To amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Commercial Motor Vehicle Safety Enhancement Act of 2011”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:
Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definition.
Sec. 4. References to title 49, United States Code.

TITLE I—COMMERCIAL MOTOR VEHICLE REGISTRATION

Sec. 101. Registration of motor carriers.
Sec. 102. Safety fitness of new operators.
Sec. 103. Reincarnated carriers.
Sec. 104. Financial responsibility requirements.
Sec. 105. USDOT number registration requirement.
Sec. 106. Registration fee system.
Sec. 107. Registration update.
Sec. 108. Increased penalties for operating without registration.
Sec. 109. Revocation of registration for imminent hazard.
Sec. 110. Revocation of registration and other penalties for failure to respond to subpoena.
Sec. 111. Fleetwide out of service order for operating without required registration.
Sec. 112. Motor carrier and officer patterns of safety violations.
Sec. 113. Federal successor standard.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY

Sec. 201. Repeal of commercial jurisdiction exception for brokers of motor carriers of passengers.
Sec. 203. Crashworthiness standards.
Sec. 204. Canadian safety rating reciprocity.
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TITLE III—DRIVER SAFETY

Sec. 301. Electronic on-board recording devices.
Sec. 302. Safety fitness.
Sec. 303. Driver medical qualifications.
Sec. 304. Commercial driver’s license notification system.
Sec. 305. Commercial motor vehicle operator training.
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Sec. 307. Commercial driver’s license requirements.
Sec. 308. Commercial motor vehicle driver information systems.
Sec. 309. Disqualifications based on non-commercial motor vehicle operations.
Sec. 310. Federal driver disqualifications.
Sec. 311. Employer responsibilities.

TITLE IV—SAFE ROADS ACT OF 2011

Sec. 401. Short title.
Sec. 402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.
Sec. 403. Drug and alcohol violation sanctions.
Sec. 404. Authorization of appropriations.
TITLE V—ENFORCEMENT

Sec. 501. Inspection demand and display of credentials.
Sec. 502. Out of service penalty for denial of access to records.
Sec. 503. Penalties for violation of operation out of service orders.
Sec. 504. Minimum prohibition on operation for unfit carriers.
Sec. 505. Minimum out of service penalties.
Sec. 506. Impoundment and immobilization of commercial motor vehicles for imminent hazard.
Sec. 507. Increased penalties for evasion of regulations.
Sec. 508. Failure to pay civil penalty as a disqualifying offense.
Sec. 509. Violations relating to commercial motor vehicle safety regulation and operators.
Sec. 510. Emergency disqualification for imminent hazard.
Sec. 511. Intrastate operations of interstate motor carriers.
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Sec. 513. Disclosure to State and local law enforcement agencies.

TITLE VI—COMPLIANCE, SAFETY, ACCOUNTABILITY

Sec. 601. Compliance, safety, accountability.
Sec. 602. Performance and registration information systems management program.
Sec. 603. Commercial motor vehicle defined.
Sec. 604. Driver safety fitness ratings.
Sec. 605. Uniform electronic clearance for commercial motor vehicle inspections.
Sec. 606. Authorization of appropriations.
Sec. 607. High risk carrier reviews.
Sec. 608. Data and technology grants.
Sec. 609. Driver safety grants.
Sec. 610. Commercial vehicle information systems and networks.

TITLE VII—MOTORCOACH ENHANCED SAFETY ACT OF 2011

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
Sec. 704. Standards for improved fire safety.
Sec. 705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
Sec. 706. Motorcoach registration.
Sec. 707. Improved oversight of motorcoach service providers.
Sec. 708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.
Sec. 709. Report on driver’s license requirements for 9- to 15-passenger vans.
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Sec. 711. Safety inspection program for commercial motor vehicles of passengers.
Sec. 712. Distracted driving.
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TITLE VIII—SAFE HIGHWAYS AND INFRASTRUCTURE PRESERVATION

Sec. 801. Comprehensive truck size and weight limits study.
TITLE IX—MISCELLANEOUS

Sec. 901. Detention time study.
Sec. 902. Prohibition of coercion.
Sec. 903. Motor carrier safety advisory committee.
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Sec. 905. Transportation of horses.

