

118TH CONGRESS
1ST SESSION

H. R. 471

To amend title 23, United States Code, with respect to commercial motor vehicle parking, safety, and licensing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2023

Mr. JOHNSON of South Dakota (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 23, United States Code, with respect to commercial motor vehicle parking, safety, and licensing, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safer Highways and
5 Increased Performance for Interstate Trucking Act” or
6 the “SHIP IT Act”.

1 **SEC. 2. MODERNIZING AUTHORITY FOR CERTAIN VEHICLE**
2 **WAIVERS DURING EMERGENCIES.**

3 Section 127(i) of title 23, United States Code, is
4 amended to read as follows:

5 “(i) SPECIAL PERMITS DURING PERIODS OF NA-
6 TIONAL EMERGENCY.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of this section, a State may issue special
9 permits during an emergency to overweight vehicles
10 and loads that can easily be dismantled or divided
11 if the conditions of either paragraph (2) or para-
12 graph (3) are met.

13 “(2) PRESIDENTIAL DECLARATION.—The con-
14 ditions of paragraph (2) as referenced in paragraph
15 (1) of this subsection are—

16 “(A) the President has declared the emer-
17 gency to be a major disaster under the Robert
18 T. Stafford Disaster Relief and Emergency As-
19 sistance Act (42 U.S.C. 5121 et seq.);

20 “(B) the permits described in paragraph
21 (1) are issued in accordance with State law;

22 “(C) the permits are issued exclusively to
23 vehicles and loads that are delivering relief sup-
24 plies; and

25 “(D) a permit shall expire not later than
26 120 days after the date of the declaration of

1 emergency under subparagraph (A) of this
2 paragraph.

3 “(3) SECRETARIAL DECLARATION.—The condi-
4 tions of paragraph (3) are the following:

5 “(A) The Secretary has declared that—

6 “(i) emergency or other unusual con-
7 ditions, including weather, fire, earth-
8 quake, disease, or natural emergencies and
9 including financial or other non-natural
10 emergencies, are having a negative impact
11 on commerce in a State or regionally or
12 nationally; or

13 “(ii) supply chains in United States
14 commerce are functioning in a suboptimal
15 manner in a State or regionally or nation-
16 ally, either in terms of slow overall move-
17 ment, freight traffic congestion, or other-
18 wise.

19 “(B) The permits described in paragraph
20 (1) are issued in accordance with State law.

21 “(C) The permit shall expire—

22 “(i) 365 days after the Secretary
23 makes a declaration pursuant to subpara-
24 graph (A), unless the expiration date is ex-
25 tended by the Secretary; or

1 “(ii) 180 days after the Secretary de-
2 clares that the emergency or other condi-
3 tion declared by the Secretary pursuant to
4 subparagraph (A) has expired, whichever is
5 later.

6 “(D) In administering this paragraph, the
7 Secretary shall give weight to requests by a
8 State to make or extend subparagraph (A) dec-
9 larations.”.

10 **SEC. 3. ELIGIBILITY FOR WORKFORCE GRANTS.**

11 Section 134 of the Workforce Innovation and Oppor-
12 tunity Act (29 U.S.C. 3174) is amended by adding at the
13 end the following:

14 “(e) TRUCK DRIVERS.—

15 “(1) IN GENERAL.—With respect to the com-
16 mercial motor vehicle operator profession, the Sec-
17 retary shall provide grants to individuals for the tui-
18 tion and fees and other costs of entry level driver
19 training provided by an entity listed as a training
20 provider on the registry maintained by the Federal
21 Motor Carrier Safety Administration and for such
22 other education and training costs as the Secretary
23 may approve, including the cost of course materials,
24 supplies, technology, and fees for graduation, licen-
25 sure, or certification.

1 “(2) SIMPLIFIED PROCESS.—As soon as prac-
2 ticable after the date of enactment of this sub-
3 section, the Secretary shall develop a simplified proc-
4 ess through which grants may be provided under
5 this subsection that would be readily accessible to in-
6 dividuals with non-Federal share requirements set at
7 the lowest level allowed under other provisions of
8 this section.

9 “(3) REQUIREMENTS.—Expenses authorized
10 under paragraph (1) shall be provided both through
11 the structure of existing programs pursuant to sub-
12 sections (a) through (d) of this section and through
13 the process developed by the Secretary under sub-
14 section (e).”.

