

with Disabilities Act of 1990 are met. Nothing in this Act shall be construed to conflict with the requirements of the Americans with Disabilities Act of 1990 and its implementing regulations.

Motor Carrier
Safety
Reauthorization
Act of 2005.
49 USC 30101.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. SHORT TITLE.

This title may be cited as the “Motor Carrier Safety Reauthorization Act of 2005”.

Subtitle A—Commercial Motor Vehicle Safety

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended to read as follows:

“(a) IN GENERAL.—Subject to subsection (f), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 31102—

- “(1) \$188,480,000 for fiscal year 2005;
- “(2) \$188,000,000 for fiscal year 2006;
- “(3) \$197,000,000 for fiscal year 2007;
- “(4) \$202,000,000 for fiscal year 2008; and
- “(5) \$209,000,000 for fiscal year 2009.”

(b) ADMINISTRATIVE EXPENSES.—Section 31104 of such title is amended by adding the following at the end:

“(i) ADMINISTRATIVE EXPENSES.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration—

- “(A) \$254,849,000 for fiscal year 2005;
- “(B) \$213,000,000 for fiscal year 2006;
- “(C) \$223,000,000 for fiscal year 2007;
- “(D) \$228,000,000 for fiscal year 2008; and
- “(E) \$234,000,000 for fiscal year 2009.

“(2) USE OF FUNDS.—The funds authorized by this subsection shall be used for personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, and outreach and education; other operating expenses; and such other expenses as may from time to time become necessary to implement statutory mandates of the Administration not funded from other sources.

“(j) AVAILABILITY OF FUNDS; CONTRACT AUTHORITY.—

“(1) PERIOD OF AVAILABILITY.—The amounts made available under this section shall remain available until expended.

“(2) INITIAL DATE OF AVAILABILITY.—Authorizations from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

“(3) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States a contractual obligation for payment of the Government’s share of costs incurred in carrying out the objectives of the grant.”.

(c) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—For commercial driver’s license program improvement grants under section 31313 of title 49, United States Code \$25,000,000 for each of fiscal years 2006 through 2009.

(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of such title \$32,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—For the performance and registration information system management grant program under section 31109 of such title \$5,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information systems and networks deployment program under section 4126 of this Act, \$25,000,000 for each of fiscal years 2006 through 2009.

(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act \$2,000,000 for fiscal year 2006 and \$3,000,000 for each of fiscal years 2007 through 2009.

(d) PERIOD OF AVAILABILITY.—The amounts made available under subsection (c) of this section shall remain available until expended.

(e) INITIAL DATE OF AVAILABILITY.—Amounts authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) by subsection (c) shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(f) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under subsection (c) imposes upon the United States a contractual obligation for payment of the Government’s share of costs incurred in carrying out the objectives of the grant.

SEC. 4102. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS.

(a) RECORDKEEPING AND REPORTING VIOLATIONS.—Section 521(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i) by striking “\$500” and inserting “\$1,000”;

and

(2) by striking “\$5,000” each place it appears and inserting “\$10,000”.

(b) VIOLATIONS OF OUT-OF-SERVICE ORDERS.—Section 31310(i)(2) of title 49, United States Code, is amended—

(1) by striking “Not later than December 18, 1992, the” and inserting “The”;

- (2) in subparagraph (A)—
 (A) by striking “90 days” and inserting “180 days”;
 and
 (B) by striking “\$1,000” and inserting “\$2,500”;
- (3) in subparagraph (B)—
 (A) by striking “one year” and inserting “2 years”;
 and
 (B) by striking “\$1,000; and” and inserting “\$5,000;”;
- (4) in subparagraph (C) by striking “\$10,000.” and inserting
 “\$25,000; and”; and
- (5) by adding at the end the following:
 “(D) an employer that knowingly and willfully allows or
 requires an employee to operate a commercial motor vehicle
 in violation of an out-of-service order shall, upon conviction,
 be subject for each offense to imprisonment for a term not
 to exceed one year or a fine under title 18, or both.”.

