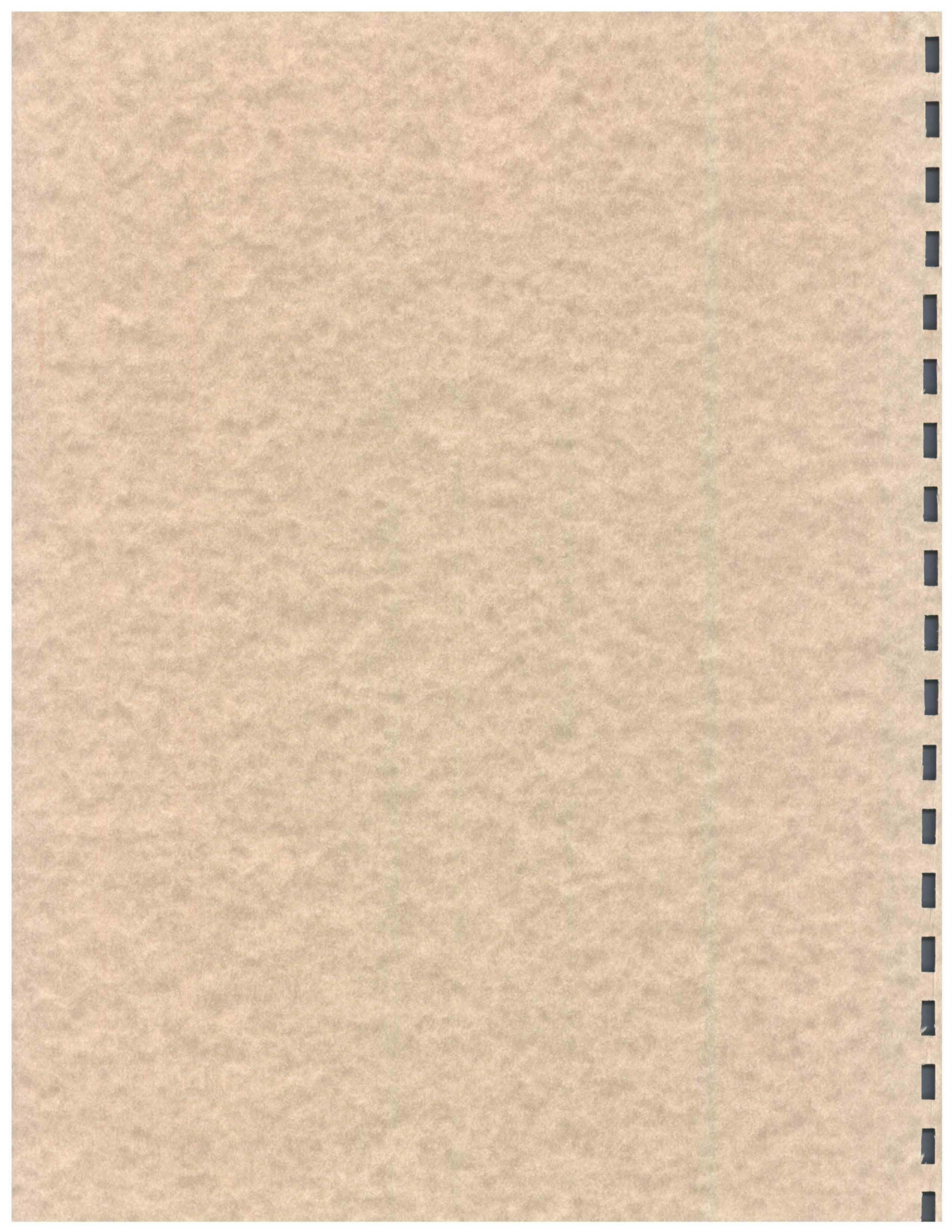


Ron Spies

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NEW FEDERAL LAWS MANUAL

1984



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INTRODUCTION

The laws included in this document were passed in the 98th Congress and signed by the President. Each law affecting the DOT is summarized. A section-by-section analysis is included for pertinent sections. Not all sections are analyzed.

If you would like a copy of the law or committee action as printed in the Congressional Record, please call Ron Spies at 239-1383.

Prepared by
Office of Policy
Iowa Department of Transportation
December 1984

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Child Restraint/National Minimum Drinking Age
PL 98-363

This law requires states to implement child restraint programs and comprehensive computer traffic safety recordkeeping systems. It requires the states to implement a 21-year-old drinking age by FFY 1987 or have part of their federal highway funds withheld.

Section 1

Requires states to develop and implement a program concerning the use of child restraint systems in motor vehicles unless the state can prove 75 percent of the children under the age of four are properly restrained. Funds to implement this program are available from the Highway Trust Fund beginning after September 30, 1987.

Section 2

- Limits the National Highway Traffic Safety Administration's Section 402 Safety Funds to \$126.5 million in FFY 1985 and \$132 million in FFY 1986.
- Limits FHWA's Section 402 Safety Funds to \$10 million per year in FFY 1985 and 1986.