15 **SEC. 4. STRENGTHENING SUPPLY CHAINS THROUGH**
16 **TRUCK DRIVER INCENTIVES ACT.**

17 (a) IN GENERAL.—The Internal Revenue Code of
18 1986 is amended by inserting after section 36B the fol-
19 lowing new section:

20 **“SEC. 36C. CREDIT FOR COMMERCIAL TRUCK DRIVERS.**

21 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
22 gible individual, there shall be allowed as a credit against
23 the tax imposed by this subtitle an amount equal to
24 \$7,500 for the taxable year.

1 “(b) ELIGIBLE INDIVIDUAL.—For the purposes of
2 this section, the term ‘eligible taxpayer’ means, with re-
3 spect to a taxable year, an individual—

4 “(1) who holds a valid Class A commercial driv-
5 er’s license (except as provided in subsection (e))
6 who operates a tractor-trailer combination that
7 qualifies as a Group A vehicle under section
8 383.91(a)(1) of title 49, Code of Federal Regula-
9 tions,

10 “(2) whose adjusted gross income for the tax-
11 able year does not exceed—

12 “(A) in the case of a joint return or sur-
13 viving spouse, \$135,000,

14 “(B) in the case of an individual who is a
15 head of household, \$112,500, or

16 “(C) in the case of any other individual,
17 \$90,000, and

18 “(3) who drove such a vehicle in the course of
19 a trade or business—

20 “(A) and served not less than 1900 hours
21 of on-duty time, including driving time, during
22 such taxable year, or

23 “(B) in the case of an individual who did
24 not drive a commercial truck in the preceding
25 taxable year, not less than an average of 40

1 hours per week of on-duty time, including driv-
2 ing time, with respect to weeks during the tax-
3 able year in which such individual drove such a
4 vehicle in the course of a trade or business.

5 “(c) SPECIAL RULE FOR APPRENTICES.—With re-
6 spect to an individual enrolled in an apprenticeship pro-
7 gram registered under the Act of August 16, 1937 (com-
8 monly known as the ‘National Apprenticeship Act’), who,
9 upon completion or in the course of such apprenticeship
10 program will receive a Class A commercial driver’s li-
11 cense—

12 “(1) the requirements of subsection (b)(1) shall
13 not apply, and

14 “(2) such individual may count training hours
15 in such program as hours driving a vehicle described
16 in subsection (b)(1) for the purposes of this section.

17 “(d) SPECIAL RULE FOR NEW TRUCK DRIVERS.—
18 Except as provided in subsection (e), in the case of an
19 eligible taxpayer who did not drive a commercial truck in
20 the course of a trade or business during the preceding tax-
21 able year, subsection (a) shall be applied by substituting
22 ‘\$10,000’ for ‘\$7,500’.

23 “(e) SPECIAL RULE FOR DRIVERS WITH LESS THAN
24 1420 HOURS.—In the case of an eligible taxpayer who did
25 not drive a commercial truck in the preceding taxable year

1 who drives a commercial truck and served for less than
2 1420 hours of on-duty time, including driving time, in the
3 course of a trade or business during the taxable year, the
4 amount of the credit allowed by subsection (a) shall be
5 the amount that bears the same proportion to the dollar
6 amount (determined without regard to this subsection)
7 with respect to the individual under subsection (a) as the
8 number of hours of on-duty time, including driving time,
9 such individual drove a commercial truck in the course of
10 a trade or business during such taxable year bears to 1420
11 hours.

12 “(f) INFLATION ADJUSTMENT.—In the case of any
13 taxable year beginning after 2022, the dollar amounts in
14 this section shall be increased by an amount equal to—

15 “(1) such dollar amount, multiplied by

16 “(2) the cost-of-living adjustment determined
17 under section 1(f)(3) for the calendar year in which
18 the taxable year begins, determined by substituting
19 ‘calendar year 2021’ for ‘calendar year 2016’ in sub-
20 paragraph (A)(ii).

21 “(g) LIMITATION.—An eligible individual shall be al-
22 lowed the credit under this section only 2 times.

