H. R. 873

To improve the safety of motorcoaches and for other purposes.

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.

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
4 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
5 (a) Short Title.—This Act may be cited as the
6 “Motorcoach Enhanced Safety Act of 2011”.
7 (b) Table of Contents.—The table of contents for
8 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.

In this Act:

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

(2) BUS.—The term “bus” has the meaning given such term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(3) COMMERCIAL MOTOR VEHICLE.—Except as otherwise specified, the term “commercial motor vehicle” has the meaning given such term in section 31132(1) of title 49, United States Code.

(4) DIRECT TIRE PRESSURE MONITORING SYSTEM.—The term “direct tire pressure monitoring system” means a tire pressure monitoring system
that is capable of directly detecting when the air pressure level in any tire is significantly underinflated and providing the driver a low tire pressure warning as to which specific tire is significantly underinflated.

(5) **Electronic on-board recorder.**—The term “electronic on-board recorder” means an electronic device that acquires and stores data showing the record of duty status of the vehicle operator and performs the functions required of an automatic on-board recording device in section 395.15(b) of title 49, Code of Federal Regulations.

(6) **Event data recorder.**—The term “event data recorder” has the meaning given that term in section 563.5 of title 49, Code of Federal Regulations.

(7) **Motor carrier.**—The term “motor carrier” means—

   (A) a motor carrier, as defined in section 13102(14) of title 49, United States Code; or
   
   (B) a motor private carrier, as defined in section 13102(15) of such title.

(8) **Motorcoach.**—The term “motorcoach” means a bus with a gross vehicle weight rating of 26,000 pounds or greater, 16 or more designated
seating positions (including the driver), and at least 2 rows of passenger seats rearward of the driver’s seating position that are forward-facing or can be converted to forward-facing without the use of tools, but does not include—

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

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

(9) Motorcoach Services.—The term “motorcoach services” means passenger transportation by motorcoach for compensation.

(10) Multifunction School Activity Buses.—The term “multifunction school activity buses” has the meaning given such term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(11) Portal.—The term “portal” means any opening on the front, sides, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.
(12) Provider of motorcoach services.—The term “provider of motorcoach services” means a motor carrier that provides passenger transportation services with a motorcoach, including per-trip compensation and contracted or chartered compensation.

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

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

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

SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION AND COLLISION AVOIDANCE.

(a) Regulations Required Within 1 Year.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prescribe regulations as follows:

(1) Safety belts.—The Secretary shall issue a final rule in Docket No. NHTSA 2010–0112: Federal Motor Vehicle Standards; Motorcoach Definition; Occupant Crash Protection, to require safety
belts to be installed in motorcoaches at each designated seating position.

(2) **Firefighting equipment.**—The Secretary shall require the installation in motorcoaches of improved fire extinguishers or other readily available firefighting equipment for the purpose of effectively extinguishing fires in motorcoaches to prevent passenger deaths and injuries.

(b) **Regulations Required Within 18 Months.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(1) establishing improved roof standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches; and

(2) requiring advanced glazing to be installed in each motorcoach portal to prevent partial or complete ejection of passengers of motorcoaches, including such passengers that are children.

(c) **Regulations Required Within 2 Years.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe commercial motor vehicle regulations as follows:
(1) Rollover Crash Avoidance.—The Secretary shall require motorcoaches to be equipped with stability enhancing technology, such as electronic stability control, or torque vectoring, to reduce the number and frequency of rollover crashes among motorcoaches.

(2) Commercial Motor Vehicle Tire Pressure Monitoring Systems.—

(A) The Secretary shall issue regulations that require motorcoaches to be equipped with direct tire pressure monitoring systems that warn the operator of a commercial motor vehicle when any tire exhibits a level of air pressure that is below a specified level of air pressure established by the Secretary.

(B) The regulations prescribed by the Secretary under this section shall include performance requirements to ensure that direct tire pressure monitoring systems are capable of—

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

(ii) activating in a specified time period after the underinflation is detected; and
(iii) operating at different vehicle speeds.

(3) Tire performance standard.—The Secretary shall upgrade performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test.

