

agricultural commodities and farm supplies, transportation and operation of ground water well drilling rigs, transportation of construction materials and equipment, utility service vehicles, and vehicles operated for snow or ice removal, was repealed by Pub. L. 109-59, title IV, § 4115(d), Aug. 10, 2005, 119 Stat. 1726. The text of former section 345 of Pub. L. 104-59 was inserted as part of section 229 of Pub. L. 106-159, as added by section 4115(a) of Pub. L. 109-59, and is set out above.

WINTER HOME HEATING OIL DELIVERY STATE  
FLEXIBILITY PROGRAM

Pub. L. 104-59, title III, § 346, Nov. 28, 1995, 109 Stat. 615, as amended by Pub. L. 105-178, title I, § 1211(j), June 9, 1998, 112 Stat. 192; Pub. L. 105-206, title IX, § 9003(d)(3), July 22, 1998, 112 Stat. 839, which related to a pilot program for evaluating effects of maximum on-duty time regulations on winter home heating oil delivery, was repealed by Pub. L. 114-94, div. A, title V, § 5101(e)(11), Dec. 4, 2015, 129 Stat. 1526, effective Oct. 1, 2016.

**§ 31137. Electronic logging devices and brake maintenance regulations**

(a) USE OF ELECTRONIC LOGGING DEVICES.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations—

- (1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be<sup>1</sup> equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and
- (2) ensuring that an electronic logging device is not used to harass a vehicle operator.

(b) ELECTRONIC LOGGING DEVICE REQUIREMENTS.—

- (1) IN GENERAL.—The regulations prescribed under subsection (a) shall—
  - (A) require an electronic logging device—
    - (i) to accurately record commercial driver hours of service;
    - (ii) to record the location of a commercial motor vehicle;
    - (iii) to be tamper resistant; and
    - (iv) to be synchronized to the operation of the vehicle engine or be capable of recognizing when the vehicle is being operated;
  - (B) allow law enforcement to access the data contained in the device during a roadside inspection; and
  - (C) except as provided in paragraph (3), apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.
- (2) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed under subsection (a) shall establish performance standards—
  - (A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;
  - (B) establishing a secure process for standardized—

- (i) and unique vehicle operator identification;
- (ii) data access;
- (iii) data transfer for vehicle operators between motor vehicles;
- (iv) data storage for a motor carrier; and
- (v) data transfer and transportability for law enforcement officials;

(C) establishing a standard security level for an electronic logging device and related components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

(D) identifying each driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(3) EXCEPTION.—A motor carrier, when transporting a motor home or recreation vehicle trailer within the definition of the term “driveaway-towaway operation” (as defined in section 390.5 of title 49, Code of Federal Regulations), may comply with the hours of service requirements by requiring each driver to use—

- (A) a paper record of duty status form; or
- (B) an electronic logging device.

(c) CERTIFICATION CRITERIA.—

(1) IN GENERAL.—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of electronic logging devices to ensure that the device meets the performance requirements under this section.

(2) EFFECT OF NONCERTIFICATION.—Electronic logging devices that are not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

(d) ADDITIONAL CONSIDERATIONS.—The Secretary, in prescribing the regulations described in subsection (a), shall consider how such regulations may—

(1) reduce or eliminate requirements for drivers and motor carriers to retain supporting documentation associated with paper-based records of duty status if—

- (A) data contained in an electronic logging device supplants such documentation; and
- (B) using such data without paper-based records does not diminish the Secretary’s ability to audit and review compliance with the Secretary’s hours of service regulations; and

(2) include such measures as the Secretary determines are necessary to protect the privacy of each individual whose personal data is contained in an electronic logging device.

(e) USE OF DATA.—

(1) IN GENERAL.—The Secretary may utilize information contained in an electronic logging device only to enforce the Secretary’s motor carrier safety and related regulations, including record-of-duty status regulations.

(2) MEASURES TO PRESERVE CONFIDENTIALITY OF PERSONAL DATA.—The Secretary shall institute appropriate measures to preserve the con-

<sup>1</sup> So in original. Probably should be preceded by “to”.

identiality of any personal data contained in an electronic logging device and disclosed in the course of an action taken by the Secretary or by law enforcement officials to enforce the regulations referred to in paragraph (1).

