



## SUMMARY OF THE MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

P.L. 106-159

### Purpose

The purposes of the Act are to (1) establish a Federal Motor Carrier Safety Administration and (2) reduce the number and severity of large-truck involved crashes through more commercial motor vehicle (CMV) and driver inspections and carrier compliance reviews, stronger enforcement, expedited completion of rules, sound research, and effective commercial driver's license (CDL) testing, record keeping, and sanctions.

### Establishment of the Federal Motor Carrier Safety Administration

- Establishes the Federal Motor Carrier Safety Administration (FMCSA) (effective January 1, 2000) within the Department of Transportation; FMCSA's highest priority is the assignment and maintenance of safety.
- Creates three FMCSA leadership positions:
  - (1) Administrator—appointed by the President and confirmed by the Senate—must have professional experience in motor carrier safety;
  - (2) Deputy Administrator—appointed by the Secretary with approval of the President; and
  - (3) Chief Safety Officer (Assistant Administrator)—appointed by the Secretary from the competitive service with approval of the President.
- Administrator must designate a regulatory ombudsman to expedite rulemakings to meet statutory and internal deadlines.
- Caps employment levels at headquarters for FY 2000 and requires justifications for additional personnel in FY 2001, 2002, and 2003.
- Requires development of a long-term strategy to improve CMV, operator, and motor carrier safety which includes an annual plan and schedule. Progress must be assessed semi-annually and reported to Congress annually.
- Authority to delegate responsibility for the safety standards of CMVs and equipment subsequent to initial manufacture resides with the Secretary.
- Allows establishment of a Commercial Motor Vehicle Safety Advisory Committee.
- Establishes Department-wide safeguards against conflicts of interest in research.

### Funding

- Provides dedicated funding for FMCSA administrative and research expenses.
- Authorizes an additional \$140 million in funding each year (2001-2003) from the Highway Trust Fund (including \$65 million in contract authority) for the Motor Carrier Safety Assistance Program (MCSAP).
- Provides \$5 million each year (2001-2003) from MCSAP funding for a study of commercial motor vehicle crash causation.
- State crash data collection improvements are funded at \$5 million each year (2001-2003) from FMCSA's administrative and research funds.
- An additional \$5 million annually (2001-2003) from MCSAP funds is provided for motor carrier safety information systems.

## Commercial Driver Licensing

- Creates new one-year disqualifying offenses for (1) driving a CMV with a revoked, suspended, or canceled CDL or driving while disqualified and (2) conviction for causing a fatality through the negligent or criminal operation of a CMV. Lifetime disqualification is required for multiple violations or convictions.
- The Secretary may disqualify drivers for up to 30 days if their operation of a CMV would create an imminent hazard.
- Criteria must be established for disqualifying a CDL holder (1) convicted of a serious offense involving a vehicle that is not a CMV that resulted in license suspension or revocation or (2) convicted of a drug or alcohol-related offense involving another type of vehicle.
- Adds to the list of serious traffic violations for which a CDL holder can be disqualified:
  - (1) driving a CMV without obtaining a CDL,
  - (2) driving a CMV without a CDL in possession, and
  - (3) driving without a required endorsement.
- The Federal medical qualification certificate must be made part of the commercial driver's license requirements.
- A rulemaking for a special CDL endorsement for drivers of school buses must be conducted.
- The Department must study the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the licensing state and requiring prospective employers to check with the State.
- A uniform system must be developed to transmit data among States on convictions for violations of traffic control laws by CDL holders.
- States are required to:
  - Request a driver's record from another State that has issued the driver a license before issuing or renewing a CDL.
  - Include information on the underlying violation when reporting disqualification, revocation, suspension, or cancellation of a CDL
  - Include information on all violations of motor vehicle traffic control laws committed by CDL holders in the driver's record.
  - Record information on traffic violations received from other States in a driver's record. States may not allow information on violations to be masked or withheld from the CDL holder's record.
  - Notify the licensing state of violations by CDL holders within 10 days after violations are committed.
- States may not issue special licenses or permits to CDL holders.
- Before issuing any motor vehicle operator's license, a State must check the National Driver Register and the commercial driver's license information system.
- If a State is not substantially complying with Federal CDL requirements, the Secretary must prohibit the State from processing and issuing CDLs and withhold MCSAP funding increases until compliance is achieved.
- Permits emergency grants of up to \$1 million to States having difficulty meeting CDL program requirements.

## Registration Enforcement and Penalties

- FMCSA may place a carrier's vehicle out-of-service if the carrier is operating without registration or beyond the scope of registration. Penalties for foreign motor carrier operations outside commercial zones without authority are up to \$10,000 and may include disqualification for up to 6 months. Fines of up to \$25,000 and permanent disqualification may be imposed for patterns of intentional violations.
- Foreign motor carriers may not operate in the U.S. without evidence of registration in each vehicle.
- States must cooperate in enforcement of registration and financial responsibility requirements.
- Carriers that fail to pay civil penalties may not operate in interstate commerce and may have their registration revoked or suspended.
- Minimum civil penalties should be assessed for violations of safety regulations and maximum penalties must be assessed for repeat offenders or a pattern of violations. A study must be conducted on the effectiveness of revised penalties.

## **New Entrants and Certification of Safety Investigators**

- Requires new motor carriers to undergo a safety review within 18 months of starting operations.
- Minimum requirements must be established to ensure new motor carrier applicants are knowledgeable about Federal Motor Carrier Safety Regulations.
- Rules to improve training and certify motor carrier safety auditors, including private contractors, must be complete by December 9, 2000. One year later, all safety reviews must be conducted by certified auditors or grandfathered State or Federal employees.
- Private contractors may not issue safety ratings or operating authority.

## **Motor Carrier Safety Initiatives**

- Progress in achieving the goal of reducing fatalities in truck and bus crashes by 50 percent must be reported to Congress by May 25, 2000.
- Recommendations of the DOT Inspector General must be implemented and reports on progress must be made to Congress every 90 days.
- Requires issuance of rules within one year for application of safety regulations to small passenger vans. At a minimum, regulations must apply to camionetas and vans operating outside commercial zones that pose serious safety risks.
- Staffing standards must be established for Federal and State safety inspectors in international border areas; the number of inspectors may not fall below FY 2000 levels.
- Changes the definition of "imminent hazard" to refer to a condition that substantially increases the likelihood of serious injury or death.
- Requires the General Accounting Office to study the effectiveness of enforcement of household goods consumer protection rules and other potential methods of enforcement. Also raises the limit for mandatory arbitration from \$1,000 to \$5,000.
- Requires 24-hour operation of the toll-free telephone hotline for reporting motor carrier safety violations.
- Innovative methods of improving motor carrier traffic law compliance may be developed, including use of imaging technologies.

## **Data and Analysis**

- Motor Carrier Identification Reports must be updated periodically, but not more than every two years.
- The Department must conduct a comprehensive study of the causes of commercial motor vehicle crashes, providing an opportunity for public comment. The study must be reviewed and updated every 5 years.
- A program must be carried out with States to improve the collection and analysis of data on commercial motor vehicle crashes. The National Highway Traffic Safety Administration must administer the program in cooperation with FMCSA.

## **Other Provisions**

- Requires the Surface Transportation Board to review agreements for certain activities every 5 years.
- Clarifies the criminal investigative authority of the Office of the Inspector General.