23 “(h) DEFINITIONS.—In this section, the terms “on-
24 duty time” and “driving time” shall have the meaning

1 given such terms in section 395.2 of title 49, Code of Fed-
2 eral Regulations.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) IN GENERAL.—Section 6211(b)(4)(A) of the
5 Internal Revenue Code of 1986 is amended by in-
6 serting “, 36C” after “36B”.

7 (2) REFUND OF INTERNAL REVENUE COLLEC-
8 TIONS.—Section 1324(b)(2) of title 31, United
9 States Code, is amended by inserting “, 36C” after
10 “, 36B”.

11 (3) CLERICAL AMENDMENT.—The table of sec-
12 tions for subpart C of part IV of subchapter A of
13 chapter 1 of the Internal Revenue Code of 1986 is
14 amended by inserting after the item relating to sec-
15 tion 36B the following new item: “Sec. 36C. Credit
16 for commercial truck drivers.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to taxable years ending on or after
19 December 31, 2022.

20 **SEC. 5. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that it should be a national priority to address the
23 shortage of parking for commercial motor vehicles on the
24 Federal-aid highway system to improve highway safety.

1 (b) IN GENERAL.—Chapter 1 of title 23, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 **“§ 180. Parking for commercial motor vehicles**

5 “(a) GRANT AUTHORITY.—Subject to the availability
6 of funds, the Secretary shall make grants under this sec-
7 tion, on a competitive basis, to eligible entities for projects
8 to provide parking for commercial motor vehicles and im-
9 prove the safety of commercial motor vehicle operators.

10 “(b) APPLICATIONS.—To be eligible for a grant
11 under this section, an eligible entity shall submit to the
12 Secretary an application at such time and in such manner
13 as the Secretary may require.

14 “(c) APPLICATION CONTENTS.—An application sub-
15 mitted under subsection (b) shall contain—

16 “(1) a description of the proposed project; and

17 “(2) any other information that the Secretary
18 may require.

19 “(d) ELIGIBLE ENTITIES.—The following entities
20 shall be eligible to receive amounts under this section:

21 “(1) A State.

22 “(2) A metropolitan planning organization.

23 “(3) A unit of local government.

1 “(4) A political subdivision of a State or local
2 government carrying out responsibilities relating to
3 commercial motor vehicle parking.

4 “(5) A Tribal government or a consortium of
5 Tribal governments.

6 “(6) A multistate or multijurisdictional group
7 of entities described in paragraphs (1) through (5).

8 “(e) PRIVATE SECTOR PARTICIPATION.—An eligible
9 entity that receives a grant under this section may partner
10 with a private entity to carry out an eligible project under
11 this section.

12 “(f) ELIGIBLE PROJECTS.—

13 “(1) IN GENERAL.—An entity may use a grant
14 awarded under this section for a project described in
15 paragraph (2) that is on—

16 “(A) a Federal-aid highway; or

17 “(B) a facility with reasonable access to—

18 “(i) a Federal-aid highway; or

19 “(ii) a freight facility.

20 “(2) PROJECTS DESCRIBED.—A project de-
21 scribed in this paragraph is a project to—

22 “(A) construct safety rest areas (as such
23 term is defined in section 120(c)) that include
24 parking for commercial motor vehicles;

1 “(B) construct additional commercial
2 motor vehicle parking capacity—

3 “(i) adjacent to private commercial
4 truck stops and travel plazas;

5 “(ii) within the boundaries of, or adja-
6 cent to, a publicly owned freight facility,
7 including a port terminal operated by a
8 public authority; and

9 “(iii) at existing facilities, including
10 inspection and weigh stations and park-
11 and-ride locations;

12 “(C) open existing weigh stations, safety
13 rest areas, and park-and-ride facilities to com-
14 mercial motor vehicle parking;

15 “(D) construct or make capital improve-
16 ments to existing public commercial motor vehi-
17 cle parking facilities to expand parking utiliza-
18 tion and availability, including at seasonal fa-
19 cilities;

20 “(E) identify, promote, and manage the
21 availability of publicly and privately provided
22 commercial motor vehicle parking, such as
23 through the use of intelligent transportation
24 systems;

1 “(F) improve the safety of commercial
2 motor vehicle operators at parking facilities as
3 part of a project described in subparagraphs
4 (A) through (D); or

5 “(G) improve a parking facility, including
6 through advanced truck stop electrification sys-
7 tems and other improvements determined ap-
8 propriate by the Secretary, as part of a project
9 described in subparagraphs (A) through (D).

