

112TH CONGRESS  
1ST SESSION

# H. R. 873

To improve the safety of motorcoaches and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2011

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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

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## A BILL

To improve the safety of motorcoaches 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Motorcoach Enhanced Safety Act of 2011”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Regulations for improved occupant protection and collision avoidance.
- Sec. 4. Standards for improved fire safety.
- Sec. 5. Occupant protection and collision avoidance research.

- Sec. 6. New entrants.
- Sec. 7. Reincarnated carriers.
- Sec. 8. Improved oversight of motorcoach service providers.
- Sec. 9. Motorcoach driver training.
- Sec. 10. Improved testing for the commercial driver’s license passenger endorsement.
- Sec. 11. Improved physical fitness oversight and commercial driver medical certificates.
- Sec. 12. Safety and enforcement technology for motorcoaches.
- Sec. 13. Safety inspection program for commercial motor vehicles of passengers.
- Sec. 14. Distracted driving.
- Sec. 15. Motorcoach rental or leasing companies.
- Sec. 16. Registration of brokers for motor carriers of passengers.
- Sec. 17. Regulations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVANCED GLAZING.**—The term “advanced  
 4 glazing” means glazing installed in a portal on the  
 5 side or the roof of a motorcoach that is designed to  
 6 be highly resistant to partial or complete occupant  
 7 ejection in all types of motor vehicle crashes.

8 (2) **BUS.**—The term “bus” has the meaning  
 9 given such term in section 571.3(b) of title 49, Code  
 10 of Federal Regulations (as in effect on the day be-  
 11 fore the date of enactment of this Act).

12 (3) **COMMERCIAL MOTOR VEHICLE.**—Except as  
 13 otherwise specified, the term “commercial motor ve-  
 14 hicle” has the meaning given such term in section  
 15 31132(1) of title 49, United States Code.

16 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**  
 17 **TEM.**—The term “direct tire pressure monitoring  
 18 system” means a tire pressure monitoring system

1 that is capable of directly detecting when the air  
2 pressure level in any tire is significantly under-  
3 inflated and providing the driver a low tire pressure  
4 warning as to which specific tire is significantly  
5 underinflated.

6 (5) ELECTRONIC ON-BOARD RECORDER.—The  
7 term “electronic on-board recorder” means an elec-  
8 tronic device that acquires and stores data showing  
9 the record of duty status of the vehicle operator and  
10 performs the functions required of an automatic on-  
11 board recording device in section 395.15(b) of title  
12 49, Code of Federal Regulations.

13 (6) EVENT DATA RECORDER.—The term “event  
14 data recorder” has the meaning given that term in  
15 section 563.5 of title 49, Code of Federal Regula-  
16 tions.

17 (7) MOTOR CARRIER.—The term “motor car-  
18 rier” means—

19 (A) a motor carrier, as defined in section  
20 13102(14) of title 49, United States Code; or

21 (B) a motor private carrier, as defined in  
22 section 13102(15) of such title.

23 (8) MOTORCOACH.—The term “motorcoach”  
24 means a bus with a gross vehicle weight rating of  
25 26,000 pounds or greater, 16 or more designated

1 seating positions (including the driver), and at least  
2 rows of passenger seats rearward of the driver’s  
3 seating position that are forward-facing or can be  
4 converted to forward-facing without the use of tools,  
5 but does not include—

6 (A) a bus used in transit service provided  
7 by a State or local government; or

8 (B) a school bus, including a multifunction  
9 school activity bus.

10 (9) MOTORCOACH SERVICES.—The term “mo-  
11 torcoach services” means passenger transportation  
12 by motorcoach for compensation.

13 (10) MULTIFUNCTION SCHOOL ACTIVITY  
14 BUSES.—The term “multifunction school activity  
15 buses” has the meaning given such term in section  
16 571.3(b) of title 49, Code of Federal Regulations (as  
17 in effect on the day before the date of enactment of  
18 this Act).

19 (11) PORTAL.—The term “portal” means any  
20 opening on the front, sides, rear, or roof of a motor-  
21 coach that could, in the event of a crash involving  
22 the motorcoach, permit the partial or complete ejec-  
23 tion of any occupant from the motorcoach, including  
24 a young child.

1           (12) PROVIDER OF MOTORCOACH SERVICES.—  
2           The term “provider of motorcoach services” means  
3           a motor carrier that provides passenger transpor-  
4           tation services with a motorcoach, including per-trip  
5           compensation and contracted or chartered com-  
6           pensation.

7           (13) SAFETY BELT.—The term “safety belt”  
8           has the meaning given such term in section  
9           153(i)(4)(B) of title 23, United States Code.

10          (14) SECRETARY.—The term “Secretary”  
11          means the Secretary of Transportation.

12          (15) TRANSIT SERVICE.—The term “transit  
13          service” means motorcoach service characterized by  
14          operating speeds of less than 45 miles per hour and  
15          frequent stops.