Section 3

Includes appropriations to the Virgin Islands, Guam and American Samoa to be paid from the Treasury, and to be at least one-fourth of 1 percent of the total apportionment.

Section 4

- Adds controlled substances to Section 408 Traffic Safety Programs. (These are administered by the Office of Planning and Programming in Iowa.)
- Expands effective safety programs criteria to include:
 - Rehabilitation programs for people convicted of driving under the influence of controlled substances, or
 - Research programs to develop effective means of detecting the use of controlled substances.

Section 5

Allows the DOT to make grants to states to establish and maintain a comprehensive computer traffic safety recordkeeping system. These grants are available for FFY 1985 and 1986 only and can equal 10 percent of the Section 402 funds apportioned to that state.

Section 6 - National Minimum Drinking Age

Requires each state to enact a 21-year-old drinking age law or have 5 percent of their highway funds withheld in FFY 1987 and 10 percent withheld in FFY 1988. The highway funds affected are federal-aid primary, secondary and urban, interstate construction and interstate 4R. In Iowa, this means \$6 million in 1987 and \$12 million in 1988 will be withheld if the law is not passed.

Section 7

- Includes incentive grants to states of 5 percent of the combined 402 and 408 safety funds apportioned to that state for FFY 1984 to 1988.
- Allows incentive grants to states if they enact laws requiring the following penalties for drunk driving convictions:

First conviction.

1. Mandatory license suspension of at least 90 days.
2. Assignment of 100 hours of community service or a minimum sentence of at least two days imprisonment.

Second conviction within five years.

1. Mandatory imprisonment of 10 days.
2. License revocation of one year.

Third or subsequent conviction.

1. Mandatory imprisonment of 120 days.
2. License revocation of three years.

Conviction for driving with a suspended or revoked license as a result of a drunk driving conviction.

1. Mandatory imprisonment of 30 days.
2. Additional license suspension at least double the remaining suspension or revocation period of the original sentence.

Civil Aeronautics Sunset Act of 1984
PL 98-443

The Civil Aeronautics Board Sunset Act of 1984 amends the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board (CAB) and transfer other functions to the Department of Transportation (DOT) and the U.S. Postal Service.

Section 3 - Termination and Transfer of Functions Under the Federal Aviation Act of 1958

- Transfers CAB's rulemaking authority, regulatory functions and antitrust functions to the DOT as of January 1, 1985.
- Transfers CAB's authority to set domestic airmail rates within the State of Alaska to the Postal Service until January 1, 1989.
- All functions not listed are transferred to the DOT.

Section 4 - Transfers Functions Under Other Laws

Transfers to the DOT all authority specified for CAB under laws other than the Federal Aviation Act.

Section 5 - Collection of Data

As of January 1, 1985, the DOT will collect information on the origin and destination of interstate and overseas passengers. This data is required on a summary basis by carrier rather than on a flight-by-flight basis.

Section 6 - Reports

- The Secretary of Transportation is required to report to Congress July 1, 1987, on the administration of sections of the Federal Aviation Act related to antitrust immunity and interstate/overseas transportation. The Secretary will recommend whether those authorities will be continued.
- A similar report will be filed jointly by the Secretary and the Postmaster General on the authority to establish mail rates in Alaska.

Section 10 - Transfer of Money and Personnel

All CAB employees, including senior executives, and all funds shall be transferred to the agency to which their assigned functions have been transferred.

Section 12 - Savings Provisions

- All effective CAB orders and proceedings will continue after termination of the Board.
- References in federal laws to CAB shall refer to any agency obtaining a function of CAB.
- Heads of agencies obtaining CAB functions shall have the same authority as CAB.

Section 14 - Access for Handicapped Persons

Any order, rule, regulation or procedure which will have a significant impact on handicapped accessibility of airports or airplanes must first be reviewed by the Architectural and Transportation Barriers Compliance Board.

Section 15 - Transportation To and From Dulles Airport

The Secretary of Transportation will study the feasibility of constructing a rapid rail transit line between West Falls Church in Virginia, Washington, D.C., Metrorail and Dulles International Airport within one year of enactment of this Act.

Section 16 - Essential Air Service in Alaska

Allocates \$3,572,778 in FFY 1985 and in FFY 1986 to provide essential air service in Alaska. The DOT Secretary shall study feasibility of extending the allocation past December 31, 1986.

Continuing Resolution
(DOT Funding Bill)
PL 98-473

Since Congress could not resolve various issues related to the appropriations process, both houses approved a continuing resolution rather than an appropriations bill to fund the DOT. By definition, a continuing resolution should merely carry forward the previous year's funding levels.

This was not the case with the DOT funding bill. Congress instead attempted to set funding levels at the previous year's funding level or at the President's budget request, whichever was lower. As is apparent in the final funding levels, this general rule did not apply.