TITLE X—HOUSEHOLD GOODS TRANSPORTATION

Sec. 1001. Additional registration requirements for household goods motor carriers.
Sec. 1002. Failure to give up possession of household goods.
Sec. 1003. Settlement authority.
Sec. 1004. Household goods transportation assistance program.
Sec. 1005. Household goods consumer education program.

TITLE XI—TECHNICAL AMENDMENTS

Sec. 1101. Update of obsolete text.
Sec. 1102. Correction of interstate commerce commission references.
Sec. 1103. Technical and conforming amendments.

1 SEC. 3. DEFINITION.

2 In this Act, the term “Secretary” means the Secretary of Transportation.

4 SEC. 4. REFERENCES TO TITLE 49, UNITED STATES CODE.

5 Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

11 TITLE I—COMMERCIAL MOTOR VEHICLE REGISTRATION

13 SEC. 101. REGISTRATION OF MOTOR CARRIERS.

14 (a) REGISTRATION REQUIREMENTS.—Section 13902(a)(1) is amended to read as follows:
“(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of Transportation may not register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier unless the Secretary determines that the person—

“(A) is willing and able to comply with—

“(i) this part and the applicable regulations of the Secretary and the Board;

“(ii) any safety regulations imposed by the Secretary;

“(iii) the duties of employers and employees established by the Secretary under section 31135;

“(iv) the safety fitness requirements established by the Secretary under section 31144;

“(v) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; and

“(vi) the minimum financial responsibility requirements established by the Sec-
retary under sections 13906, 31138, and 31139;

“(B) has submitted a comprehensive management plan documenting that the person has management systems in place to ensure compliance with safety regulations imposed by the Secretary;

“(C) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship between that person and any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, or a successor (as that term is defined under section 31153), if the relationship occurred in the 5-year period preceding the date of the filing of the application for registration; and

“(D) after the Secretary establishes a written proficiency examination pursuant to section 101(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2011, has passed the written proficiency examination.”.

(b) Written Proficiency Examination.—
(1) **ESTABLISHMENT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a written proficiency examination for applicant motor carriers pursuant to section 13902(a)(1)(D). The written proficiency examination shall test a person’s knowledge of applicable safety regulations, standards, and orders of the Federal government and State government.

(2) **ADDITIONAL FEE.**—The Secretary may assess a fee to cover the expenses incurred by the Department of Transportation in—

(A) developing and administering the written proficiency examination; and

(B) reviewing the comprehensive management plan required under section 13902(a)(1)(B) of title 49, United States Code.

(c) **CONFORMING AMENDMENT.**—Section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 note) is amended—

(1) by inserting “, commercial regulations, and provisions of subpart H of part 37 of title 49, Code of Federal Regulations, or successor regulations” after “applicable safety regulations”; and

(2) by striking “consider the establishment of” and inserting “establish”.

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SEC. 102. SAFETY FITNESS OF NEW OPERATORS.

(a) SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g)(1) is amended to read as follows:

“(1) SAFETY REVIEW.—

“(A) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

“(B) PROVIDERS OF MOTORCOACH SERVICES.—The Secretary may register a person to provide motorcoach services under section 13902 or 31134 after the person undergoes a pre-authorization safety audit, including verification, in a manner sufficient to demonstrate the ability to comply with Federal rules and regulations, as described in section 13902. The Secretary shall continue to monitor the safety performance of each owner and each operator subject to this section for 12 months after the owner or operator is granted registration under section 13902 or 31134. The registration of each owner and each operator subject to this section shall become permanent...
after the motorcoach service provider is granted registration following a pre-authorization safety audit and the expiration of the 12 month monitoring period.

“(C) PRE-AUTHORIZATION SAFETY AUDIT.—The Secretary may require, by regulation, that the pre-authorization safety audit under subparagraph (B) be completed on-site not later than 90 days after the submission of an application for operating authority.”.