(d) Application of regulations.—

(1) New motorcoaches.—A regulation prescribed in accordance with subsection (a), (b), or (c) shall apply to all motorcoaches manufactured more than 2 years after the date on which the regulation is published as a final rule.

(2) Retrofit safety requirements for existing motorcoaches.—

(A) In general.—

(i) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(1) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(ii) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(2) shall apply to all motorcoaches used for motorcoach
services on or after the effective date of such regulation.

(B) EXCEPTION.—In the case of a motorcoach that was used for motorcoach services before the effective date of a regulation described in subparagraph (A), such regulation shall not apply to such motorcoach until—

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

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

SEC. 4. STANDARDS FOR IMPROVED FIRE SAFETY.

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

(1) Flammability standard for exterior components.—The Secretary shall examine the feasibility of establishing requirements for fire hardening or fire resistance of motorcoach exterior components to prevent fire and smoke inhalation injuries to occupants.

(2) Smoke suppression.—The Secretary shall review Federal motor vehicle safety standard num-
number 302 (49 C.F.R. 571.302; relating to flammability of interior materials) to consider more realistic tests to improve the resistance of motorcoach interiors and components to burning and permit sufficient time for the safe evacuation of passengers from motorcoaches.

(3) **Prevention of, and resistance to, wheel well fires.**—The Secretary shall assess technologies to prevent and mitigate the propagation of wheel well fires into the passenger compartment and substantially reduce occupant deaths and injuries from such fires.

(4) **Passenger evacuation.**—The Secretary shall evaluate requirements for motorcoaches to be equipped with the following:

(A) **Improved emergency evacuation designs.**—Improved emergency exit window, door, roof hatch, and wheelchair lift door designs to expedite access and use by passengers of motorcoaches under all emergency circumstances, including crashes and fires.

(B) **Emergency interior lighting.**—Emergency interior lighting systems, including luminescent or retroreflectored delineation of evacuation paths and exits, that are triggered
by a crash or other emergency incidents to accomplish more rapid and effective evacuation of passengers.

(5) Automatic Fire Suppression.—The Secretary shall evaluate requirements for motorcoaches to be equipped with highly effective fire suppression systems that automatically respond to and suppress all fires in such motorcoaches.

(b) Performance Requirements.—Not later than 3 years after the date of enactment of this Act, the Secretary shall issue performance requirements for improved fire safety and passenger evacuation based on the results of the evaluations conducted under subsection (a).

SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOIDANCE RESEARCH.

(a) Safety Research Initiatives.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete research on the following:

(1) Compartmentalization Safety Countermeasures.—Enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs, to reduce substantially the risk of passengers being thrown from their seats and colliding with other passengers, interior surfaces,
and components in the event of a crash involving a motorcoach.

(2) INTERIOR IMPACT PROTECTION.—Enhanced occupant impact protection standards for motorcoach interiors to reduce substantially serious injuries for all passengers of motorcoaches.

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

(b) STANDARDS AND REGULATIONS.—Not later than 2 years after the completion of each research initiative required by subsection (a), the Secretary shall issue a standard or regulation based on the results of that research.

SEC. 6. NEW ENTRANTS.

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

“(1) ADDITIONAL REGISTRATION REQUIREMENTS FOR PROVIDERS OR MOTORCOACH SERVICES—In addition to meeting the requirements of subsection (a)(1), the Secretary may register a person to provide motorcoach services only after that person—
“(A) undergoes a pre-authorization safety audit, including verification, in a manner sufficient to demonstrate the ability to comply with Federal rules and regulations, of—

“(i) a drug and alcohol testing program consistent with part 40 of title 49, Code of Federal Regulations;

“(ii) the carrier’s system of compliance with hours-of-service rules, including hours-of-service records;

“(iii) the ability to obtain required insurance;

“(iv) driver qualifications, including the validity of the commercial driver’s license of each driver who will be operating under such authority;

“(v) disclosure of common ownership, common control, common management, common familial relationship, or other corporate relationship with another motor carrier or applicant for motor carrier authority over the past 3 years;

“(vi) records of the State inspections, or of a Level I or V Commercial Vehicle
Safety Alliance Inspection, for all vehicles that will be operated by the carrier;

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

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

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

“(C) has demonstrated, through the successful completion of a written examination developed by the Secretary, proficiency to comply with and carry out the requirements and regulations described in subsection (a)(1).