16 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**  
17 **TION AND COLLISION AVOIDANCE.**

18          (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not  
19          later than 1 year after the date of the enactment of this  
20          Act, the Secretary shall prescribe regulations as follows:

21               (1) SAFETY BELTS.—The Secretary shall issue  
22               a final rule in Docket No. NHTSA 2010–0112: Fed-  
23               eral Motor Vehicle Standards; Motorcoach Defini-  
24               tion; Occupant Crash Protection, to require safety

1 belts to be installed in motorcoaches at each des-  
2 ignated seating position.

3 (2) FIREFIGHTING EQUIPMENT.—The Secretary  
4 shall require the installation in motorcoaches of im-  
5 proved fire extinguishers or other readily available  
6 firefighting equipment for the purpose of effectively  
7 extinguishing fires in motorcoaches to prevent pas-  
8 senger deaths and injuries.

9 (b) REGULATIONS REQUIRED WITHIN 18  
10 MONTHS.—Not later than 18 months after the date of the  
11 enactment of this Act, the Secretary shall prescribe regu-  
12 lations—

13 (1) establishing improved roof standards for  
14 motorcoaches that substantially improve the resist-  
15 ance of motorcoach roofs to deformation and intru-  
16 sion to prevent serious occupant injury in rollover  
17 crashes involving motorcoaches; and

18 (2) requiring advanced glazing to be installed in  
19 each motorcoach portal to prevent partial or com-  
20 plete ejection of passengers of motorcoaches, includ-  
21 ing such passengers that are children.

22 (c) REGULATIONS REQUIRED WITHIN 2 YEARS.—  
23 Not later than 2 years after the date of enactment of this  
24 Act, the Secretary shall prescribe commercial motor vehi-  
25 cle regulations as follows:

1           (1) ROLLOVER CRASH AVOIDANCE.—The Sec-  
2           retary shall require motorcoaches to be equipped  
3           with stability enhancing technology, such as elec-  
4           tronic stability control, or torque vectoring, to re-  
5           duce the number and frequency of rollover crashes  
6           among motorcoaches.

7           (2) COMMERCIAL MOTOR VEHICLE TIRE PRES-  
8           SURE MONITORING SYSTEMS.—

9                   (A) The Secretary shall issue regulations  
10           that require motorcoaches to be equipped with  
11           direct tire pressure monitoring systems that  
12           warn the operator of a commercial motor vehi-  
13           cle when any tire exhibits a level of air pressure  
14           that is below a specified level of air pressure es-  
15           tablished by the Secretary.

16                   (B) The regulations prescribed by the Sec-  
17           retary under this section shall include perform-  
18           ance requirements to ensure that direct tire  
19           pressure monitoring systems are capable of—

20                           (i) providing a warning to the driver  
21                           when 1 or more tires are underinflated;

22                           (ii) activating in a specified time pe-  
23                           riod after the underinflation is detected;  
24                           and

1 (iii) operating at different vehicle  
2 speeds.

3 (3) TIRE PERFORMANCE STANDARD.—The Sec-  
4 retary shall upgrade performance standards for tires  
5 used on motorcoaches, including an enhanced endur-  
6 ance test and a new high-speed performance test.

7 (d) APPLICATION OF REGULATIONS.—

8 (1) NEW MOTORCOACHES.—A regulation pre-  
9 scribed in accordance with subsection (a), (b), or (c)  
10 shall apply to all motorcoaches manufactured more  
11 than 2 years after the date on which the regulation  
12 is published as a final rule.

13 (2) RETROFIT SAFETY REQUIREMENTS FOR EX-  
14 ISTING MOTORCOACHES.—

15 (A) IN GENERAL.—

16 (i) Except as provided in subpara-  
17 graph (B), a regulation prescribed in ac-  
18 cordance with subsection (a)(1) shall apply  
19 to all motorcoaches used for motorcoach  
20 services on or after the effective date of  
21 such regulation.

22 (ii) Except as provided in subpara-  
23 graph (B), a regulation prescribed in ac-  
24 cordance with subsection (a)(2) shall apply  
25 to all motorcoaches used for motorcoach



1 services on or after the effective date of  
2 such regulation.

3 (B) EXCEPTION.—In the case of a motor-  
4 coach that was used for motorcoach services be-  
5 fore the effective date of a regulation described  
6 in subparagraph (A), such regulation shall not  
7 apply to such motorcoach until—

8 (i) 2 years after the effective date of  
9 such regulation; or

10 (ii) if the Secretary determines that  
11 the application date described in clause (i)  
12 would cause undue hardship, 5 years after  
13 the effective date of such regulation.

14 **SEC. 4. STANDARDS FOR IMPROVED FIRE SAFETY.**

15 (a) EVALUATIONS.—Within 18 months after the date  
16 of enactment of this Act, the Secretary shall complete an  
17 evaluation of the following:

18 (1) FLAMMABILITY STANDARD FOR EXTERIOR  
19 COMPONENTS.—The Secretary shall examine the  
20 feasibility of establishing requirements for fire hard-  
21 ening or fire resistance of motorcoach exterior com-  
22 ponents to prevent fire and smoke inhalation injuries  
23 to occupants.

