeking to use grants that would support electric vehicles until a subsequent act of Congress has been passed allowing such prioritization. Using information about similar reports, CBO estimates that the report would cost less than \$500,000 over the 2023–2028 period; such spending would be subject to the availability of appropriated amounts.

Bills that affect spending subject to appropriation by a significant amount: CBO estimates that two bills would affect spending subject to appropriation by more than \$500,000 over the 2023–2028 period. The costs for those two bills are shown in Table 1. Neither bill would affect direct spending or revenues.

H.R. 1500, the Intelligent Transportation Integration Act, would require DOT to purchase certain data from public and private entities to help improve the department's management of traffic and transportation infrastructure. DOT would be required to report to the Congress annually on those activities. Using information from the agency about similar contracting activities, CBO estimates that implementing H.R. 1500 would cost \$30 million over the 2023–2028 period, assuming appropriation of the estimated amounts.

H.R. 1836, the Ocean Shipping Reform Implementation Act of 2023, would create additional administrative and reporting requirements for the Federal Maritime Commission, including a requirement to issue two new regulations and publish a study. The bill also would establish two advisory committees to assist the commis-

sion in creating policies to ensure competitiveness, reliability, and efficiency in international ocean shipping.

Using information on similar administrative requirements and accounting for anticipated inflation, CBO estimates that implementing H.R. 1836 would cost \$7 million over the 2023–2028 period; any spending would be subject to the availability of appropriated amounts.

Bills that affect spending subject to appropriation by an insignificant amount: CBO estimates that implementing the following seven bills would cost less than \$500,000 each over the 2023–2028 period. None of the bills would affect direct spending or revenues.

H.R. 915, the Motor Carrier Safety Selection Standard Act, would create new standards for certain motor carriers that transport goods, require DOT to update regulations to be consistent with those standards, and direct the department to stipulate the method for revoking a motor carrier’s registration.

H.R. 2948, the CARS Act, would require states to allow certain stinger-steered automobile transporters to operate on Interstate highways. (Such transporters have a fifth wheel located below the rear-most axle of the power unit.)

H.R. 3013, the LICENSE Act of 2023, would require DOT to issue regulations updating the qualifications to be a commercial driver’s license examiner. The bill also would allow states to administer those tests to out-of-state applicants.

H.R. 3318, a bill to amend title 23, United States Code, to establish an axle weight tolerance for certain commercial motor vehicles transporting dry bulk goods, and for other purposes, would increase the maximum weight per axle that a commercial vehicle transporting dry bulk goods can carry on an Interstate highway. The bill would not change the overall gross vehicle weight limits for such vehicles.

H.R. 3372, a bill to amend title 23, United States Code, to establish a safety data collection program for certain 6-axle vehicles, and for other purposes, would create a pilot program allowing certain six-axle vehicles to be operated on Interstate highways. Under the bill, participating states would issue permits by vehicle or by group of vehicles that would specify acceptable routes and require permit holders to report on accidents and other details. The program would be discontinued after five years, although DOT could extend the program for five years.

H.R. 3395, the U.S. Supply Chain Security Review Act of 2023, would require the Federal Maritime Commission to study the effects of foreign ownership of domestic marine terminals on U.S. economic security and report those findings to the Congress.

H.R. 3447, a bill to amend title 23, United States Code, to authorize a hydrogen powered vehicle to exceed certain weight limits on the Interstate Highway System, and for other purposes, would authorize hydrogen-powered vehicles to exceed certain weight limits specified under current law.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Over the 2023–2033 period, CBO estimates that none of the bills would increase direct spending by more than \$500,000.

Increase in long-term net direct spending and deficits: None.

Mandates: None.

Estimate prepared by: Federal Costs: Aaron Krupkin (for Federal Maritime Commission); Robert Reese (for Department of Transportation). Mandates: Brandon Lever.

Estimate reviewed by: Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate Approved by: Phillip L. Swagel, Director, Congressional Budget Office.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to require FMCSA to develop and implement an updated safety fitness determination standard and review process to improve motor carrier safety rating efficacy.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 915 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 915 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this Act may be cited as the “Motor Carrier Safety Selection Standard Act”.