Federal Aviation Administration -- Grants-in-aid for Airports

- The obligation limit for airport development and planning (ADAP) grants is set at \$925 million. Last year's level was \$800 million.
- Several airports listed in House Report 98-859 and Senate Report 98-561 are included for priority consideration for discretionary grants. The Ottumwa, Iowa, Municipal Airport is included from the Senate Report.

Federal Highway Administration -- Federal-aid Highways

- The obligation limit for highways is set at \$13.25 billion. Last year's level was \$12.52 billion.
- Interstate transfer - highway discretionary funding for Iowa is set at \$3 million.
- Loans from the Right of Way Revolving Fund are limited to \$50 million. Last year's limit was \$30 million.
- Appropriations: Motor Carrier Safety = \$14.07 million
(about \$1 million more than 1984)
Motor Carrier Safety Grants = \$14 million
(about \$6 million more than 1984)

National Highway Traffic Safety Administration

- Appropriations for operations and research are set at \$82.35 million, compared to \$78 million in 1984.
- Appropriations for safety grants are set at \$125 million, compared to \$138 million in 1984.

Federal Railroad Administration

- Appropriations for Local Rail Service Assistance (LRSA) are set at \$23.2 million (FFY 1984 funding level was \$25.09 million), with the following provisions:
 - Only \$15 million is made available to the states. The remaining \$8.2 million is to be used for Union Station in Washington, D.C., and administrative costs.
 - Of the \$15 million, \$10 million is to be distributed at the Secretary's discretion and \$5 million by formula.
 - States may not apply for funds if they have not expended all LRSA funds granted prior to FFY 1980.
- Appropriations for Amtrak are set at \$684 million, \$32 million less than last year.
- Guaranteed loans under Section 511 are limited to \$2.5 million. The 1984 limit was \$20 million. The Secretary is authorized to expend funds from the sale of Redeemable Preference Shares to the Treasury.

Urban Mass Transportation Administration

- Appropriations for Sections 9 and 18 formula grant programs are set at \$2.45 billion, compared to \$2.39 billion in FFY 1984. This section prohibits funding a light rail line in Detroit until operating funding can be identified.
- Contract authority for Section 3 discretionary grants (revenue from the one-cent gas tax for transit) is set at \$1.12 billion, compared to \$1.23 billion in FFY 1984. The Detroit prohibition is also included in this section.
- Appropriations for Interstate transfer - transit grants are set at \$250 million. The 1984 level was \$295.4 million.

National Transportation Safety Board

Appropriations are set at \$21.7 million, about \$1 million more than last year.

Interstate Commerce Commission

Appropriations are set at \$48 million, compared to \$60 million in FFY 1984.

Civil Aeronautics Board

Appropriations are set at \$5.6 million, with the provision that unexpended funds be transferred on January 1, 1985, to agencies receiving CAB functions.

Hazardous Materials Transportation Act
PL 98-559

The Hazardous Materials Transportation Act authorizes appropriations for FFY 1985 and 1986 and requires an evaluation of federal, state, local and private hazardous materials training and planning programs.

Section 2 - Findings and Purpose

- Considers transportation of hazardous materials a threat to public safety but essential to commerce.
- Calls for increased coordination between federal, state and local governments to prevent accidents and increase response.

Section 115 - Authorization for Appropriations

Authorizes \$7.5 million for FFY 1985 and \$8 million for FFY 1986 to fund Section 115 of the Hazardous Materials Transportation Act.

Section 116 - Evaluation of Training Programs for Incident Prevention and Response

- Requires the DOT and the Federal Emergency Management Agency (FEMA) to study:
 - Federal, state, local and private training programs for shippers, carriers, inspectors, enforcement personnel and personnel who respond to hazardous materials transportation incidents.
 - Federal, state, local and private planning programs for response to incidents involving the transport of hazardous materials.
- Requires an interim report to Congress by March 30, 1985, and a final report by August 30, 1985, on the above studies, funding spent between 1980 and 1984 on hazardous materials training, and recommendations for long-term funding for these programs.

Hazardous and Solid Waste Amendments of 1984
PL 98-616

The Hazardous and Solid Waste Amendments of 1984 increases and adds new funding for hazardous waste safety programs. The bill includes regulation of generators of small quantities of hazardous waste. The act clarifies that hazardous waste transporters are not responsible for wastes except while in their possession.

Section 2 - Authorizations

- Increases the funding for current state hazardous waste programs to \$55 million in FFY 1985 and \$60 million in FFY 1986, 1987 and 1988.
- Adds new funding of \$10 million for FFY 1985 through 1988 for regulating underground storage tanks, and \$25 million per year for FFY 1985 through 1988 to develop and implement an underground storage tank safety program.

Section 201 - Land Disposal of Hazardous Waste

Prohibits the use of hazardous wastes or contaminated used motor oil as a dust suppressant.