24 (2) SMOKE SUPPRESSION.—The Secretary shall  
25 review Federal motor vehicle safety standard num-

1 ber 302 (49 C.F.R. 571.302; relating to flamma-  
2 bility of interior materials) to consider more realistic  
3 tests to improve the resistance of motorcoach inte-  
4 riors and components to burning and permit suffi-  
5 cient time for the safe evacuation of passengers from  
6 motorcoaches.

7 (3) PREVENTION OF, AND RESISTANCE TO,  
8 WHEEL WELL FIRES.—The Secretary shall assess  
9 technologies to prevent and mitigate the propagation  
10 of wheel well fires into the passenger compartment  
11 and substantially reduce occupant deaths and inju-  
12 ries from such fires.

13 (4) PASSENGER EVACUATION.—The Secretary  
14 shall evaluate requirements for motorcoaches to be  
15 equipped with the following:

16 (A) IMPROVED EMERGENCY EVACUATION  
17 DESIGNS.—Improved emergency exit window,  
18 door, roof hatch, and wheelchair lift door de-  
19 signs to expedite access and use by passengers  
20 of motorcoaches under all emergency cir-  
21 cumstances, including crashes and fires.

22 (B) EMERGENCY INTERIOR LIGHTING.—  
23 Emergency interior lighting systems, including  
24 luminescent or retroreflectorized delineation of  
25 evacuation paths and exits, that are triggered

1 by a crash or other emergency incidents to ac-  
2 complish more rapid and effective evacuation of  
3 passengers.

4 (5) **AUTOMATIC FIRE SUPPRESSION.**—The Sec-  
5 retary shall evaluate requirements for motorcoaches  
6 to be equipped with highly effective fire suppression  
7 systems that automatically respond to and suppress  
8 all fires in such motorcoaches.

9 (b) **PERFORMANCE REQUIREMENTS.**—Not later than  
10 3 years after the date of enactment of this Act, the Sec-  
11 retary shall issue performance requirements for improved  
12 fire safety and passenger evacuation based on the results  
13 of the evaluations conducted under subsection (a).

14 **SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOID-**  
15 **ANCE RESEARCH.**

16 (a) **SAFETY RESEARCH INITIATIVES.**—Not later than  
17 2 years after the date of enactment of this Act, the Sec-  
18 retary shall complete research on the following:

19 (1) **COMPARTMENTALIZATION SAFETY COUN-**  
20 **TERMEASURES.**—Enhanced compartmentalization  
21 safety countermeasures for motorcoaches, including  
22 enhanced seating designs, to reduce substantially the  
23 risk of passengers being thrown from their seats and  
24 colliding with other passengers, interior surfaces,

1 and components in the event of a crash involving a  
2 motorcoach.

3 (2) INTERIOR IMPACT PROTECTION.—Enhanced  
4 occupant impact protection standards for motor-  
5 coach interiors to reduce substantially serious inju-  
6 ries for all passengers of motorcoaches.

7 (3) COLLISION AVOIDANCE SYSTEMS.—Forward  
8 and lateral crash warning systems applications for  
9 motorcoaches.

10 (b) STANDARDS AND REGULATIONS.—Not later than  
11 2 years after the completion of each research initiative re-  
12 quired by subsection (a), the Secretary shall issue a stand-  
13 ard or regulation based on the results of that research.

14 **SEC. 6. NEW ENTRANTS.**

15 (a) REGISTRATION REQUIREMENTS.—Section  
16 13902(b) of title 49, United States Code, is amended by  
17 redesignating paragraphs (1) through (8) as paragraphs  
18 (3) through (10), respectively, and inserting before para-  
19 graph (3), as redesignated, the following:

20 “(1) **ADDITIONAL REGISTRATION**  
21 **REQUIREMENTS FOR PROVIDERS OR**  
22 **MOTORCOACH SERVICES**—In addition to  
23 meeting the requirements of subsection (a)(1), the  
24 Secretary may register a person to provide motor-  
25 coach services only after that person—

1           “(A) undergoes a pre-authorization safety  
2           audit, including verification, in a manner suffi-  
3           cient to demonstrate the ability to comply with  
4           Federal rules and regulations, of—

5                   “(i) a drug and alcohol testing pro-  
6                   gram consistent with part 40 of title 49,  
7                   Code of Federal Regulations;

8                   “(ii) the carrier’s system of compli-  
9                   ance with hours-of-service rules, including  
10                  hours-of-service records;

11                  “(iii) the ability to obtain required in-  
12                  surance;

13                  “(iv) driver qualifications, including  
14                  the validity of the commercial driver’s li-  
15                  cense of each driver who will be operating  
16                  under such authority;