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

“(3) FEE.—The Secretary may establish, under section 9701 of title 31, a fee of not more than
$1,200 for new registrants that as nearly as possible covers the costs of performing a preauthorization safety audit. An amount collected under this subsection shall be deposited in the Highway Trust Fund (other than the Mass Transit Account).”.

(b) SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g)(1) of title 49, United States Code, is amended by inserting “transporting property” after “each operator”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 7. REINCARNATED CARRIERS.

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

“(1) DISCLOSURE OF PRIOR RELATIONSHIPS.—In addition to meeting the requirements under subsection (a)(1), the Secretary shall require applicants for authority to transport passengers to disclose any relationship involving common ownership, common management, or common familial relationship between that person and any other motor carrier, if
the relationship occurred in the 3-year period pre-
ceeding the date of the filing of the application for
registration.”.

(b) Denial, Suspension, Amendment, or Rev-
ocation of Registration.—Section 13905(d)(1) of title
49, United States Code, is amended—

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

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

“(i) this part;

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

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

(c) Procedure.—Section 13905(e)(1) of such title
is amended by striking “registrant” and inserting “reg-
istrant, or if the Secretary determines that the registrant
has failed to disclose a material fact in its application for
registration in accordance with subsection (d)(1)(C),”.
(d) Duties of Employers and Employees.—Section 31135 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) Avoiding Compliance.—Two or more employers shall not use common ownership, common management, common control, or common familial relationship to enable any or all such employers to avoid compliance, or mask or otherwise conceal noncompliance, or a history of noncompliance, with commercial motor vehicle safety regulations issued under this subchapter, chapter 315, or an order of the Secretary issued under this subchapter, chapter 315, or such regulations. If the Secretary determines that actions described in the preceding sentence have occurred, the Secretary shall deny, suspend, amend, or revoke all or part of any such employer’s registration under section 13905, and shall take into account such noncompliance for purposes of determining civil penalty amount under section 521(b)(2)(D).”.
SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

(a) In General.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

“(h) Periodic Safety Reviews of Providers of Motorcoach Services.—

“(1) Safety review.—

“(A) In general.—The Secretary shall determine the safety fitness of all providers of motorcoach services registered with the Federal Motor Carrier Safety Administration and assign a safety fitness rating to each such provider.

“(B) Applicability.—Subparagraph (A) shall apply—

“(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2011, not later than 2 years after the date of registration; and

“(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act, not later than 3 years after the date of enactment of that Act.
“(2) Periodic review.—The Secretary shall establish a process, by regulation, for monitoring the safety performance of each provider of motorcoach services on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

“(3) Enforcement strike forces.—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting providers of motorcoach services, when and where the Secretary considers appropriate.

“(4) Periodic update of safety fitness rating.—As part of the safety review required by this subsection, the Secretary shall reassess such rating no less frequently than every 3 years.

“(5) Motorcoach services defined.—In this subsection, the term ‘provider of motorcoach services’ has the meaning provided such term in section 2 of the Motorcoach Enhanced Safety Act of 2011.”

(b) Revision of safety fitness rating methodology.—Not later than one year after the date of enactment of this Act, the Secretary shall revise the safety fitness rating methodology of the Department of Trans-
transportation established pursuant to section 31144 of title 49, United States Code, to meet the goals of the safety recommendation H–99–6 of the National Transportation Safety Board issued February 26, 1999.

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

SEC. 9. MOTORCOACH DRIVER TRAINING.

(a) ESTABLISHMENT OF TRAINING CURRICULUM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish, by regulation, minimum curricular requirements for entry-level drivers of motorcoaches and drivers upgrading from one class of commercial driver’s license to another, to be adopted by public and private schools and motor carriers and motorcoach operators that provide training for such drivers.

(2) CURRICULAR REQUIREMENTS.—The curricular requirements under paragraph (1) shall include the following:
(A) Classroom and behind-the-wheel instruction that is adequate for training entry-level drivers of motorcoaches and drivers upgrading from one class of commercial driver’s license to another to safely operate motorcoaches and respond effectively to emergency situations.