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

SEC. 103. REINCARNATED CARRIERS.

(a) EFFECTIVE PERIODS OF REGISTRATION.—

(1) SUSPENSIONS, AMENDMENTS, AND REVOCATIONS.—Section 13905(d) is amended—

(A) by redesignating paragraph (2) as paragraph (4);

(B) by striking paragraph (1) and inserting the following:

“(1) APPLICATIONS.—On application of the registrant, the Secretary may amend or revoke a registration.
“(2) Complaints and actions on Secretary’s own initiative.—On complaint or on the Secretary’s own initiative and after notice and an opportunity for a proceeding, the Secretary may—

“(A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with—

“(i) this part;

“(ii) an applicable regulation or order of the Secretary or the Board, including the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; or

“(iii) a condition of its registration;

“(B) withhold, suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for failure—

“(i) to pay a civil penalty imposed under chapter 5, 51, 149, or 311;

“(ii) to arrange and abide by an acceptable payment plan for such civil penalty, not later than 90 days after the date
specified by order of the Secretary for the
payment of such penalty; or

“(iii) for failure to obey a subpoena
issued by the Secretary’’;

“(C) withhold, suspend, amend, or revoke
any part of a registration of a motor carrier,
broker, or freight forwarder following a deter-
mination by the Secretary that the motor car-
rier, broker, or freight forwarder failed to dis-
close, in its application for registration, a mate-
rial 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; or

“(D) withhold, suspend, amend, or revoke
any part of a registration of a motor carrier,
broker, or freight forwarder if the Secretary
finds that—

“(i) the motor carrier, broker, or
freight forwarder is or was related through
common ownership, common management,
common control, or common familial rela-
tionship to any other motor carrier, broker,
or freight forwarder, or any other applicant for motor carrier, broker, or freight forwarder registration that the Secretary determines is or was unwilling or unable to comply with the relevant requirements listed in section 13902, 13903, or 13904; or

“(ii) the person is the successor, as defined in section 31153, to a person who is or was unwilling or unable to comply with the relevant requirements of section 13902, 13903, or 13904.

“(3) LIMITATION.—Paragraph (2)(B) shall not apply to a person who is unable to pay a civil penalty because the person is a debtor in a case under chapter 11 of title 11.”; and

(C) in paragraph (4), as redesignated by section 103(a)(1)(A) of this Act, by striking “paragraph (1)(B)” and inserting “paragraph (2)(B)”.

(2) PROCEDURE.—Section 13905(e) is amended by inserting “or if the Secretary determines that the registrant failed to disclose a material fact in an application for registration in accordance with subsection (d)(2)(C),” after “registrant,”.
(b) INFORMATION SYSTEMS.—Section 31106(a)(3) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) determine whether a person or employer is or was related, through common ownership, common management, common control, or common familial relationship, to any other person, employer, or any other applicant for registration under section 13902 or 31134.”.

SEC. 104. FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall—

(1) issue a report on the appropriateness of—

(A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and

(B) the current bond and insurance requirements under section 13904(d) of title 49, United States Code; and

(2) submit the report under paragraph (1) to the Committee on Commerce, Science, and Trans-
portation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(b) Rulemaking.—Not later than 6 months after the publication of the report under subsection (a), the Secretary shall initiate a rulemaking to increase the minimum financial responsibility requirements under sections 31138, and 31139 of title 49, United States Code and to revise the bond and insurance requirements under section 13904(d) of title 49, United States Code. As part of the rulemaking, the Secretary shall consider—

(1) the findings of the report under subsection (a);

(2) the appropriateness of the amount of the financial responsibility to pay for each final judgment against a motor carrier for bodily injury to, or death of, each individual resulting from negligent operation, maintenance, or use of the motor vehicle, or for loss or damage to property, or both; and

(3) other matters the Secretary determines appropriate.