10 “(3) PUBLICLY ACCESSIBLE PARKING.—Com-
11 mercial motor vehicle parking constructed or opened
12 with a grant under this section shall be open and ac-
13 cessible to all commercial motor vehicle operators.

14 “(g) USE OF FUNDS.—

15 “(1) IN GENERAL.—An eligible entity may use
16 a grant under this section for—

17 “(A) development phase activities, includ-
18 ing planning, feasibility analysis, benefit-cost
19 analysis, environmental review, preliminary en-
20 gineering and design work, and other
21 preconstruction activities necessary to advance
22 a project under this section; and

23 “(B) construction and operational improve-
24 ments.

25 “(2) LIMITATION.—

1 “(A) IN GENERAL.—An eligible entity may
2 use not more than 25 percent of the amount of
3 a grant under this section for activities de-
4 scribed in paragraph (1)(A).

5 “(B) EXISTING FACILITIES.—Not more
6 than 10 percent of the amounts available for
7 each fiscal year for grants under the program
8 may be used for projects described under sub-
9 section (f)(2)(E) that solely identify, promote,
10 and manage the availability of existing commer-
11 cial motor vehicle parking.

12 “(h) SELECTION CRITERIA.—In making grants
13 under this subsection, the Secretary shall give priority to
14 applications that demonstrate—

15 “(1) a shortage of commercial motor vehicle
16 parking capacity in the corridor in which the project
17 is located;

18 “(2) consultation with motor carriers, commer-
19 cial motor vehicle operators, public safety officials,
20 and private providers of commercial motor vehicle
21 parking;

22 “(3) that the project will likely—

23 “(A) increase the availability or utilization
24 of commercial motor vehicle parking;

1 “(B) facilitate the efficient movement of
2 freight; and

3 “(C) improve highway safety, traffic con-
4 gestion, and air quality; and

5 “(4) the ability to provide for the maintenance
6 and operation of the facility.

7 “(i) FEDERAL SHARE.—Notwithstanding section
8 120, the Federal share for a project carried out under this
9 subsection shall be up to 100 percent.

10 “(j) TREATMENT OF PROJECTS.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, projects funded under this section
13 shall be treated as projects on a Federal-aid highway
14 under this chapter.

15 “(2) PERIOD OF AVAILABILITY.—Funds appro-
16 priated for projects under this section shall remain
17 available for a period of 3 years after the last day
18 of the fiscal year in which the funds are made avail-
19 able.

20 “(k) PROHIBITION ON CHARGING FEES.—To be eli-
21 gible for a grant under this section, an eligible entity shall
22 agree that no fees will be charged to a commercial motor
23 vehicle to access parking constructed, opened, or improved
24 with a grant under this section.

1 “(l) NOTIFICATION OF CONGRESS.—Not less than 3
2 business days before making a grant for a project under
3 this section, the Secretary shall notify, in writing, the
4 Committee on Transportation and Infrastructure of the
5 House of Representatives and the Committee on the Envi-
6 ronment and Public Works of the Senate of the intention
7 to award such a grant.

8 “(m) SURVEY AND COMPARATIVE ASSESSMENT.—

9 “(1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this subsection, and
11 every 2 years thereafter, the Secretary, in consulta-
12 tion with appropriate State motor carrier safety per-
13 sonnel, motor carriers, State departments of trans-
14 portation, and private providers of commercial motor
15 vehicle parking shall submit to the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on the Environ-
18 ment and Public Works of the Senate a report
19 that—

20 “(A) evaluates the availability of adequate
21 parking and rest facilities, taking into account
22 both private and public facilities, for commer-
23 cial motor vehicles engaged in interstate trans-
24 portation;

1 “(B) evaluates the effectiveness of the
2 projects funded under this section in improving
3 access to commercial motor vehicle parking;

4 “(C) evaluates the ability of entities receiv-
5 ing a grant under this section to sustain the op-
6 eration of parking facilities constructed with
7 funds provided under this section; and

8 “(D) reports on the progress being made
9 to provide adequate commercial motor vehicle
10 parking facilities in the State.

