

Overview of 17 Provisions in the Final Rule: Amendments to Implement Certain Provisions of the Moving Ahead for Progress in the 21st Century Act

The provisions implemented in this final rule in Title 49, United States Code, are from the following sections of MAP-21:

- § 32102 Safety fitness of new operators: Reduces length of time from 18 months to 12 months for new entrant safety reviews.
- § 32108 Increased penalties for operating without registration: Increases penalties for violating the reporting and recordkeeping requirements.*
- § 32110 Revocation of registration and other penalties for failure to respond to subpoena: Increases civil penalties and authorizes Secretary to suspend, revoke, or amend the registration of a motor carrier, broker, or freight forwarder.*
- § 32111 Fleetwide out-of-service order for operating without required registration: Allows Agency to place a motor carrier out of service for operating vehicles without registration.
- § 32203 State reporting of foreign commercial driver convictions: Adds the definition of a “foreign commercial driver.”
- § 32204 Authority to disqualify foreign commercial drivers: Clarifies Secretary’s authority to suspend a foreign commercial driver’s license for committing a disqualifying offense.
- § 32205 Revocation of foreign motor carrier operating authority for failure to pay civil penalties: Authorizes Agency to suspend, amend, and revoke foreign motor carrier operating authority registration.*
- § 32307 Employer responsibilities: Prohibits employers from allowing employees to drive when the employer knows or should know that drivers CDL is suspended or revoked.
- § 32501 Inspection demand and display of credentials: Clarifies the Agency’s authority to demand to inspect a motor carrier or broker’s land, building, equipment and records.
- § 32503 Penalties for violation of operation out of service orders: Adds a \$25,000 penalty for motor carriers operating CMVs in violation of an out-of-service order issued following a determination that the carrier is unfit or an imminent hazard.*
- § 32505 Increased penalties for evasion of regulations: Increases penalties against motor carriers for operating following a determination of unfitness.*
- § 32506 Violations relating to commercial motor vehicle safety regulation and operators: Removes “ability to pay” from the list of considerations in determining penalty levels.*
- § 32507 Emergency disqualification for imminent hazard: Changes the meaning of “imminent hazard” to include the definition at 49 U.S.C. 521.

- § 32601 Motor carrier safety assistance program: Identifies local government agencies as MCSAP partners and establishes four program goals.
- § 32913 Waivers, exemptions, and pilot programs: Requires the Agency publish notices of pilot programs on the Agency's website, but removed the requirement that they be published in the Federal Register.
- § 32918 Financial security of brokers and freight forwarders: Sets a minimum financial security of \$75,000 and extended the bond requirement to freight forwarders.
- § 33010 Civil penalties: Provides for penalties of up to \$75,000 for violations of regulations related to the transportation of hazardous materials and \$175,000 in the event of death, serious illness, severe injury or substantial destruction of property.*

*All the civil penalty requirements can be accessed on the FMCSA website at www.fmcsa.dot.gov/penaltyassessments.

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