17                  “(v) disclosure of common ownership,  
18                  common control, common management,  
19                  common familial relationship, or other cor-  
20                  porate relationship with another motor car-  
21                  rier or applicant for motor carrier author-  
22                  ity over the past 3 years;

23                  “(vi) records of the State inspections,  
24                  or of a Level I or V Commercial Vehicle

1 Safety Alliance Inspection, for all vehicles  
2 that will be operated by the carrier;

3 “(vii) safety management programs,  
4 including vehicle maintenance and repair  
5 programs; and

6 “(viii) the ability to comply with the  
7 Americans with Disabilities Act of 1990  
8 (42 U.S.C. 12101 et seq.) and the Over-  
9 the-Road Bus Transportation Accessibility  
10 Act of 2007 (49 U.S.C. 10101 note);

11 “(B) has been interviewed to review safety  
12 management controls and the carrier’s written  
13 safety oversight policies and practices; and

14 “(C) has demonstrated, through the suc-  
15 cessful completion of a written examination de-  
16 veloped by the Secretary, proficiency to comply  
17 with and carry out the requirements and regu-  
18 lations described in subsection (a)(1).

19 “(2) PRE-AUTHORIZATION SAFETY AUDIT.—  
20 The pre-authorization safety audit required by para-  
21 graph (1)(A) shall be completed on-site no later than  
22 90 days following the submission of an application  
23 for operating authority.

24 “(3) FEE.—The Secretary may establish, under  
25 section 9701 of title 31, a fee of not more than

1       \$1,200 for new registrants that as nearly as possible  
2       covers the costs of performing a preauthorization  
3       safety audit. An amount collected under this sub-  
4       section shall be deposited in the Highway Trust  
5       Fund (other than the Mass Transit Account).”.

6       (b) SAFETY REVIEWS OF NEW OPERATORS.—Section  
7       31144(g)(1) of title 49, United States Code, is amended  
8       by inserting “transporting property” after “each oper-  
9       ator”.

10       (c) EFFECTIVE DATE.—The amendments made by  
11       this section shall take effect 1 year after the date of enact-  
12       ment of this Act.

13       **SEC. 7. REINCARNATED CARRIERS.**

14       (a) REGISTRATION REQUIREMENTS.—Section  
15       13902(b) of title 49, United States Code, is amended by  
16       redesignating paragraphs (1) through (8) as paragraphs  
17       (2) through (9), respectively, and inserting before para-  
18       graph (2), as redesignated, the following:

19               “(1) DISCLOSURE OF PRIOR RELATIONSHIPS.—  
20       In addition to meeting the requirements under sub-  
21       section (a)(1), the Secretary shall require applicants  
22       for authority to transport passengers to disclose any  
23       relationship involving common ownership, common  
24       management, or common familial relationship be-  
25       tween that person and any other motor carrier, if

1 the relationship occurred in the 3-year period pre-  
2 ceding the date of the filing of the application for  
3 registration.”.

4 (b) DENIAL, SUSPENSION, AMENDMENT, OR REV-  
5 OCATION OF REGISTRATION.—Section 13905(d)(1) of title  
6 49, United States Code, is amended—

7 (1) by striking “registration; and” and insert-  
8 ing “registration;”;

9 (2) by striking “penalty.” and inserting “pen-  
10 alty; and (C) deny, suspend, amend, or revoke all or  
11 part of a registration of a motor carrier following a  
12 determination by the Secretary that the motor car-  
13 rier failed to disclose in its application for registra-  
14 tion a material fact relevant to its willingness and  
15 ability to comply with—

16 “(i) this part;

17 “(ii) an applicable regulation or order of  
18 the Secretary or the Board; or

19 “(iii) a condition of its registration.”.

20 (c) PROCEDURE.—Section 13905(e)(1) of such title  
21 is amended by striking “registrant” and inserting “reg-  
22 istrant, or if the Secretary determines that the registrant  
23 has failed to disclose a material fact in its application for  
24 registration in accordance with subsection (d)(1)(C),”.



1 (d) DUTIES OF EMPLOYERS AND EMPLOYEES.—Sec-  
2 tion 31135 of such title is amended—

3 (1) by redesignating subsection (d) as sub-  
4 section (e); and

5 (2) by inserting after subsection (e) the fol-  
6 lowing:

7 “(d) AVOIDING COMPLIANCE.—Two or more employ-  
8 ers shall not use common ownership, common manage-  
9 ment, common control, or common familial relationship to  
10 enable any or all such employers to avoid compliance, or  
11 mask or otherwise conceal noncompliance, or a history of  
12 noncompliance, with commercial motor vehicle safety regu-  
13 lations issued under this subchapter, chapter 315, or an  
14 order of the Secretary issued under this subchapter, chap-  
15 ter 315, or such regulations. If the Secretary determines  
16 that actions described in the preceding sentence have oc-  
17 curred, the Secretary shall deny, suspend, amend, or re-  
18 voke all or part of any such employer’s registration under  
19 section 13905, and shall take into account such non-  
20 compliance for purposes of determining civil penalty  
21 amount under section 521(b)(2)(D).”.