SEC. 4103. PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b) of title 49, United States Code, is amended—

- (1) by striking “(b)(1)(A) If the Secretary” and inserting
 the following:

“(b) VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE
 SAFETY REGULATION AND OPERATORS.—

“(1) NOTICE.—

“(A) IN GENERAL.—If the Secretary”; and

- (2) by adding at the end of paragraph (2) the following:

“(E) COPYING OF RECORDS AND ACCESS TO EQUIPMENT,
 LANDS, AND BUILDINGS.—A person subject to chapter 51
 or a motor carrier, broker, freight forwarder, or owner
 or operator of a commercial motor vehicle subject to part
 B of subtitle VI who fails to allow promptly, upon demand,
 the Secretary (or an employee designated by the Secretary)
 to inspect and copy any record or inspect and examine
 equipment, lands, buildings and other property in accord-
 ance with sections 504(c), 5121(c), and 14122(b) shall be
 liable to the United States for a civil penalty not to exceed
 \$1,000 for each offense. Each day the Secretary is denied
 the right to inspect and copy any record or inspect and
 examine equipment, lands, buildings and other property
 shall constitute a separate offense, except that the total
 of all civil penalties against any violator for all offenses
 related to a single violation shall not exceed \$10,000. It
 shall be a defense to such penalty that the records did
 not exist at the time of the Secretary’s request or could
 not be timely produced without unreasonable expense or
 effort. Nothing in this subparagraph amends or supersedes
 any remedy available to the Secretary under section 502(d),
 section 507(c), or any other provision of this title.”.

SEC. 4104. REVOCATION OF OPERATING AUTHORITY.

Section 13905(e) of title 49, United States Code, is amended—

- (1) by striking paragraph (1) and inserting the following:
 “(1) PROTECTION OF SAFETY.—Notwithstanding subchapter
 II of chapter 5 of title 5, the Secretary—

“(A) may suspend the registration of a motor carrier,
 a freight forwarder, or a broker for failure to comply with
 requirements of the Secretary pursuant to section 13904(c)

or 13906 or an order or regulation of the Secretary prescribed under those sections; and

“(B) shall revoke the registration of a motor carrier that has been prohibited from operating in interstate commerce for failure to comply with the safety fitness requirements of section 31144.”;

(2) in paragraph (2) by striking “may suspend a registration” and inserting “shall revoke the registration”; and

(3) by striking paragraph (3) and inserting the following:

“(3) NOTICE; PERIOD OF SUSPENSION.—The Secretary may suspend or revoke under this subsection the registration only after giving notice of the suspension or revocation to the registrant. A suspension remains in effect until the registrant complies with the applicable sections or, in the case of a suspension under paragraph (2), until the Secretary revokes the suspension.”.

SEC. 4105. STATE LAWS RELATING TO VEHICLE TOWING.

(a) STATE LAWS RELATING TO VEHICLE TOWING.—Section 14501(c) of title 49, United States Code, is amended by adding at the end the following:

“(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from requiring that, in the case of a motor vehicle to be towed from private property without the consent of the owner or operator of the vehicle, the person towing the vehicle have prior written authorization from the property owner or lessee (or an employee or agent thereof) or that such owner or lessee (or an employee or agent thereof) be present at the time the vehicle is towed from the property, or both.”.

(b) PREDATORY TOW TRUCK OPERATIONS.—

(1) STUDY.—The Secretary shall conduct a study—

(A) to identify issues related to the protection of the rights of individuals whose motor vehicles are towed;

(B) to establish the scope and geographic reach of any issues so identified, and

(C) to identify potential remedies for those issues.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SEC. 4106. MOTOR CARRIER SAFETY GRANTS.