(B) Instruction in advanced knowledge and skills that are necessary to operate motorcoaches safely, including knowledge and skills necessary—

(i) to suppress motorcoach fires; and

(ii) to evacuate passengers from motorcoaches safely.

(b) TRAINING REQUIRED.—

(1) IN GENERAL.—The Secretary shall require each motorcoach driver seeking a commercial driver’s license passenger endorsement to undergo a training program that includes the minimum curricular requirements established under subsection (a) before taking a test for a commercial driver’s license passenger endorsement.

(2) VERIFICATION REQUIRED.—The Secretary shall require that—
(A) each trainer of a driver seeking a commercial driver’s license passenger endorsement shall submit to the appropriate State licensing authority information on any driver that has successfully completed a motorcoach driver training course that includes the curricular requirements established under subsection (a); and

(B) the State licensing authority may not administer the skills test for the passenger endorsement nor issue a passenger endorsement to a driver unless the State licensing authority verifies that the driver has successfully completed a motorcoach driver training course as required by subparagraph (A).

(e) REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver
training in accordance with the curricular requirements established by the Secretary under subsection (a).

(d) NONPREEMPTION OF STATE PROGRAMS.—The minimum curricular requirements required by this section do not preempt any State or local law or regulation imposing additional or more stringent requirements unless the Secretary determines that—

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

(2) enforcement of the State law or the local law or regulation would impose an unreasonable burden on interstate commerce.

SEC. 10. IMPROVED TESTING FOR THE COMMERCIAL DRIVER’S LICENSE PASSENGER ENDORSEMENT.

(a) INCREASED STRINGENCY OF EXAMINATION FOR COMMERCIAL DRIVER’S LICENSE PASSENGER-CARRYING ENDORSEMENT.—

(1) Final rule.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue a final rule in Docket No. FMCSA 2007–27659: Commercial Driver’s License Testing and Commercial Learner’s Permit Standards that improves the quality and stringency of the examination for the commercial driver’s license passenger-carrying endorsement. The final rule shall require—
(A) a more stringent knowledge test than the test in effect on the day before the date of enactment of this Act; and

(B) a more stringent examination of the driving skills necessary to operate safely a for-hire passenger-carrying commercial motor vehicle than the examination of such skills in effect on the day before the date of enactment of this Act.

(2) Consultation.—The Secretary shall consult with the American Association of Motor Vehicle Administrators in carrying out paragraph (1).

(b) Report on Driver’s License Requirements for 9-to-15 Passenger Vans.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure for requiring that all or certain classes of drivers—

(1) have a commercial driver’s license passenger-carrying endorsement in order to operate a commercial motor vehicle (as defined in section 31301(4) of title 49, United States Code) and transport not less than 9 and not more than 15 pas-
sengers (including a driver) in interstate commerce;
and

(2) be tested in accordance with a drug and alcohol testing program consistent with part 40 of title 49, Code of Federal Regulations.

**SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND COMMERCIAL DRIVER MEDICAL CERTIFICATES.**

(a) **Medical Review Board Functions.**—Section 31149(a)(1) of title 49, United States Code, is amended—

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

(2) by striking “research.” and inserting “research and (B) advice and recommendations concerning the criteria to be used for evaluating medical examiners for admission to the national registry established under this section.”.

(b) **Examination Requirements for Listing in the National Registry of Medical Examiners.**—

Section 31149(c)(1)(D) of title 49, United States Code, is amended to read as follows:

“(D) develop requirements applicable to a medical examiner seeking to be listed in the national registry, including—
“(i) specific courses and materials that must be completed to be listed in the national registry;

“(ii) a rigorous written examination for which a passing grade must be achieved to be listed in the national registry;

“(iii) certification (including self-certification), as appropriate, to verify that the medical examiner has completed training, including refresher courses, that the Secretary determines are necessary to be listed in the national registry; and

“(iv) demonstration of the willingness and ability of a medical examiner to comply with any reporting requirements established by the Secretary;”.