1 **SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE**  
2 **PROVIDERS.**

3 (a) IN GENERAL.—Section 31144 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF  
7 MOTORCOACH SERVICES.—

8 “(1) SAFETY REVIEW.—

9 “(A) IN GENERAL.—The Secretary shall  
10 determine the safety fitness of all providers of  
11 motorcoach services registered with the Federal  
12 Motor Carrier Safety Administration and assign  
13 a safety fitness rating to each such provider.

14 “(B) APPLICABILITY.—Subparagraph (A)  
15 shall apply—

16 “(i) to any provider of motorcoach  
17 services registered with the Administration  
18 after the date of enactment of the Motor-  
19 coach Enhanced Safety Act of 2011, not  
20 later than 2 years after the date of reg-  
21 istration; and

22 “(ii) to any provider of motorcoach  
23 services registered with the Administration  
24 on or before the date of enactment of that  
25 Act, not later than 3 years after the date  
26 of enactment of that Act.

1           “(2) PERIODIC REVIEW.—The Secretary shall  
2           establish a process, by regulation, for monitoring the  
3           safety performance of each provider of motorcoach  
4           services on a regular basis following the assignment  
5           of a safety fitness rating, including progressive inter-  
6           vention to correct unsafe practices.

7           “(3) ENFORCEMENT STRIKE FORCES.—In addi-  
8           tion to the enhanced monitoring and enforcement ac-  
9           tions required under paragraph (2), the Secretary  
10          may organize special enforcement strike forces tar-  
11          geting providers of motorcoach services, when and  
12          where the Secretary considers appropriate.

13          “(4) PERIODIC UPDATE OF SAFETY FITNESS  
14          RATING.—As part of the safety review required by  
15          this subsection, the Secretary shall reassess such  
16          rating no less frequently than every 3 years.

17          “(5) MOTORCOACH SERVICES DEFINED.—In  
18          this subsection, the term ‘provider of motorcoach  
19          services’ has the meaning provided such term in sec-  
20          tion 2 of the Motorcoach Enhanced Safety Act of  
21          2011.”

22          (b) REVISION OF SAFETY FITNESS RATING METH-  
23          ODOLOGY.—Not later than one year after the date of en-  
24          actment of this Act, the Secretary shall revise the safety  
25          fitness rating methodology of the Department of Trans-

1 portation established pursuant to section 31144 of title  
2 49, United States Code, to meet the goals of the safety  
3 recommendation H-99-6 of the National Transportation  
4 Safety Board issued February 26, 1999.

5 (c) HIGH-RISK CARRIER COMPLIANCE REVIEWS.—  
6 The second sentence of section 4138 of Public Law 109-  
7 59 (49 U.S.C. 31144 note) is amended by striking “is  
8 rated as category A or B for 2 consecutive months.” and  
9 inserting “meets the Safety Measurement System criteria  
10 for being a high-risk motor carrier for 2 consecutive  
11 months.”.

12 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

13 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

14 (1) IN GENERAL.—Not later than 6 months  
15 after the date of enactment of this Act, the Sec-  
16 retary shall establish, by regulation, minimum cur-  
17 ricular requirements for entry-level drivers of  
18 motorcoaches and drivers upgrading from one class  
19 of commercial driver’s license to another, to be  
20 adopted by public and private schools and motor  
21 carriers and motorcoach operators that provide  
22 training for such drivers.

23 (2) CURRICULAR REQUIREMENTS.—The cur-  
24 ricular requirements under paragraph (1) shall in-  
25 clude the following:

1           (A) Classroom and behind-the-wheel in-  
2           struction that is adequate for training entry-  
3           level drivers of motorcoaches and drivers up-  
4           grading from one class of commercial driver's  
5           license to another to safely operate motorcoach-  
6           es and respond effectively to emergency situa-  
7           tions.

8           (B) Instruction in advanced knowledge and  
9           skills that are necessary to operate motorcoach-  
10          es safely, including knowledge and skills nec-  
11          essary—

12                   (i) to suppress motorcoach fires; and

13                   (ii) to evacuate passengers from mo-  
14          torcoaches safely.

15          (b) TRAINING REQUIRED.—

16           (1) IN GENERAL.—The Secretary shall require  
17          each motorcoach driver seeking a commercial driv-  
18          er's license passenger endorsement to undergo a  
19          training program that includes the minimum cur-  
20          ricular requirements established under subsection (a)  
21          before taking a test for a commercial driver's license  
22          passenger endorsement.