(c) Deadline.—Not later than 1 year after the start of the rulemaking under subsection (b), the Secretary shall—

(1) issue a final rule; or
(2) if the Secretary determines that a rule-making is not required following the Secretary’s analysis, submit a report stating the reason for not increasing the minimum financial responsibility requirements to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) Biennial Reviews.—Not less than once every 2 years, the Secretary shall review the requirements prescribed under subsection (b) and revise the requirements, as appropriate.

SEC. 105. USDOT NUMBER REGISTRATION REQUIREMENT.

(a) Chapter 311 is amended by inserting after section 31133 the following:

“§31134. Requirement for registration and USDOT number

“(a) In General.—Upon application, and subject to subsections (b) and (c), the Secretary shall register an employer or person subject to the safety jurisdiction of this subchapter. An employer or person may operate a commercial motor vehicle in interstate commerce only if the employer or person is registered by the Secretary under this section and receives a USDOT number. Nothing in this section shall preclude registration by the Secretary
of an employer or person not engaged in interstate commerce. An employer or person subject to jurisdiction under subchapter I of chapter 135 of this title shall apply for commercial registration under section 13902 of this title.

“(b) WITHHOLDING REGISTRATION.—The Secretary may withhold registration under subsection (a), after notice and an opportunity for a proceeding, if the Secretary determines that—

“(1) the employer or person seeking registration is unwilling or unable to comply with the requirements of this subchapter and the regulations prescribed thereunder and chapter 51 and the regulations prescribed thereunder;

“(2) the employer or person is or was related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter who is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

“(3) the person is the successor, as defined in section 31153, to a person who is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1).
“(c) Revocation or Suspension of Registration.—The Secretary shall revoke the registration of an employer or person under subsection (a) after notice and an opportunity for a proceeding, or suspend the registration after giving notice of the suspension to the employer or person, if the Secretary determines that—

“(1) the employer’s or person’s authority to operate pursuant to chapter 139 of this title would be subject to revocation or suspension under sections 13905(d)(1) or 13905(f) of this title;

“(2) the employer or person is or was related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter that the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1);

“(3) the person is the successor, as defined in section 31153, to a person the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

“(4) the employer or person failed or refused to submit to the safety review required by section 31144(g) of this title.
“(d) Periodic Registration Update.—The Secretary may require an employer to update a registration under this section periodically or not later than 30 days after a change in the employer’s address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

(b) Conforming Amendment.—The analysis of chapter 311 is amended by inserting after the item relating to section 31133 the following:

“31134. Requirement for registration and USDOT number.”.

SEC. 106. REGISTRATION FEE SYSTEM.

Section 13908(d)(1) is amended by striking “but shall not exceed $300”.

SEC. 107. REGISTRATION UPDATE.

(a) Periodic Motor Carrier Update.—Section 13902 is amended by adding at the end the following:

“(h) Update of Registration.—The Secretary may require a registrant to update its registration under this section periodically or not later than 30 days after a change in the registrant’s address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

(b) Periodic Freight Forwarder Update.—Section 13903 is amended by adding at the end the following:

“(c) Update of Registration.—The Secretary may require a freight forwarder to update its registration
under this section periodically or not later than 30 days after a change in the freight forwarder’s address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

(c) Periodic Broker Update.—Section 13904 is amended by adding at the end the following:

“(c) Update of Registration.—The Secretary may require a broker to update its registration under this section periodically or not later than 30 days after a change in the broker’s address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

SEC. 108. INCREASED PENALTIES FOR OPERATING WITHOUT REGISTRATION.

(a) Penalties.—Section 14901(a) is amended—

(1) by striking “$500” and inserting “$1,000”; 

(2) by striking “who is not registered under this part to provide transportation of passengers,”;

(3) by striking “with respect to providing transportation of passengers,” and inserting “or section 13902(c) of this title,”; and

(4) by striking “$2,000 for each violation and each additional day the violation continues” and inserting “$10,000 for each violation, or $25,000 for
each violation relating to providing transportation of passengers”.

(b) TRANSPORTATION OF HAZARDOUS WASTES.—
Section 14901(b) is amended by striking “less than $20,000” and inserting “not less than $25,000”.

