TITLE 49 - TRANSPORTATION
SUBTITLE VI - MOTOR VEHICLE AND DRIVER PROGRAMS
PART B - COMMERCIAL
CHAPTER 313 - COMMERCIAL MOTOR VEHICLE OPERATORS

§ 31315. Waivers, exemptions, and pilot programs

(a) **Waivers.—** The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter or section 31136 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

(1) for a period not in excess of 3 months;
(2) limited in scope and circumstances;
(3) for nonemergency and unique events; and
(4) subject to such conditions as the Secretary may impose.

(b) **Exemptions.—**

(1) **In general.—** Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

(2) **Authority to revoke exemption.—** The Secretary shall immediately revoke an exemption if—

(A) the person fails to comply with the terms and conditions of such exemption;
(B) the exemption has resulted in a lower level of safety than was maintained before the exemption was granted; or
(C) continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(3) **Requests for exemption.—** Not later than 180 days after the date of enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

(A) The provisions from which the person requests exemption.
(B) The time period during which the requested exemption would apply.
(C) An analysis of the safety impacts the requested exemption may cause.
(D) The specific countermeasures the person would undertake to ensure an equivalent or greater level of safety than would be achieved absent the requested exemption.

(4) **Notice and comment.—**

(A) **Upon receipt of a request.—** Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

(B) **Upon granting a request.—** Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.
(C) After denying a request.— After denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial. The Secretary may meet the requirement of this subparagraph by periodically publishing in the Federal Register the names of persons denied exemptions and the reasons for such denials.

(5) Applications to be dealt with promptly.— The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request.

(6) Terms and conditions.— The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

(7) Notification of state compliance and enforcement personnel.— Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

(c) Pilot Programs.—

(1) In general.— The Secretary may conduct pilot programs to evaluate alternatives to regulations relating to, or innovative approaches to, motor carrier, commercial motor vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of each pilot program, including the exemptions to be considered, and provide notice and an opportunity for public comment before the effective date of the program.

(2) Program elements.— In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the regulations prescribed under this chapter or section 31136. The Secretary shall include, at a minimum, the following elements in each pilot program plan:

(A) A scheduled life of each pilot program of not more than 3 years.
(B) A specific data collection and safety analysis plan that identifies a method for comparison.
(C) A reasonable number of participants necessary to yield statistically valid findings.
(D) An oversight plan to ensure that participants comply with the terms and conditions of participation.
(E) Adequate countermeasures to protect the health and safety of study participants and the general public.
(F) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

(3) Authority to revoke participation.— The Secretary shall immediately revoke participation in a pilot program of a motor carrier, commercial motor vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(4) Authority to terminate program.— The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

(5) Report to congress.— At the conclusion of each pilot program, the Secretary shall report to Congress the findings, conclusions, and recommendations of the program, including suggested
amendments to laws and regulations that would enhance motor carrier, commercial motor vehicle, and driver safety and improve compliance with national safety standards.

(d) Preemption of State Rules.— During the time period that a waiver, exemption, or pilot program is in effect under this chapter or section 31136, no State shall enforce any law or regulation that conflicts with or is inconsistent with the waiver, exemption, or pilot program with respect to a person operating under the waiver or exemption or participating in the pilot program.


Historical and Revision Notes

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The words “Notwithstanding any other provision of this chapter” are omitted as surplus.

References in Text

The date of enactment of this section, referred to in subsec. (b)(3), probably means the date of enactment of Pub. L. 105–178, which amended this section generally and was approved June 9, 1998.

Amendments

1998—Pub. L. 105–178 amended section catchline and text generally. Prior to amendment, text read as follows: “After notice and an opportunity for comment, the Secretary of Transportation may waive any part of this chapter or a regulation prescribed under this chapter as it applies to a class of individuals or commercial motor vehicles if the Secretary decides the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. A waiver under this section shall be published in the Federal Register with reasons for the waiver.”

Protection of Existing Exemptions

For provisions making amendment by section 4007 of Pub. L. 105–178 inapplicable to or otherwise not affecting waiver, exemption, or pilot program in effect the day before June 9, 1998, under this chapter or section 31136 (e) of this title, see section 4007(d) of Pub. L. 105–178, set out as a note under section 31136 of this title.