23           (2) VERIFICATION REQUIRED.—The Secretary  
24          shall require that—

1 (A) each trainer of a driver seeking a com-  
2 mercial driver's license passenger endorsement  
3 shall submit to the appropriate State licensing  
4 authority information on any driver that has  
5 successfully completed a motorcoach driver  
6 training course that includes the curricular re-  
7 quirements established under subsection (a);  
8 and

9 (B) the State licensing authority may not  
10 administer the skills test for the passenger en-  
11 dorsement nor issue a passenger endorsement  
12 to a driver unless the State licensing authority  
13 verifies that the driver has successfully com-  
14 pleted a motorcoach driver training course as  
15 required by subparagraph (A).

16 (c) REPORT ON FEASIBILITY, BENEFITS, AND COSTS  
17 OF ESTABLISHING A SYSTEM OF CERTIFICATION OF  
18 TRAINING PROGRAMS.—Not later than 2 years after the  
19 date of enactment of this Act, the Secretary shall submit  
20 a report to the Senate Committee on Commerce, Science,  
21 and Transportation and the House of Representatives  
22 Committee on Energy and Commerce on the feasibility,  
23 benefits, and costs of establishing a system of certification  
24 of public and private schools and of motor carriers and  
25 motorcoach operators that provide motorcoach driver

1 training in accordance with the curricular requirements  
2 established by the Secretary under subsection (a).

3 (d) NONPREEMPTION OF STATE PROGRAMS.—The  
4 minimum curricular requirements required by this section  
5 do not preempt any State or local law or regulation impos-  
6 ing additional or more stringent requirements unless the  
7 Secretary determines that—

8 (1) the law or regulation is incompatible with  
9 the regulation prescribed by the Secretary; or

10 (2) enforcement of the State law or the local  
11 law or regulation would impose an unreasonable bur-  
12 den on interstate commerce.

13 **SEC. 10. IMPROVED TESTING FOR THE COMMERCIAL DRIV-  
14 ER'S LICENSE PASSENGER ENDORSEMENT.**

15 (a) INCREASED STRINGENCY OF EXAMINATION FOR  
16 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING  
17 ENDORSEMENT.—

18 (1) FINAL RULE.—Not later than 6 months  
19 after the date of enactment of this Act, the Sec-  
20 retary shall issue a final rule in Docket No. FMCSA  
21 2007–27659: Commercial Driver's License Testing  
22 and Commercial Learner's Permit Standards that  
23 improves the quality and stringency of the examina-  
24 tion for the commercial driver's license passenger-  
25 carrying endorsement. The final rule shall require—

1 (A) a more stringent knowledge test than  
2 the test in effect on the day before the date of  
3 enactment of this Act; and

4 (B) a more stringent examination of the  
5 driving skills necessary to operate safely a for-  
6 hire passenger-carrying commercial motor vehi-  
7 cle than the examination of such skills in effect  
8 on the day before the date of enactment of this  
9 Act.

10 (2) CONSULTATION.—The Secretary shall con-  
11 sult with the American Association of Motor Vehicle  
12 Administrators in carrying out paragraph (1).

13 (b) REPORT ON DRIVER'S LICENSE REQUIREMENTS  
14 FOR 9-TO-15 PASSENGER VANS.—Not later than 18  
15 months after the date of enactment of this Act, the Sec-  
16 retary shall submit a plan to the Senate Committee on  
17 Commerce, Science, and Transportation and the House of  
18 Representatives Committee on Transportation and Infra-  
19 structure for requiring that all or certain classes of driv-  
20 ers—

21 (1) have a commercial driver's license pas-  
22 senger-carrying endorsement in order to operate a  
23 commercial motor vehicle (as defined in section  
24 31301(4) of title 49, United States Code) and trans-  
25 port not less than 9 and not more than 15 pas-



1       sengers (including a driver) in interstate commerce;  
2       and

3               (2) be tested in accordance with a drug and al-  
4       cohol testing program consistent with part 40 of  
5       title 49, Code of Federal Regulations.

6 **SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**  
7                       **COMMERCIAL DRIVER MEDICAL CERTIFI-**  
8                       **CATES.**

9       (a) **MEDICAL REVIEW BOARD FUNCTIONS.**—Section  
10 31149(a)(1) of title 49, United States Code, is amended—

11               (1) by inserting “(A)” after “recommendations  
12       on”;

13               (2) by striking “research.” and inserting “re-  
14       search and (B) advice and recommendations con-  
15       cerning the criteria to be used for evaluating medical  
16       examiners for admission to the national registry es-  
17       tablished under this section.”.

18       (b) **EXAMINATION REQUIREMENTS FOR LISTING IN**  
19 **THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—  
20 Section 31149(c)(1)(D) of title 49, United States Code,  
21 is amended to read as follows:

22               “(D) develop requirements applicable to a  
23       medical examiner seeking to be listed in the na-  
24       tional registry, including—

1           “(i) specific courses and materials  
2           that must be completed to be listed in the  
3           national registry;

4           “(ii) a rigorous written examination  
5           for which a passing grade must be  
6           achieved to be listed in the national reg-  
7           istry;

8           “(iii) certification (including self-cer-  
9           tification), as appropriate, to verify that  
10          the medical examiner has completed train-  
11          ing, including refresher courses, that the  
12          Secretary determines are necessary to be  
13          listed in the national registry; and

14          “(iv) demonstration of the willingness  
15          and ability of a medical examiner to com-  
16          ply with any reporting requirements estab-  
17          lished by the Secretary;”.