11 “(2) RESULTS.—The Secretary shall make the
12 report and subsequent updated reports under para-
13 graph (1) available to the public on the website of
14 the Department of Transportation.

15 “(3) ALIGNMENT OF REPORTS.—In carrying
16 out this subsection, the Secretary shall consider the
17 results of the commercial motor vehicle parking fa-
18 cilities assessments of the States under section
19 70202 of title 49 and seek to align the contents of
20 the report and reporting deadlines under paragraph
21 (1) with the requirements of such section.

22 “(n) COMMERCIAL MOTOR VEHICLE DEFINED.—In
23 this section, the term ‘commercial motor vehicle’ has the
24 meaning given such term in section 31132 of title 49.”.

1 (c) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by add-
3 ing after the item relating to section 177 the following:

“180. Parking for commercial motor vehicles.”.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated out of the general fund
6 of the Treasury for projects for commercial vehicle park-
7 ing under section 177 of title 23, United States Code (as
8 added by this Act)—

9 (1) \$175,000,000 for fiscal year 2023;

10 (2) \$185,000,000 for fiscal year 2024;

11 (3) \$195,000,000 for fiscal year 2025; and

12 (4) \$200,000,000 for fiscal year 2026.

13 **SEC. 6. LICENSING INDIVIDUAL COMMERCIAL EXAM-TAK-**
14 **ERS NOW SAFELY AND EFFICIENTLY ACT.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Secretary of Transportation, acting
17 through the Administrator of the Federal Motor Carrier
18 Safety Administration, shall—

19 (1) revise section 384.228 of title 49, Code of
20 Federal Regulations (or a successor regulation), to
21 allow a State or third-party examiner to administer
22 a commercial driver’s license knowledge test so long
23 as the examiner—

24 (A) maintains a valid commercial driver’s
25 license test examiner certification;

1 (B) completes a commercial driver’s license
2 skills test examiner training course that meets
3 the requirements of subsection (d) of such sec-
4 tion; and

5 (C) completes 1 unit of instruction de-
6 scribed in subsection (c)(3) of such section;

7 (2) revise section 383.25(a)(1) of title 49, Code
8 of Federal Regulations (or a successor regulation),
9 to allow a commercial driver’s license holder accom-
10 panying a commercial learner’s permit holder to be
11 present anywhere in the cab of the vehicle being op-
12 erated by the commercial learner’s permit holder;
13 and

14 (3) revise section 383.79 of title 49, Code of
15 Federal Regulations (or a successor regulation), to
16 allow a State to administer a driving skills test to
17 any commercial driver’s license applicant, regardless
18 of the State of domicile of the applicant or where the
19 applicant received driver training.

20 **SEC. 7. EXEMPTION FOR ZERO EMISSION CLASS 7 VEHI-**
21 **CLES.**

22 Section 31301(4) of title 49, United States Code, is
23 amended by inserting “, except that, for vehicles powered
24 primarily by means of electric battery power, the weight
25 of the electric battery or batteries shall not count towards

1 the gross vehicle weight rating and gross vehicle weight
2 stated in this subparagraph, or towards any lesser gross
3 vehicle weight rating or gross vehicle weight that may be
4 prescribed by the Secretary by regulation” after “10,001
5 pounds”.

6 **SEC. 8. SAFETY DATA COLLECTION PROGRAM FOR CER-**
7 **TAIN 6-AXLE VEHICLES.**

8 Section 127 of title 23, United States Code, is
9 amended by adding at the end the following:

10 “(x) PILOT PROGRAM FOR SAFETY DATA COLLEC-
11 TION ON CERTAIN 6-AXLE VEHICLES.—

12 “(1) GENERAL AUTHORITY.—Not later than 30
13 days after the date of enactment of this subsection,
14 the Secretary shall establish a pilot program (re-
15 ferred to in this subsection as the ‘pilot program’)
16 under which States selected by the Secretary under
17 paragraph (2) may allow covered 6-axle vehicles to
18 be operated on the Interstate System in the State.

19 “(2) SELECTION OF STATES FOR THE PRO-
20 GRAM.—

21 “(A) INITIAL APPLICATION.—Beginning on
22 the date that is 30 days after the date of enact-
23 ment of this subsection, a State seeking to par-
24 ticipate in the pilot program shall submit an
25 application to the Secretary in electronic form,

1 containing such administrative information as
2 the Secretary may require, including a certifi-
3 cation that the State will have the authority
4 pursuant to State law to implement the pilot
5 program.