(3) ENFORCEMENT.—The Secretary shall institute appropriate measures to ensure any information collected by electronic logging devices is used by enforcement personnel only for the purpose of determining compliance with hours of service requirements.

(f) DEFINITIONS.—In this section:

(1) ELECTRONIC LOGGING DEVICE.—The term “electronic logging device” means an electronic device that—

(A) is capable of recording a driver’s hours of service and duty status accurately and automatically; and

(B) meets the requirements established by the Secretary through regulation.

(2) TAMPER RESISTANT.—The term “tamper resistant” means resistant to allowing any individual to cause an electronic device to record the incorrect date, time, and location for changes to on-duty driving status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.

(g) BRAKES AND BRAKE SYSTEMS MAINTENANCE REGULATIONS.—The Secretary shall maintain regulations on improved standards or methods to ensure that brakes and brake systems of commercial motor vehicles are maintained properly and inspected by appropriate employees. At a minimum, the regulations shall establish minimum training requirements and qualifications for employees responsible for maintaining and inspecting the brakes and brake systems.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1004; Pub. L. 112–141, div. C, title II, §§32301(b), 32931(a), July 6, 2012, 126 Stat. 786, 829; Pub. L. 114–94, div. A, title V, §§5507, 5508(b)(2), Dec. 4, 2015, 129 Stat. 1553, 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31137(a) .....	49 App.:2505 (note).	Nov. 18, 1988, Pub. L. 100–690, §9104(b), 102 Stat. 4529.
31137(b) .....	49 App.:2521.	Oct. 30, 1984, Pub. L. 98–554, 98 Stat. 2829, §231; added Nov. 18, 1988, Pub. L. 100–690, §9110, 102 Stat. 4531.

In subsection (b), the text of 49 App.:2521(a) is omitted as executed.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, referred to in subsec. (a), is the date of enactment of title II of div. C of Pub. L. 112–141, which was approved July 6, 2012.

AMENDMENTS

2015—Pub. L. 114–94, §5508(b)(2), amended directory language of Pub. L. 112–141, §32301(b)(3). See 2012 Amendment note for subssecs. (a) to (f) below.

Subsec. (b)(1)(C). Pub. L. 114–94, §5507(1), substituted “except as provided in paragraph (3), apply to” for “apply to”.

Subsec. (b)(3). Pub. L. 114–94, §5507(2), added par. (3). 2012—Pub. L. 112–141, §32301(b)(1), substituted “Electronic logging devices and brake maintenance regulations” for “Monitoring device and brake maintenance regulations” in section catchline.

Subsecs. (a) to (f). Pub. L. 112–141, §32301(b)(3), as amended by Pub. L. 114–94, §5508(b)(2), added subssecs. (a) to (f) and struck out former subsec. (a). Prior to amendment, text of subsec. (a) read as follows: “If the Secretary of Transportation prescribes a regulation about the use of monitoring devices on commercial motor vehicles to increase compliance by operators of the vehicles with hours of service regulations of the Secretary, the regulation shall ensure that the devices are not used to harass vehicle operators. However, the devices may be used to monitor productivity of the operators.” Former subsec. (b) redesignated (g).

Subsec. (g). Pub. L. 112–141, §32931(a), which directed substitution of “The Secretary shall maintain” for “Not later than December 1, 1990, the Secretary shall prescribe”, was executed by making the substitution for “Not later than December 31, 1990, the Secretary shall prescribe”, to reflect the probable intent of Congress.

Pub. L. 112–141, §32301(b)(2), redesignated subsec. (b) as (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by section 5507 of Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Pub. L. 114–94, div. A, title V, §5508(b), Dec. 4, 2015, 129 Stat. 1554, provided that the amendment made by section 5508(b)(2) is effective as of July 6, 2012, and as if included in Pub. L. 112–141 as enacted.

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.

§31138. Minimum financial responsibility for transporting passengers

(a) GENERAL REQUIREMENT.—

(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

- (A) a place in another State;
- (B) another place in the same State through a place outside of that State; or
- (C) a place outside the United States.

(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

- (A) a place in another State;
- (B) another place in the same State through a place outside of that State; or