18          (c) MEDICAL EXAMINATION FORM COMPARISONS.—  
19          Not later than 18 months after the date of enactment of  
20          this Act, the Secretary shall require by regulation that  
21          each time a medical examiner performs a medical exam-  
22          ination to certify an applicant for a commercial driver’s  
23          license under section 391.43 of title 49, Code of Federal  
24          Regulations, such medical examiner shall submit to the  
25          appropriate State licensing agency the form for such ex-

1 amination required by section 391.43(f) of such title (as  
2 in effect on the day before the date of enactment of this  
3 Act).

4 (d) STATE PLAN REQUIREMENT.—Section 31102(b)  
5 of title 49, United States Code, is amended—

6 (1) by striking “and” after the semicolon in  
7 subparagraph (W);

8 (2) by striking “stop.” in subparagraph (X)  
9 and inserting “stop; and”; and

10 (3) by adding at the end the following:

11 “(Y) requires State licensing authorities to  
12 compare the forms they receive pursuant to sec-  
13 tion 11(e) of the Motorcoach Enhanced Safety  
14 Act of 2011 with the medical examiner’s certifi-  
15 cate required by section 391.43(g) of title 49,  
16 Code of Federal Regulations (as in effect on the  
17 day before the date of enactment of that Act),  
18 to determine the accuracy and validity of the  
19 information contained in such forms and certifi-  
20 cates.”.

21 (e) ADDITIONAL OVERSIGHT OF LICENSING AU-  
22 THORITIES.—

23 (1) IN GENERAL.—Section 31149(c)(1) of title  
24 49, United States Code, is amended—

1 (A) by striking “basis; and” in subpara-  
2 graph (E) and inserting “basis;”;

3 (B) by striking “certification.” in subpara-  
4 graph (F) and inserting “certification; and”;  
5 and

6 (C) by adding at the end the following:

7 “(G) each year, review the licensing au-  
8 thorities of 10 States to assess the accuracy,  
9 validity, and timeliness of physical examination  
10 reports and medical certificates submitted by  
11 certified medical examiners to such State licens-  
12 ing agencies and the processing of such submis-  
13 sions by the licensing authorities.”.

14 (2) INTERNAL OVERSIGHT POLICY.—

15 (A) IN GENERAL.—Not later than 1 year  
16 after the date of enactment of this Act, the Sec-  
17 retary shall establish an oversight policy and  
18 process within the Department of Transpor-  
19 tation for purposes of carrying out the require-  
20 ment of subparagraph (G) of such section  
21 31149(c)(1), as added by paragraph (1).

22 (B) EFFECTIVE DATE.—The requirement  
23 of subparagraph (G) of section 31149(c)(1) of  
24 title 49, United States Code, shall take effect  
25 on the date that the oversight policies and proc-

1           esses are established pursuant to subparagraph  
2           (A).

3           (f) **DEADLINE FOR ESTABLISHMENT OF NATIONAL**  
4 **REGISTRY OF MEDICAL EXAMINERS.**—Not later than 6  
5 months after the date of enactment of this Act, the Sec-  
6 retary shall establish a national registry of medical exam-  
7 iners as required by section 31149(d)(1) of title 49,  
8 United States Code.

9 **SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR**  
10 **MOTORCOACHES.**

11           (a) **ELECTRONIC ON-BOARD RECORDERS.**—

12                   (1) **IN GENERAL.**—

13                           (A) Not later than 1 year after the date of  
14 enactment of this Act, the Secretary shall pre-  
15 scribe regulations requiring that all motorcoach-  
16 es used by a motor carrier in interstate com-  
17 merce be equipped with electronic on-board re-  
18 corders.

19                           (B) The regulations prescribed by the Sec-  
20 retary under this section shall include perform-  
21 ance requirements to ensure that electronic on-  
22 board recorders—

23                                   (i) accurately record commercial driv-  
24 er hours of service;

1 (ii) allow tracking of driver and vehi-  
2 cle location; and

3 (iii) are tamper resistant.

4 (2) APPLICABILITY.—The regulations pre-  
5 scribed under paragraph (1) shall apply to all such  
6 motorcoaches beginning on the date that is 2 years  
7 after the date on which the regulation is published  
8 as a final rule.

9 (b) EVENT DATA RECORDERS.—

10 (1) EVALUATION.—Not later than 1 year after  
11 the date of enactment of this Act, the Secretary  
12 shall complete an evaluation of event data recorders,  
13 including requirements regarding specific types of  
14 vehicle operations, events and incidents, and systems  
15 information to be recorded, for event data recorders  
16 to be used on motorcoaches used by motor carriers  
17 in interstate commerce. For this purpose, the Sec-  
18 retary shall consider the performance requirements  
19 for event data recorders for passenger vehicles under  
20 part 563 of title 49, Code of Federal Regulations.