Section 221 - Small Quantity Generator Waste

- Requires small quantity waste generators (those producing between 100 and 1,000 kilograms per month of hazardous waste) to comply with the same regulations as large quantity generators.
- Requires DOT and EPA to study and report to Congress on the transportation regulations imposed on small waste generators.

Section 241 - Management of Used Oil

Requires the EPA to determine within 12 months of enactment if used automobile and truck crankcase oil should be declared a hazardous waste. Within 24 months of enactment, special standards go into effect regarding the handling and disposition of used oil.

Section 401 - Citizen Suits, Section 402 - Imminent Hazard

Exempts hazardous waste transporters (common carriers) from responsibility during the generation and storage phases, but retains their responsibility during transportation.

Section 601 - Underground Storage Tank Regulation

- Requires the EPA to issue underground storage tank regulations within 30 days of enactment. Regulation requirements include inspection, inventory control and new installations.
- Requires owners, within 12 months of enactment, to notify an agency designated by the governor of the existence of an underground storage tank, its age, size, type, location and use. Underground storage tanks taken out of operation since January 1, 1974, are to be inventoried within 18 months. Tanks taken out of service prior to 1974 are not subject to these requirements.
- Requires the governor of each state to designate within 180 days of enactment the appropriate agency to receive the notification.

Section 702 - Extending the Useful Life of Sanitary Landfills

Requires the EPA to study methods of extending the useful life of existing sanitary landfills and making better use of closed landfill sites.

Miscellaneous Section

Imposes various federal penalties for violations.

Motor Vehicle Theft Law Enforcement Act of 1984
PL 98-547

The Motor Vehicle Enforcement Act of 1984 seeks to reduce the theft of cars for their high-value parts by requiring manufacturers to place identifying numbers or symbols on specified parts of cars especially subject to theft. Additionally, the Act imposes penalties for tampering with identifiers and increases federal penalties for car theft. Import and export controls are strengthened to reduce trade in stolen vehicles or vehicles with altered identifiers.

TITLE I - Improved Identification For Passenger Motor Vehicles and Parts

Section 601 - Definitions

- Defines "major part" as:
 - engine
 - transmission
 - each passenger door
 - hood
 - grille
 - each bumper
 - each front fender
 - deck lid, tailgate or hatchback
 - rear quarter panels
 - trunk floor pan
 - frame or supporting structure
 - any other part designated by the Secretary
- Defines "major replacement part" as
 - any major part not installed in or on the motor vehicle at the time of delivery to the first owner.
 - any major part to which title has not been transferred to any first purchaser.

Section 602 - Theft Prevention Standard

- Requires the Secretary to issue and publish vehicle theft prevention standards within six months of enactment.
- Applies standards to major parts installed by the manufacturer in model years, and to major replacement parts after the standards take effect.

- Requires identification be affixed on not more than 14 major parts of a new high-theft line vehicle if the parts are installed by the manufacturer.

Section 603 - Designation of High Theft Vehicle Lines and Parts

- Designates high theft-lines as domestic or imported passenger vehicle lines with a theft rate higher than the median theft rate for all new vehicles.
- Requires the Secretary, in agreement with the manufacturers, to select the lines and major parts subject to the identifier standards.
- Designates no more than 14 lines of any manufacturer as high-theft lines.
- Requires the Secretary, in consultation with the FBI, to obtain and publish theft recovery data.
- Requires manufacturers to provide information concerning high-theft lines and major parts to the DOT.

Section 604 - Cost Limitation

- Limits the compliance cost for manufacturers to \$15 per vehicle (does not include engine or transmission), or a reasonable amount set by the standards for each major replacement part.
- Does not require manufacturers to conform to any identification system for engines or transmissions which cost more than identification systems already in use.

Section 605 - Exemption for Vehicles Equipped with Antitheft Devices

- Allows manufacturers to apply for identification exemptions if vehicles are equipped, as standard equipment, with an effective antitheft device.
- Allows the Secretary to rescind any exemption if the antitheft device is ineffective.

Section 606 - Determination of Compliance of Manufacturers

- Requires manufacturers to maintain and provide records concerning compliance to the Secretary.
- Allows the Secretary or designee to inspect vehicles, major parts, documents or facilities to ensure compliance.

- Requires manufacturers to provide certification to the first purchaser that the vehicle or part conforms to the standards. Does not apply to vehicles or replacement parts which are labeled on the product and container and intended solely for export.

Section 607 - Prohibited Acts

Prohibits anyone from manufacturing, selling or importing vehicles or replacement parts without conforming to these standards.

Section 608 - Enforcement Provisions

- Assesses a civil penalty of up to \$1,000 per violation of the above standards.
- Limits penalties for a series of violations to \$250,000.
- Allows the U.S. District Court to issue a restraining order on the sale of motor vehicles or replacement parts not in compliance with the standards.