6 “(B) SELECTION.—The Secretary shall se-
7 lect for the pilot program, on a rolling basis,
8 States that submit a completed application
9 under subparagraph (A).

10 “(C) ELECTION TO NO LONGER PARTICI-
11 PATE.—If a State elects to no longer partici-
12 pate in the pilot program, the State shall notify
13 the Secretary of such election.

14 “(3) MEANS OF IMPLEMENTATION.—

15 “(A) IN GENERAL.—To be eligible to par-
16 ticipate in the pilot program, a State shall
17 agree to implement the pilot program through
18 the issuance of permits per vehicle or group of
19 vehicles with respect to covered 6-axle vehicles.

20 “(B) PERMIT.—A permit described in sub-
21 paragraph (A) shall—

22 “(i) describe the Interstate System
23 routes that may be used while operating at
24 greater than 80,000 pounds gross vehicle
25 weight in a covered 6-axle vehicle; and

1 “(ii) require the permit holder to re-
2 port to the State, with respect to such per-
3 mit holder—

4 “(I) each accident (as such term
5 is defined in section 390.5 of title 49,
6 Code of Federal Regulations, as in ef-
7 fect on the date of enactment of this
8 subsection) that occurred in the State
9 involving a covered 6-axle vehicle on
10 the Interstate System in the State;

11 “(II) the estimated gross vehicle
12 weight of each covered 6-axle vehicle
13 at the time of an accident described in
14 subclause (I); and

15 “(III) the estimated miles trav-
16 eled by covered 6-axle vehicles on the
17 Interstate System annually.

18 “(C) SAFETY EQUIPMENT INCENTIVE.—

19 “(i) FEE REDUCTION.—With respect
20 to any fee associated with a permit under
21 this paragraph, the State shall reduce the
22 fee otherwise applicable to a vehicle by 67
23 percent if the vehicle is equipped with an
24 automatic emergency braking system, in-

1 cluding such systems in use on the date of
2 enactment of this subsection.

3 “(ii) GROUP OF VEHICLES.—As ap-
4 plied to a permit for a group of vehicles,
5 the reduction under clause (i) shall only
6 apply with respect to individual vehicles in
7 the group that are equipped with an auto-
8 matic emergency breaking system, includ-
9 ing such systems in use on the date of en-
10 actment of this subsection.

11 “(4) OTHER AUTHORIZATIONS NOT AF-
12 FECTED.—This subsection shall not restrict—

13 “(A) a vehicle that may operate under any
14 other provision of this section or another Fed-
15 eral law; or

16 “(B) a State’s authority with respect to a
17 vehicle that may operate under any other provi-
18 sion of this section or another Federal law.

19 “(5) NO HIGHWAY FUNDING REDUCTION.—Not-
20 withstanding subsection (a), funds apportioned to a
21 State under section 104 for any period may not be
22 reduced because the State authorizes the operation
23 of covered 6-axle vehicles within such State in ac-
24 cordance with this subsection.

1 “(6) ANNUAL REPORT.—Not later than the
2 first March 1 after the date of enactment of this
3 subsection, and annually thereafter, a State partici-
4 pating in the pilot program shall submit to the Sec-
5 retary with respect to the previous calendar year, a
6 report on—

7 “(A) the number of accidents (as such
8 term is defined in section 390.5 of title 49,
9 Code of Federal Regulations (as in effect on the
10 date of enactment of this subsection)) that oc-
11 curred in the State involving covered 6-axle ve-
12 hicles on the Interstate System in the State;

13 “(B) the estimated gross vehicle weight of
14 each such vehicle at the time of the accident in
15 the State described in subparagraph (A); and

16 “(C) the estimated miles traveled by such
17 vehicle on the Interstate System in the State.

18 “(7) TERMINATION OF PILOT PROGRAM.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), the pilot program shall ter-
21minate on the date that is 10 years after the
22 date of enactment of this subsection.

