

*103 P.L. 311, *; 108 Stat. 1673, **;
1994 Enacted H.R. 2178; 103 Enacted H.R. 2178*

UNITED STATES PUBLIC LAWS
103RD CONGRESS-SECOND SESSION
(c) 1994, REED ELSEVIER INC. AND REED ELSEVIER PROPERTIES INC.

PUBLIC LAW 103-311 [H.R. 2178]
AUGUST 26, 1994
HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994;
TRUCKING INDUSTRY REGULATORY REFORM ACT OF 1994

103 P.L. 311; 108 Stat. 1673; 1994 Enacted H.R. 2178; 103 Enacted H.R. 2178

[*114] SEC. 114. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.

(a) Amendment of Regulations. --Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), to--

(1) specify the safety information that must be sought under that section by a motor carrier with respect to a driver;

(2) require that such information be requested from former employers and that former employers furnish the requested information within 30 days after receiving the request; and

(3) ensure that the driver to whom such information applies has a reasonable opportunity to review and comment on the information.

(b) Safety Information. --The safety information required to be specified under subsection (a)(1) shall include information on--

(1) any motor vehicle accidents in which the driver was involved during the preceding 3 years;

(2) any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 31302 of title 49, United States Code (relating to limitation the number of driver's licenses), after being found to **[**1678]** have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(3) any use by the driver, during the preceding 3 years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and

(4) any other matters determined by the Secretary of Transportation to be appropriate and useful for determining the driver's safety performance.

(c) Former Employer. --For purposes of this section, a former employer is any person who employed the driver in the preceding 3 years.