Section 609 - Confidentiality of Information

Requires the Secretary to maintain the confidentiality of trade secrets or records provided by manufacturers.

Section 610 - Judicial Review

Allows anyone adversely affected by the standards to request a judicial review.

Section 611 - Coordination with State and Local Law

Preempts state or local laws.

Section 612 - Insurance Reports and Information

- Requires insurers of theft coverage to provide the following annually to the Secretary:
 - Thefts and recoveries in whole or in part of motor vehicles.
 - Number of recovered intact vehicles.
 - Rating rules and plans used to establish premiums for comprehensive insurance coverage.
 - Action taken by insurers to reduce premiums and to deter motor vehicle thefts.

- Allows the Secretary to exempt insurers from these requirements if the cost is excessive in relation to the size of the business.
- Requires the Secretary to compile and publish this information.

Section 613 - Voluntary Vehicle Identification Standards

Allows any person to voluntarily affix an identifying number on major parts of any motor vehicle and register the number with the Secretary.

Section 614 - 3-Year and 5-Year Studies Regarding Motor Vehicle Theft

- Requires the Secretary to complete a study within three years including:
 - the number of motor vehicles stolen and recovered annually, compiled by make, model and line.
 - the number of vehicles stolen for parts or export.
 - the market for stolen parts.
 - insurance premiums charged for high theft candidates.
 - an assessment of the effectiveness of the new standards.
 - a recommendation to Congress whether the standards should be required by statute.
- Requires the Secretary to complete a study within five years with at least four years of data based on these standards and including:
 - the same information required in the three-year study.
 - methods used for collecting, compiling and disseminating the information.
 - a cost benefit study.
 - the experiences of peace officers in making arrests and successfully prosecuting violators.
 - the effectiveness of the laws at preventing the sale of stolen parts and the adequacy of the system available for tracing stolen parts.

Section 102 - Report Regarding Theft Prevention Systems

- Requires the DOT to report to Congress within one year of enactment on security systems designed to deter stealing a locked vehicle. The report should include:
 - security system standards.
 - a review of whether standards should be required or personal security devices encouraged.
 - an analysis of the cost and effectiveness of security systems.

TITLE II - Antifencing Measures

Section 201 - Motor Vehicle Identification Numbers: Forfeitures

- Includes civil penalty of up to \$10,000 or up to five years imprisonment or both for tampering with identification numbers on motor vehicles or parts. Some exceptions are included.
- Allows seizure by the DOT of a motor vehicle if an identification number is tampered with. The following exceptions apply:
 - the owner doesn't know the motor vehicle or part has been tampered with.
 - the damage to the identification number was caused by a collision.
 - the motor vehicle or part has an authorized replacement number.
 - the motor vehicle or part is owned by a scrap processor.

Section 204 - Trafficking in Certain Motor Vehicles or Parts

Includes a penalty of up to \$20,000 or up to 10 years imprisonment, or both, for possessing, with intent to sell, a motor vehicle or part and knowing the identification number has been tampered with. (Exceptions are included.)

TITLE III - Importation and Exportation Measures

Section 301 - Amendments to Title 18, U.S. Code

Assesses a penalty of up to \$15,000 or up to five years imprisonment to anyone knowingly importing or exporting a stolen motor vehicle, off-highway mobile equipment, vessel, aircraft or part thereof.

Section 302 - Amendment to Tariff Act of 1930

- Adds a new section which includes a civil penalty of up to \$10,000 and seizure of the vehicle for importing or exporting any motor vehicle, off-highway mobile equipment, vessel, aircraft or part thereof knowing the parts are stolen or have tampered identification numbers.
- Requires anyone exporting any motor vehicle or off-highway mobile equipment to present the vehicle and a document including the identification number to Customs before lading or a civil penalty of up to \$500 per violation will be assessed.
- Allows Customs to cooperate with officers or government authorities engaged in theft prevention activities.

Public Works Improvement Act of 1984
and
Federal Capital Investment Program Information Act of 1984
PL 98-501

This act creates a National Council on Public Works Improvement which will submit reports on the nation's infrastructure to Congress in 1986, 1987 and 1988. The second title of the bill requires the President to include an analysis of capital expenditures in his annual budget request.

TITLE 1 - Public Works Improvement Act of 1984

Section 102 - Establishment

Establishes a National Council on Public Works Improvement until April 15, 1988.

Section 103 - Duties

- Requires the Council to assess the age and condition of the nation's highways, bridges and other structures. The Council will also determine infrastructure program priorities, methods of meeting needs, methods of financing, capacity needed to sustain current and anticipated economic developments, maintenance needs, and expenditures on the system. An analysis of public works owned or operated by state or local governments or public agencies is required.
- Requires the Council to analyze and develop uniform criteria and procedures used by various governments, to inventory and assess the condition of public works, and to develop uniform reporting guidelines.

Section 104 - Membership

Sets the membership of the Council at five persons.