(a) STATE PLAN CONTENTS.—Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following:

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

(2) by striking subparagraph (E) and inserting the following:

“(E) 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 the 3 full fiscal years beginning after October 1 of the year 5 years prior to the beginning of each Government fiscal year.”;

(3) by striking subparagraph (Q) and inserting the following:

“(Q) provides that the State has established a program to ensure that—

“(i) accurate, complete, and timely motor carrier safety data is collected and reported to the Secretary; and

“(ii) the State will participate in a national motor carrier safety data correction system prescribed by the Secretary;”;

(4) by aligning subparagraph (R) with subparagraph (S);

(5) by striking “and” at the end of subparagraph (S);

(6) by striking the period at the end of subparagraph (T) and inserting a semicolon; and

(7) by adding at the end the following:

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

“(V) provides that the State will enforce the registration requirements of section 13902 by prohibiting the operation of any vehicle discovered to be operated by a motor carrier without a registration issued under such section or to operate beyond the scope of such registration;

“(W) 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; and

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

(b) USE OF GRANTS TO ENFORCE OTHER LAWS.—Section 31102 of such title is amended—

(1) by striking subsection (c) and inserting the following:

“(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—A State may use amounts received under a grant under subsection (a)—

“(1) 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:

“(A) 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; and

“(B) detection of the unlawful presence of a controlled substance (as defined under section 102 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; and

“(2) for documented enforcement of State traffic laws and regulations designed to promote the safe operation of commercial motor vehicles, including documented enforcement of such laws and regulations relating to noncommercial motor vehicles when necessary to promote the safe operation of commercial motor vehicles if the number of motor carrier safety activities (including roadside safety inspections) conducted in the State is maintained at a level at least equal to the average level of such activities conducted in the State in fiscal years 2003, 2004, and 2005; except that the State may not use more than 5 percent of the basic amount the State receives under the grant under subsection (a) for enforcement activities relating to noncommercial motor vehicles described in this paragraph unless the Secretary determines a higher percentage will result in significant increases in commercial motor vehicle safety.”; and

(2) by adding at the end the following:

“(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate an annual report that—

“(1) analyzes commercial motor vehicle safety trends among the States and documents the most effective commercial motor vehicle safety programs implemented with grants under this section; and

“(2) describes the effect of activities carried out with grants made under this section on commercial motor vehicle safety.”.

SEC. 4107. HIGH PRIORITY ACTIVITIES AND NEW ENTRANTS AUDITS.

(a) HIGH PRIORITY ACTIVITIES.—Section 31104 of title 49, United States Code (as amended by section 4101 of this Act), is amended by adding at the end the following:

“(k) HIGH-PRIORITY ACTIVITIES.—

“(1) CRITERIA.—The Secretary shall establish safety performance criteria to be used to distribute high priority program funds under this subsection.

“(2) SET ASIDE.—The Secretary may set aside from amounts made available by subsection (a) up to \$15,000,000 for each of fiscal years 2006 through 2009 for States, local governments, and organizations representing government agencies or officials described in paragraph (3) for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations (including activities and projects that are national in scope), increase public awareness and education, demonstrate new technologies, and reduce the number and rate of accidents involving commercial motor vehicles.

“(3) DESCRIPTION OF RECIPIENTS.—Amounts set aside under this subsection shall be allocated by the Secretary only to State agencies, local governments, and organizations representing government agencies or officials that use and train

qualified officers and employees in coordination with State motor vehicle safety agencies.

“(4) LIMITATION.—At least 90 percent of the amounts set aside for a fiscal year under this subsection shall be awarded in grants to State agencies and local government agencies.”.

(b) NEW ENTRANT AUDITS.—Section 31104 of such title is amended—

(1) by redesignating the second subsection as subsection (f); and

(2) by adding at the end of such subsection the following:

“(5) NEW ENTRANT AUDITS.—

“(A) GRANTS.—The Secretary may make grants to States and local governments for new entrant motor carrier audits under this subsection without requiring a matching contribution from such States and local governments.

“(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to \$29,000,000 per fiscal year for audits of new entrant motor carriers conducted pursuant to this paragraph.

“(C) DETERMINATION.—If the Secretary determines that a State or local government is not able to use government employees to conduct new entrant motor carrier audits, the Secretary may use the funds set aside under this paragraph to conduct audits for such States or local governments.”.

SEC. 4108. DATA QUALITY IMPROVEMENT.