Section 2. Motor carrier selection standard of care

This section establishes interim Selection Standard parameters and requirements, including timelines for motor carrier verification of operating status under section 31144 of Title 49, United States Code. Under this section, transportation intermediaries are deemed “reasonable and prudent” for “any applicable legal requirement with respect to a covered entity contracting with a covered motor carrier for the shipment of goods or household goods” if the transportation intermediaries verify that contracted motor carriers comply with existing legal requirements, specifically that the motor carrier: has the necessary minimum insurance; is not deemed unfit to operate; and is registered with the Department of Transportation. This section also directs the Federal Motor Carrier Safety Administration (FMCSA) to develop and update a rulemaking process under section 31144(a) of Title 49, United States Code. This section further directs FMCSA to include a requirement for revocation of registration procedures for carriers deemed unfit to operate under the section 31144(a) rulemaking. This section provides definitions for ‘Covered Entity,’ ‘Covered Motor Carrier,’ and additional legislative language.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

* * * * *

PART B—COMMERCIAL

* * * * *

CHAPTER 311—COMMERCIAL MOTOR VEHICLE SAFETY

* * * * *

SUBCHAPTER III—SAFETY REGULATION

* * * * *

§ 31144. Safety fitness of owners and operators

(a) IN GENERAL.—The Secretary shall—

(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles, utilizing among other things the accident record of an owner or operator operating in interstate commerce and the accident record and safety inspection record of such owner or operator—

(A) in operations that affect interstate commerce within the United States; and

(B) in operations in Canada and Mexico if the owner or operator also conducts operations within the United States;

(2) periodically update such safety fitness determinations;

(3) make such final safety fitness determinations readily available to the public; **[and]**

(4) prescribe by regulation penalties for violations of this section consistent with section 521**[.1]**; *and*

(5) *prescribe by regulation a process for revoking the registration of an owner or operator determined unfit to operate safely a commercial motor vehicle under this section.*

(b) PROCEDURE.—The Secretary shall maintain by regulation a procedure for determining the safety fitness of an owner or operator. The procedure shall include, at a minimum, the following elements:

(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

(c) PROHIBITED TRANSPORTATION.—

(1) IN GENERAL.—Except as provided in section 521(b)(5)(A) and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit. A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51, and shall be subject to the penalties in sections 5123 and 5124.

(4) SECRETARY'S DISCRETION.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

(5) TRANSPORTATION AFFECTING INTERSTATE COMMERCE.—Owners or operators of commercial motor vehicles prohibited from operating in interstate commerce pursuant to paragraphs (1) through (3) of this section may not operate any commercial motor vehicle that affects interstate commerce until the Secretary determines that such owner or operator is fit.

(d) DETERMINATION OF UNFITNESS BY STATE.—If a State that receives motor carrier safety assistance program funds under section 31102 determines, by applying the standards prescribed by the Secretary under subsection (b), that an owner or operator of a commercial motor vehicle that has its principal place of business in that State and operates in intrastate commerce is unfit under such standards and prohibits the owner or operator from operating such vehicle in the State, the Secretary shall prohibit the owner or operator from operating such vehicle in interstate commerce until the State determines that the owner or operator is fit.

(e) REVIEW OF FITNESS DETERMINATIONS.—

(1) IN GENERAL.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(2) OWNERS OR OPERATORS TRANSPORTING PASSENGERS.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the

owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(3) OWNERS OR OPERATORS TRANSPORTING HAZARDOUS MATERIAL.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

(f) PROHIBITED GOVERNMENT USE.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.

(g) SAFETY REVIEWS OF NEW OPERATORS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

(B) PROVIDERS OF MOTORCOACH SERVICES.—The Secretary shall require, by regulation, each owner and each operator granted new registration to transport passengers under section 13902 or 31134 to undergo a safety review not later than 120 days after the owner or operator, as the case may be, begins operations under such registration.

(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.

[(5)]

(6) ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.—

(A) IN GENERAL.—In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

(B) ELEMENTS.—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country's motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.

(i) PERIODIC SAFETY REVIEWS OF OWNERS AND OPERATORS OF INTERSTATE FOR-HIRE COMMERCIAL MOTOR VEHICLES DESIGNED OR USED TO TRANSPORT PASSENGERS.—

(1) SAFETY REVIEW.—

(A) IN GENERAL.—The Secretary shall—

(i) determine the safety fitness of each motor carrier of passengers who the Secretary registers under section 13902 or 31134 through a simple and understandable rating system that allows passengers to compare the safety performance of each such motor carrier; and

(ii) assign a safety fitness rating to each such motor carrier.

(B) APPLICABILITY.—Subparagraph (A) shall apply—

(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and

(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.

(2) PERIODIC REVIEW.—The Secretary shall establish, by regulation, a process for monitoring the safety performance of each motor carrier of passengers on a regular basis following

the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

(3) ENFORCEMENT STRIKE FORCES.—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting motor carriers of passengers.

(4) PERIODIC UPDATE OF SAFETY FITNESS RATING.—In conducting the safety reviews required under this subsection, the Secretary shall—

(A) reassess the safety fitness rating of each motor carrier of passengers not less frequently than once every 3 years; and

(B) annually assess the safety fitness of certain motor carriers of passengers that serve primarily urban areas with high passenger loads.

* * * * *