Section 107 - Advisory Group

Establishes a 12-member advisory group chaired by the Secretary of the Army to assist the Council.

Section 110 - Funding

Appropriates from the Secretary of the Army to the Council \$3.2 million for FFY 1985, \$3.5 million for FFY 1986 and 1987, and \$2 million for FFY 1988.

TITLE II - Federal Capital Investment Program Information Act of 1984.

Section 202 - Purpose

- Provides budget projections and a summary of the most recent needs assessment analyses for major federal capital investment programs.
- Assesses the planning capabilities of state and local governments concerning major capital investment programs.
- Improves legislative oversight over federal capital investment programs.

Section 203 - Federal Capital Investment Program Report

- Requires the President's budget to include an analysis of requested appropriations, obligational authority and outlays for public and military capital investments.
- Requires review of current service levels, investment levels, investment needs, policy issues and factors affecting capital investment needs.

Tandem Truck Safety Act of 1984
and
Motor Carrier Safety Act of 1984
PL 98-554

The Tandem Truck Safety Act of 1984 allows states to exempt segments of the Interstate System from use by the larger trucks permitted by the STAA of 1982. A governor may petition the DOT to remove parts of the Interstate System from the designated truck route system for safety reasons.

The act also alters a provision of the STAA which specified that routes designated to handle 102-inch wide trucks must have a width of 12 feet. The DOT may now designate highways with lanes less than 12 feet wide if the road meets safety criteria.

The law allows double-bottom and 102-inch wide trucks access to all points of pickup and delivery, subject to reasonable state and local restrictions.

The Motor Carrier Safety Act of 1984 establishes a Safety Panel and five-year period for the panel to review state safety regulations on commercial motor vehicles (CMV). After the review, the U.S. DOT may preempt state laws which are more stringent than the federal law if the Secretary finds:

- there is no compelling local safety need.
- the laws are incompatible with federal regulations.
- they unduly burden interstate commerce.

The act modifies the system of penalties and directs the fines to the Highway Trust Fund instead of the general fund. The act requires annual CMV safety inspections to be based on federal safety standards.

A timeline for enactment of the Motor Carrier Safety Act of 1984 is included on page 23.

TITLE 1 - Tandem Truck Safety Act of 1984

Section 102 - Exemption from Length Requirements

- A governor can request exemptions from the designated truck route system of sections of the interstate incapable of accommodating 48-foot long or 28-foot combination (double-bottom) vehicles. Justification must be included.
- The DOT can exempt these segments within 120 days of notification, and must notify interested parties.

Section 103 - Exemption from Width Requirements

- A governor can request exemptions from the designated truck route system of sections of the interstate incapable of accommodating 102-inch wide vehicles (other than buses). Justification must be included.
- The DOT can exempt these segments within 120 days of notification, and must notify interested parties.

Sections 104 - Conforming Amendments

Eliminates the minimum roadway width of 12 feet on the designated truck route system.

Section 105 - Designation of Highways Subject to Width Limitations

Adds the requirement that before DOT can add a route to the designated system the governor must approve such addition.

Section 106 - Reasonable Access

Allows state and local governments to reasonably restrict traffic of double-bottom trucks off the designated truck route system.

TITLE II - Motor Carrier Safety Act of 1984

Section 204 - Definitions

- Commerce: expanded from previous definition to include intrastate as well as interstate. This means federal safety standards will apply to both interstate and intrastate carriers. The DOT emphasizes that it will use new authority "cautiously."
- Commercial Motor Vehicle (CMV): includes vehicles over 10,000 pounds, those carrying over 15 passengers, and those carrying hazardous materials. School buses are not excluded from this definition.

Section 206 - Federal Regulations

- DOT Secretary must issue minimum regulations concerning commercial vehicle safety and driver safety (working conditions and physical condition) within 18 months of enactment. Current laws will be maintained until new regulations are issued. Hazardous materials transportation is not included.
- DOT Secretary must consider costs and benefits, and minimize preemption of state regulations.
- DOT must determine if these regulations will apply to school buses.

Section 207 - Submission of State Regulations for Review

- States must submit state CMV safety laws and regulations which they want to stand within six months of enactment. This report should indicate if the regulations have the same effect or are more or less stringent than the federal regulations.
- DOT shall issue guidelines within 60 days of enactment telling states how to submit regulations.

Section 208 - Review and Preemption of State Regulations

- Federal regulations will preempt state laws and regulations 60 months (five years) after enactment.
- Safety Panel must analyze state CMV regulations within 18 months of enactment and determine if the state regulations have the same effect or are more or less stringent than the federal regulations.
- Additional or more stringent state regulations may be found justified if there is a compelling safety need and they will not unduly burden interstate commerce.
- Regulations will be finalized 18 months after the Safety Panel ruling concerning the states' more stringent safety regulations (48 months after enactment).
- State regulations not approved by DOT will cease after 60 months of enactment.
- States may petition for a waiver from a determination if it is consistent with the safe operation of commercial motor vehicles and is not contrary to public interest. Petitioners may request a hearing.
- States wishing to enact new regulations after enactment must seek DOT review.
- States adversely affected by a new regulation may file for judicial review with the U.S. Court of Appeals.

