

ADDITION TO RELATED UNCODIFIED PROVISIONS
OF THE MOTOR VEHICLE SAFETY STATUTE
TITLE 49, UNITED STATES CODE,
CHAPTER 301

- R. Authority to Promulgate Safety Standards for Retrofitting [Sec. 101(f) of Motor Carrier Safety Improvement Act of 1999 (Public Law 106-159; Dec. 9, 1999), in regard to commercial motor vehicles and equipment subsequent to initial manufacture]

UNCODIFIED PROVISION
MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999
December 9, 1999, Pub. L. 106-159, 113 Stat. 1748

“SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

“(f) AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING.—

The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.”.

NOTE: The Secretary delegated the authority set out above for Section 101 (f) of Public Law 106-159 to the National Highway Traffic Safety Administrator. The specific delegation of this authority, which is provided under paragraph (n) of title 49 CFR § 1.50 (“Delegation to the National Highway Traffic Safety Administrator”), is as follows:

“§ 1.50 Delegation to the National Highway Traffic Safety Administrator.

“The National Highway Traffic Safety Administrator is delegated authority to:

“(n) Carry out, in coordination with the Federal Motor Carrier Safety Administrator, the authority vested in the Secretary by subchapter III of chapter 311 and section 31502 of title 49, U.S.C., to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture when the standards are based upon and similar to a Federal Motor Vehicle Safety Standard promulgated, either simultaneously or previously, under chapter 301 of title 49, U.S.C.”.

NOTE: In addition, there are two delegations to the Administrator of the Federal Motor Carrier safety Administration provided under subsections (g) and (l) of title 49 CFR § 1.73 (“Delegation to the Administrator of the Federal Motor Carrier Safety Administration”), which provide separate delegations to the Administrator of the Federal Motor Carrier Safety Administration for *other circumstances*, i.e., when the standards are *not* based upon and similar to a promulgated Federal Motor Vehicle safety Standard. These delegations are as follows:

“§ 1.73 Delegation to the Administrator of the Federal Motor Carrier Safety Administration.

“The Administrator of the Federal Motor Carrier Safety Administration is delegated authority to:

“(g) Carry out the functions vested in the Secretary by subchapters I, III, and IV of chapter 311, title 49, U.S.C., relating to commercial motor vehicle programs, safety regulation, and international activities, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.”.

“(l) Carry out 49 U.S.C. 31502 relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers, motor private carriers and motor carriers of migrant workers, except that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is limited to standards that are not based upon and similar to a Federal Motor Vehicle Safety Standard promulgated under chapter 301 of title 49, U.S.C.” .