23 “(B) ADDITIONAL APPLICATION; CONTINU-
24 ATION OF AUTHORITY.—For a period of 10
25 years beginning on the date described in sub-

1 paragraph (A), the Secretary may continue the
2 pilot program with respect to each State in the
3 program, upon the application of a State and
4 after consideration of—

5 “(i) the actual experience of the State
6 under the pilot program; and

7 “(ii) any documents or other material
8 submitted by the State in support of such
9 an application.

10 “(8) COVERED 6-AXLE VEHICLE DEFINED.—In
11 this subsection, the term ‘covered 6-axle vehicle’
12 means a vehicle—

13 “(A) equipped with 6 or more axles;

14 “(B) for which the weight—

15 “(i) on any single axle of the vehicle
16 does not exceed 20,000 pounds, including
17 enforcement tolerances;

18 “(ii) on any tandem axle of the vehicle
19 does not exceed 34,000 pounds, including
20 enforcement tolerances; and

21 “(iii) on any group of three or more
22 axles of the vehicle does not exceed 45,000
23 pounds, including enforcement tolerances;

24 “(C) for which the gross weight does not
25 exceed the lesser of—

1 “(i) 91,000 pounds, including enforce-
2 ment tolerances; and

3 “(ii) the maximum permitted by the
4 bridge formula under subsection (a); and

5 “(D) that is not a longer combination vehi-
6 cle, as such term is defined in subsection
7 (d)(4).”.

8 **SEC. 9. HAULERS OF AGRICULTURE AND LIVESTOCK SAFE-**
9 **TY ACT.**

10 (a) TRANSPORTATION OF AGRICULTURAL COMMOD-
11 ITIES AND FARM SUPPLIES.—Section 229 of the Motor
12 Carrier Safety Improvement Act of 1999 (49 U.S.C.
13 31136 note; Public Law 106–159) is amended—

14 (1) in subsection (a)(1)—

15 (A) in the matter preceding subparagraph
16 (A) by striking “during planting and harvest
17 periods, as determined by each State,”; and

18 (B) by striking subparagraph (A) and in-
19 serting the following:

20 “(A) drivers transporting agricultural com-
21 modities within a 150 air-mile radius from—

22 “(i) the source of the agricultural
23 commodities; or

24 “(ii) the destination of the agricul-
25 tural commodities;”; and

1 (2) in subsection (e)(8) by striking “during the
2 planting and harvesting seasons within each State,
3 as determined by the State, and livestock feed at
4 any time of the year” and inserting “and livestock
5 feed”.

6 (b) DEFINITION OF AGRICULTURAL COMMODITY.—

7 (1) IN GENERAL.—Section 229(e) of the Motor
8 Carrier Safety Improvement Act of 1999 (49 U.S.C.
9 31136 note; Public Law 106–159) is amended by
10 striking paragraph (7) and inserting the following:

11 “(7) AGRICULTURAL COMMODITY.—The term
12 ‘agricultural commodity’ has the meaning given the
13 term in section 395.2 of title 49, Code of Federal
14 Regulations (or a successor regulation).”.

15 (2) RULEMAKING.—Not later than 180 days
16 after the date of enactment of this Act, the Sec-
17 retary of Transportation shall revise the definition of
18 the term “agricultural commodity” in section 395.2
19 of title 49, Code of Federal Regulations, to in-
20 clude—

21 (A) any nonprocessed product planted or
22 harvested for food, feed, fuel, or fiber;

23 (B)(i) any nonhuman living animal, includ-
24 ing—

25 (I) fish;

1 (II) insects; and

2 (III) livestock (as such term is defined
3 in section 602 of the Emergency Livestock
4 Feed Assistance Act of 1988 (7 U.S.C.
5 1471); and

6 (ii) the nonprocessed products of any
7 nonhuman living animal, including—

8 (I) milk;

9 (II) eggs; and

10 (III) honey;

11 (C) nonprocessed forestry, aquacultural,
12 horticultural, and floricultural commodities;

13 (D) fresh or minimally processed fruits
14 and vegetables, including fruits and vegetables
15 that are rinsed, cooled, cut, ripened, or other-
16 wise minimally processed, as determined by the
17 Secretary;

18 (E) animal feed, including the ingredients
19 of animal feed; and

20 (F) any additional agricultural or forest
21 product, whether unprocessed or processed, in-
22 cluding paper and packaging products and food
23 and beverage products.

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