Section 209 - Commercial Motor Vehicle Safety Regulatory Review Panel

- Establishes a 15-member Motor Vehicle Safety Regulatory Review Panel (Safety Panel).
- Members include the DOT Secretary or designee as chair, seven from the states and seven from business, consumer labor and safety groups. The Senate Commerce, Science and Transportation Committee provides seven names and the House Public Works and Transportation Committee provides the other seven.

- Members are appointed for seven years; staff support will be provided by the DOT.

Section 210 - Inspection

All commercial vehicles must pass annual equipment inspection based on federal standards. Self-inspection programs may qualify. If the DOT determines a state's self-inspection program is not being enforced, the federal standards will preempt.

Section 211 - Powers of the Secretary

DOT may delegate enforcement and investigation functions to the states.

Section 212 - Duty to Investigate Complaints; Protection of Complainant

DOT shall quickly investigate violation complaints and not reveal identity of complainant.

Section 213 - Penalties

- Attorney General may seek relief in district court due to a violation.
- DOT will notify violator in writing of the nature and penalty of violation.
- Penalties and fines set by this Act go into the Highway Trust Fund.
- DOT can order a vehicle or employee out of service.
- DOT will study effectiveness of civil and criminal penalties and submit a report to Congress two years after enactment.

Section 215 - Certification of Safety Fitness

DOT and ICC shall establish rules concerning the safety fitness of owners and operators rules and submit them to Congress within one year.

Studies are mandated on heavy trucks, truck occupant protection, safety performance of commercial motor vehicles, safety-related devices, federal coordination, and health hazards to employees. Technical amendments are included.

Timeline for Enactment of Motor Carrier Safety Act of 1984

- 2 months DOT guidelines to states on submittal of commercial motor vehicle (CMV) safety laws and regulations.
- 6 months States submit CMV safety laws and regulations they want to stand.

All state laws and regulations enacted after date must be submitted.
- 18 months New federal CMV minimum regulations issued.

Safety Panel completes review of state laws and regulations submitted and notifies Secretary of the Panel's determination.
- 24 months DOT will submit report to Congress concerning the effectiveness of the penalties.
- 30 months Safety Panel determines status of state laws and regs in accordance with criteria.

DOT to commence rulemaking on these laws and regs.
- 48 months DOT rulemaking completed regarding status of state laws and regs.
- 60 months Federal CMV regulations apply except for those state laws and regs allowed to stand.

Tax Reform Act of 1984
PL 98-369

The Tax Reform Act of 1984 is a wide-ranging tax law including several amendments to the Highway Revenue Act of 1982 (Title V of the STAA of 1982). Four major highway revenue issues are addressed:

1. Reduction in heavy vehicle use tax and increase in diesel fuel tax.
2. Increase in gasohol tax exemption.
3. Extension of fuel tax refunds for taxi cabs.
4. Reduction in excise tax for piggyback trailers.

Section 901 - Reduction of Heavy Vehicle Use Tax

- No use tax on vehicles with taxable gross weight under 55,000 pounds.
- Trucks between 55,000 and 75,000 pounds are taxed \$100 plus \$22 per 1,000 pounds over 55,000 pounds (\$550 maximum).
- Trucks over 75,000 pounds pay a flat \$550.
- Tax is effective from July 1, 1984.
- Operators with fewer than six heavy trucks are subject to a lower tax rate (\$3 per 1,000 pounds).

Section 903 - Agricultural Vehicles

Farm trucks logging less than 7,500 miles are exempt from use tax.

Section 911 - Increases in Diesel Fuel Tax

- Tax on diesel fuel increased from 9 cents to 15 cents per gallon.
- Original purchasers of diesel vehicles weighing less than 10,000 pounds may claim a one-time income tax credit equal to the diesel fuel differential amount (\$102 for cars, \$198 for light trucks).

- Owners of model year 1979 through 1983 light diesel vehicles are eligible to claim a fraction of the diesel fuel differential amount (1/6 for 1979 vehicles to 5/6 for 1983 vehicles).
- Payments of fuel tax revenues to the Mass Transit Account of the Highway Trust Fund will equal 1 cent per gallon rather than 1/9 of revenues as in the STAA of 1982.
- The diesel tax increase is effective from August 1, 1984.

Section 912 - Decrease in Tax on Gasohol

- Tax on motor fuel containing at least 10 percent ethanol is decreased from 4 cents to 3 cents per gallon (an exemption of 6 cents per gallon).
- Import tariff on alcohol used for fuel is increased from 50 cents to 60 cents per gallon.