(a) IN GENERAL.—Section 31106(a)(3) of title 49, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by adding at the end the following:

“(F) ensure, to the maximum extent practical, all the data is complete, timely, and accurate across all information systems and initiatives; and

“(G) establish and implement a national motor carrier safety data correction system.”.

(b) REPORT ON STATUS OF SAFETY FITNESS RATING SYSTEM REVISION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of revision of the safety fitness rating system of motor carriers.

SEC. 4109. PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT.

(a) DESIGN AND CONDITIONS FOR PARTICIPATION.—Section 31106(b) of title 49, United States Code, is amended by striking paragraphs (2), (3), and (4) and inserting the following:

“(2) DESIGN.—The program shall link Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems and shall be designed to enable a State to—

“(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the registrant

or motor carrier or while the license or registration is in effect; and

“(B) deny, suspend, or revoke the commercial motor vehicle registrations of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

“(3) CONDITIONS FOR PARTICIPATION.—The Secretary shall require States, as a condition of participation in the program, to—

“(A) comply with the uniform policies, procedures, and technical and operational standards prescribed by the Secretary under subsection (a)(4);

“(B) possess or seek the authority to possess for a time period no longer than determined reasonable by the Secretary, to impose sanctions relating to commercial motor vehicle registration on the basis of a Federal safety fitness determination; and

“(C) establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order.

“(4) GRANTS.—From the funds authorized by section 31104(i), the Secretary may make a grant in a fiscal year to a State to implement the performance and registration information system management requirements of this subsection.”

(b) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANTS.—

(1) IN GENERAL.—Subchapter I of chapter 311 of title 49, United States Code, is further amended by adding at the end the following:

“§ 31109. Performance and registration information system management

“The Secretary of Transportation may make a grant to a State to implement the performance and registration information system management requirements of section 31106(b).”

(2) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

“31109. Performance and registration information system management.”

SEC. 4110. BORDER ENFORCEMENT GRANTS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended—

(1) by striking the heading for subchapter I and inserting the following: 49 USC 31100.

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”;

and

(2) by striking section 31107 and inserting the following:

“§ 31107. Border enforcement grants

“(a) GENERAL AUTHORITY.—The Secretary of Transportation may make a grant in a fiscal year to an entity or State that shares a land border with another country for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

“(b) MAINTENANCE OF EXPENDITURES.—The Secretary may make a grant to a State under this section only if the State agrees that the total expenditure of amounts of the State and political subdivisions of the State, exclusive of amounts from the United States, for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects will be maintained at a level at least equal to the average level of that expenditure by the State and political subdivisions of the State for the last 2 fiscal years of the State or the Federal Government ending before October 1, 2005, whichever the State designates.

“(c) GOVERNMENTS SHARE OF COSTS.—The Secretary shall reimburse a State under a grant made under this section an amount that is not more than 100 percent of the costs incurred by the State in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

“(d) AVAILABILITY AND REALLOCATION OF AMOUNTS.—Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the next fiscal year. Amounts not expended by a State during those 2 fiscal years are available to the Secretary for reallocation under this section.”

(b) CLERICAL AMENDMENTS.—

(1) ITEM RELATING TO SUBCHAPTER I.—The analysis for such chapter is amended by striking the item relating to subchapter I and inserting the following:

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”.

(2) ITEM RELATING TO SECTION 31107.—The analysis for such chapter is amended by striking the item relating to section 31107 and inserting the following:

“31107. Border enforcement grants.”.

SEC. 4111. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 31108 of title 49, United States Code, is amended to read as follows:

“§ 31108. Motor carrier research and technology program

“(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY TRANSFER ACTIVITIES.—

“(1) ESTABLISHMENT.—The Secretary of Transportation shall establish and carry out a motor carrier and motor coach research and technology program.

“(2) MULTIYEAR PLAN.—The program must include a multi-year research plan that focuses on nonredundant innovative research and shall be coordinated with other research programs or projects ongoing or planned within the Department of Transportation, as appropriate.

“(3) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out under the program