21 (2) STANDARDS AND REGULATIONS.—Within 2  
22 years after completing the evaluation required by  
23 paragraph (1), the Secretary shall issue standards  
24 and regulations based on the results of that evalua-  
25 tion.

1 **SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**  
2 **MOTOR VEHICLES OF PASSENGERS.**

3 Not later than 3 years after the date of enactment  
4 of this Act, the Secretary shall complete a rulemaking pro-  
5 ceeding to consider requiring States to conduct annual in-  
6 spections of commercial motor vehicles designed or used  
7 to transport passengers, including—

8 (1) an assessment of the risks associated with  
9 improperly maintained or inspected commercial  
10 motor vehicles designed or used to transport pas-  
11 sengers;

12 (2) an assessment of the effectiveness of cur-  
13 rent Federal standards for the inspection of such ve-  
14 hicles in mitigating the risks described in paragraph  
15 (1) and to ensure the safe and proper operation con-  
16 dition of such vehicles; and

17 (3) an assessment of the costs and benefits of  
18 a mandatory State inspection program.

19 **SEC. 14. DISTRACTED DRIVING.**

20 (a) IN GENERAL.—Subchapter III of chapter 311 of  
21 title 49, United States Code, is amended by adding at the  
22 end the following:

23 **“§ 31152. Regulation of the use of distracting devices**  
24 **in motorcoaches**

25 “(a) IN GENERAL.—No later than 1 year after the  
26 enactment of the Motorcoach Enhanced Safety Act of

1 2011, the Secretary of Transportation shall prescribe reg-  
 2 ulations on the use of electronic or wireless devices, includ-  
 3 ing cell phones and other distracting devices, by an indi-  
 4 vidual employed as the operator of a motorcoach (as de-  
 5 fined in section 2(8) of that Act).

6 “(b) BASIS FOR REGULATIONS.—The Secretary shall  
 7 base the regulations required by subsection (a) on accident  
 8 data analysis, the results of ongoing research, and other  
 9 information, as appropriate.

10 “(c) PROHIBITED USE.—The Secretary shall prohibit  
 11 the use of such devices in circumstances in which the Sec-  
 12 retary determines that their use interferes with the driv-  
 13 er’s safe operation of a motorcoach (as so defined).

14 “(d) PERMITTED USE.—Under the regulations, the  
 15 Secretary may permit the use of a device, the use of which  
 16 is prohibited under subsection (c), if the Secretary deter-  
 17 mines that such use is necessary for the safety of the driv-  
 18 er or the public in emergency circumstances.”.

19 (b) CONFORMING AMENDMENT.—The table of con-  
 20 tents for chapter 311 of title 49, United States Code, is  
 21 amended by inserting after the item relating to section  
 22 31151 the following:

“31152. Regulation of the use of distracting devices in motorcoaches.”.

23 **SEC. 15. MOTORCOACH RENTAL OR LEASING COMPANIES.**

24 Paragraph (3) of section 31132 of title 49, United  
 25 States Code, is amended to read as follows:



1 “(3) ‘employer’—

2 “(A) means a person engaged in a business  
3 affecting interstate commerce that—

4 “(i) owns or leases a commercial  
5 motor vehicle in connection with that busi-  
6 ness, or assigns and employee to operate  
7 it; or

8 “(ii) offers for rent or lease motor ve-  
9 hicles designed or used to transport more  
10 than 15 passengers, including the driver,  
11 and from the same location or as part of  
12 the same business provides names or con-  
13 tact information of drivers, arranges for a  
14 driver of the rented or leased passenger-  
15 carrying motor vehicle, or holds itself out  
16 to the public as a provider of transpor-  
17 tation services; but

18 “(B) does not include an individual who is  
19 an employee of the United States Government,  
20 a State, or a political subdivision of a State act-  
21 ing in the course of that individual’s employ-  
22 ment as such an employee.”.

1 **SEC. 16. REGISTRATION OF BROKERS FOR MOTOR CAR-**  
2 **RIERS OF PASSENGERS.**

3 (a) IN GENERAL.—Section 13904(a) of title 49,  
4 United States Code, is amended by inserting “or pas-  
5 sengers” after “transportation of property”.—

6 (b) REPEAL OF EXEMPTION.—Section 13506(a) of  
7 title 49, United States Code, is amended—

8 (1) by inserting “or” after the semicolon in  
9 paragraph (13);

10 (2) by striking paragraph (14); and

11 (3) by redesignating paragraph (15) as para-  
12 graph (14).

13 **SEC. 17. REGULATIONS.**

14 Any standard or regulation prescribed or modified  
15 pursuant to this Act shall be prescribed or modified in  
16 accordance with section 553 of title 5, United States Code.

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