Section 914 - Extension of Reduction in Fuel Tax for Taxi Cabs

The 4 cent-per gallon fuel tax exemption for taxi cabs is extended through September 30, 1985.

Section 915 - Three Cent Tax on Diesel Fuel for Certain Buses

Diesel buses operating on regular scheduled routes will be taxed at 3 cents per gallon of fuel. (These buses were previously untaxed.)

Section 921 - Temporary Reduction in Retail Tax on Piggyback Trailers

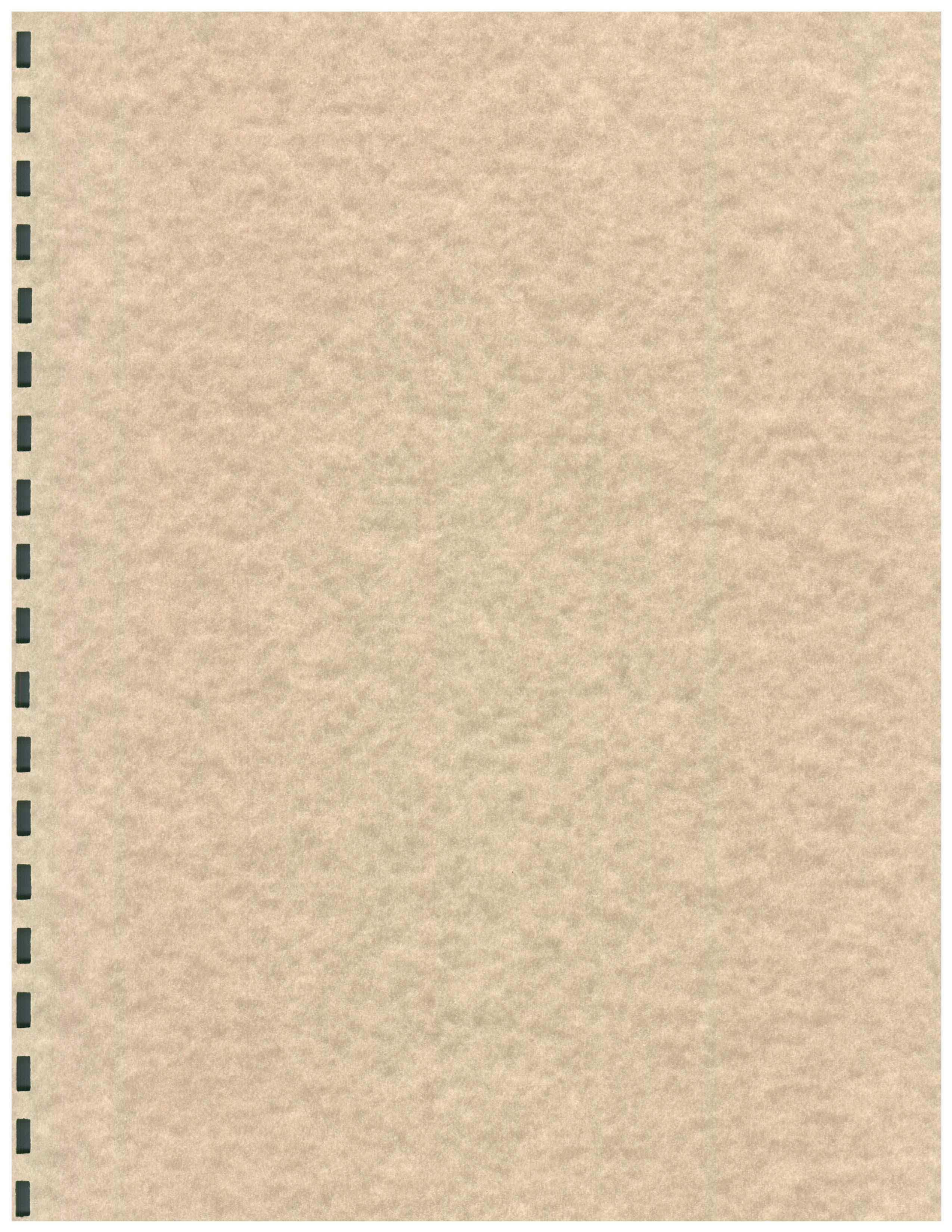
- Piggyback trailers used for trailer-on-flatcar service will be taxed at 6 percent of retail value rather than 12 percent.
- Tax reduction applies only until June 1985.

Section 931 through 935 - Studies

- The Secretary of Transportation is directed to conduct studies on the following topics:
 - Equity of heavy vehicle use tax.
 - Trans-border trucking.
 - Weight-distance taxes.
- All studies are due to Congress before October 1987.

Other Sections

- Section 731 clarifies excise tax provisions on gasohol.
- Section 733 clarifies gasoline retailer, wholesaler and producer definitions.
- Section 734 deals with floor stocks of truck tires.
- Section 4064 clarifies definition of "gas guzzlers."



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