SEC. 109. REVOCATION OF REGISTRATION FOR IMMINENT HAZARD.
Section 13905(f)(2) is amended to read as follows:
“(2) IMMINENT HAZARD TO PUBLIC HEALTH.— Notwithstanding subchapter II of chapter 5 of title 5, the Secretary shall revoke the registration of a motor carrier if the Secretary finds that the carrier is or was conducting unsafe operations that are or were an imminent hazard to public health or property.”.

SEC. 110. REVOCATION OF REGISTRATION AND OTHER PENALTIES FOR FAILURE TO RESPOND TO SUBPOENA.
Section 525 is amended—
(1) by striking “subpenas” in the section heading and inserting “subpoenas”;
(2) by striking “subpena” and inserting “subpoena”;
(3) by striking “$100” and inserting “$1,000”;
(4) by striking “$5,000” and inserting “$10,000”; and
(5) by adding at the end the following:
“The Secretary may withhold, suspend, amend, or re-
voke any part of the registration of a person required to
register under chapter 139 for failing to obey a subpoena
or requirement of the Secretary under this chapter to ap-
pear and testify or produce records.”.

SEC. 111. FLEETWIDE OUT OF SERVICE ORDER FOR OPER-
ATING WITHOUT REQUIRED REGISTRATION.
Section 13902(e)(1) is amended—
(1) by striking “motor vehicle” and inserting
“motor carrier” after “the Secretary determines that
a”; and
(2) by striking “order the vehicle” and inserting
“order the motor carrier operations” after “the Sec-
retary may”.

SEC. 112. MOTOR CARRIER AND OFFICER PATTERNS OF
SAFETY VIOLATIONS.
Section 31135 is amended—
(1) by striking subsection (b) and inserting the
following:
“(b) NONCOMPLIANCE.—
“(1) MOTOR CARRIERS.—Two or more motor
carriers, employers, or persons shall not use common
ownership, common management, common control,
or common familial relationship to enable any or all
such motor carriers, employers, or persons to avoid
compliance, or mask or otherwise conceal non-com-
pliance, or a history of non-compliance, with regula-
tions prescribed under this subchapter or an order
of the Secretary issued under this subchapter.

“(2) PATTERN.—If the Secretary finds that a
motor carrier, employer, or person engaged in a pat-
tern or practice of avoiding compliance, or masking
or otherwise concealing noncompliance, with regula-
tions prescribed under this subchapter, the Sec-
retary—

“(A) may withhold, suspend, amend, or re-
voke any part of the motor carrier’s, employ-
er’s, or person’s registration in accordance with
section 13905 or 31134; and

“(B) shall take into account such non-com-
pliance for purposes of determining civil penalty
amounts under section 521(b)(2)(D).

“(3) OFFICERS.—If the Secretary finds, after
notice and an opportunity for proceeding, that an of-
ficer of a motor carrier, employer, or owner or oper-
ator engaged in a pattern or practice of violating
regulations prescribed under this subchapter, or as-
sisted a motor carrier, employer, or owner or operator in avoiding compliance, or masking or otherwise concealing noncompliance, the Secretary may impose appropriate sanctions, subject to the limitations in paragraph (4), including—

“(A) suspension or revocation of registration granted to the officer individually under section 13902 or 31134;

“(B) temporary or permanent suspension or bar from association with any motor carrier, employer, or owner or operator registered under section 13902 or 31134; or

“(C) any appropriate sanction approved by the Secretary.