(c) MEDICAL EXAMINATION FORM COMPARISONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall require by regulation that each time a medical examiner performs a medical examination to certify an applicant for a commercial driver’s license under section 391.43 of title 49, Code of Federal Regulations, such medical examiner shall submit to the appropriate State licensing agency the form for such ex-
amination required by section 391.43(f) of such title (as
in effect on the day before the date of enactment of this
Act).

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

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

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

(3) by adding at the end the following:

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

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

(1) IN GENERAL.—Section 31149(e)(1) of title
49, United States Code, is amended—
(A) by striking “basis; and” in subpara-
graph (E) and inserting “basis;”;

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

(C) by adding at the end the following:

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

(2) INTERNAL OVERSIGHT POLICY.—

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

(B) EFFECTIVE DATE.—The requirement
of subparagraph (G) of section 31149(e)(1) of
title 49, United States Code, shall take effect
on the date that the oversight policies and proce-
esses are established pursuant to subparagraph
(A).

(f) **DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners as required by section 31149(d)(1) of title 49, United States Code.

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

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

(1) **IN GENERAL.**—

(A) Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring that all motorcoaches used by a motor carrier in interstate commerce be equipped with electronic on-board recorders.

(B) The regulations prescribed by the Secretary under this section shall include performance requirements to ensure that electronic on-board recorders—

(i) accurately record commercial driver hours of service;
(ii) allow tracking of driver and vehicle location; and

(iii) are tamper resistant.

(2) Applicability.—The regulations prescribed under paragraph (1) shall apply to all such motorcoaches beginning on the date that is 2 years after the date on which the regulation is published as a final rule.

(b) Event Data Recorders.—

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

(2) Standards and Regulations.—Within 2 years after completing the evaluation required by paragraph (1), the Secretary shall issue standards and regulations based on the results of that evaluation.
SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.

Not later than 3 years after the date of enactment of this Act, the Secretary shall complete a rulemaking proceeding to consider requiring States to conduct annual inspections of commercial motor vehicles designed or used to transport passengers, including—

(1) an assessment of the risks associated with improperly maintained or inspected commercial motor vehicles designed or used to transport passengers;

(2) an assessment of the effectiveness of current Federal standards for the inspection of such vehicles in mitigating the risks described in paragraph (1) and to ensure the safe and proper operation condition of such vehicles; and

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

SEC. 14. DISTRACTED DRIVING.

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

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

“(a) IN GENERAL.—No later than 1 year after the enactment of the Motorcoach Enhanced Safety Act of
2011, the Secretary of Transportation shall prescribe reg-
ulations on the use of electronic or wireless devices, includ-
ing cell phones and other distracting devices, by an indi-
vidual employed as the operator of a motorcoach (as de-
 fined in section 2(8) of that Act).

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

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

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

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

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

SEC. 15. MOTORCOACH RENTAL OR LEASING COMPANIES.

Paragraph (3) of section 31132 of title 49, United
States Code, is amended to read as follows:
“(3) ‘employer’—

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

“(i) owns or leases a commercial motor vehicle in connection with that business, or assigns and employee to operate it; or

“(ii) offers for rent or lease motor vehicles designed or used to transport more than 15 passengers, including the driver, and from the same location or as part of the same business provides names or contact information of drivers, arranges for a driver of the rented or leased passenger-carrying motor vehicle, or holds itself out to the public as a provider of transportation services; but

“(B) does not include an individual who is an employee of the United States Government, a State, or a political subdivision of a State acting in the course of that individual’s employment as such an employee.”.
SEC. 16. REGISTRATION OF BROKERS FOR MOTOR CARRIERS OF PASSENGERS.

(a) In General.—Section 13904(a) of title 49, United States Code, is amended by inserting “or passen-
gers” after “transportation of property”.—

(b) Repeal of Exemption.—Section 13506(a) of title 49, United States Code, is amended—

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

(2) by striking paragraph (14); and

(3) by redesignating paragraph (15) as para-

graph (14).

SEC. 17. REGULATIONS.

Any standard or regulation prescribed or modified

pursuant to this Act shall be prescribed or modified in

accordance with section 553 of title 5, United States Code.