“(4) LIMITATIONS.—The sanctions described in subparagraphs (A) through (C) of subsection (b)(3) shall apply to—

“(A) intentional or knowing conduct, including reckless conduct that violates applicable laws (including regulations); and

“(B) repeated instances of negligent conduct that violates applicable laws (including regulations).”; and

(2) by striking subsection (c) and inserting the following:
“(c) AVOIDING COMPLIANCE.—For purposes of this section, ‘avoiding compliance’ or ‘masking or otherwise concealing noncompliance’ includes serving as an officer or otherwise exercising controlling influence over 2 or more motor carriers where—

“(1) one of the carriers was placed out of service, or received notice from the Secretary that it will be placed out of service, following—

“(A) a determination of unfitness under section 31144(b);

“(B) a suspension or revocation of registration under section 13902, 13905, or 31144(g);

“(C) issuance of an imminent hazard out of service order under section 521(b)(5) or section 5121(d); or

“(D) notice of failure to pay a civil penalty or abide by a penalty payment plan; and

“(2) one or more of the carriers is the ‘successor,’ as that term is defined in section 31153, to the carrier that is the subject of the action in paragraph (1).”.
SEC. 113. FEDERAL SUCCESSOR STANDARD.

(a) In General.—Chapter 311 is amended by adding after section 31152, as added by section 508 of this Act, the following:

“§ 31153. Federal successor standard

“(a) Federal successor standard.—Notwithstanding any other provision of Federal or State law, the Secretary may take an action authorized under chapters 5, 51, 131 through 149, subchapter III of chapter 311 (except sections 31138 and 31139), or sections 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions, against a successor of a motor carrier (as defined in section 13102), a successor of an employer (as defined in section 31132), or a successor of an owner or operator (as that term is used in subchapter III of chapter 311), to the same extent and on the same basis as the Secretary may take the action against the motor carrier, employer, or owner or operator.

“(b) Successor defined.—For purposes of this section, the term ‘successor’ means a motor carrier, employer, or owner or operator that the Secretary determines, after notice and an opportunity for a proceeding, has 1 or more features that correspond closely with the features of another existing or former motor carrier, employer, or owner or operator, such as—
“(1) consideration paid for assets purchased or transferred;

“(2) dates of corporate creation and dissolution or termination of operations;

“(3) commonality of ownership;

“(4) commonality of officers and management personnel and their functions;

“(5) commonality of drivers and other employees;

“(6) identity of physical or mailing addresses, telephone, fax numbers, or e-mail addresses;

“(7) identity of motor vehicle equipment;

“(8) continuity of liability insurance policies;

“(9) commonality of coverage under liability insurance policies;

“(10) continuation of carrier facilities and other physical assets;

“(11) continuity of the nature and scope of operations, including customers;

“(12) commonality of the nature and scope of operations, including customers;

“(13) advertising, corporate name, or other acts through which the motor carrier, employer, or owner or operator holds itself out to the public;
“(14) history of safety violations and pending orders or enforcement actions of the Secretary; and
“(15) additional factors that the Secretary considers appropriate.
“(c) EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply to any action commenced on or after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011 without regard to whether the violation that is the subject of the action, or the conduct that caused the violation, occurred before the date of enactment.
“(d) RIGHTS NOT AFFECTED.—Nothing in this section shall affect the rights, functions, or responsibilities under law of any other Department, Agency, or instrumentality of the United States, the laws of any State, or any rights between a private party and a motor carrier, employer, or owner or operator.”.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item related to section 31152, as added by section 508 of this Act, the following:

“31153. Federal successor standard.”.
TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY

SEC. 201. REPEAL OF COMMERCIAL JURISDICTION EXCEPTION FOR BROKERS OF MOTOR CARRIERS OF PASSENGERS.

(a) In General.—Section 13506(a) is amended—

(1) by inserting “or” at the end of paragraph (13);

(2) by striking paragraph (14); and

(3) by redesignating paragraph (15) as paragraph (14).

(b) Conforming Amendment.—Section 13904(a) is amended by striking “of property” in the first sentence.

SEC. 202. BUS RENTALS AND DEFINITION OF EMPLOYER.

Paragraph (3) of section 31132 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 an employee to operate the commercial motor vehicle; or

“(ii) offers for rent or lease a motor vehicle designed or used to transport more
than 8 passengers, including the driver, and from the same location or as part of the same business provides names or contact information of drivers, or holds itself out to the public as a charter bus company; but

“(B) does not include the Government, a State, or a political subdivision of a State.”.

SEC. 203. CRASHWORTHINESS STANDARDS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Secretary shall conduct a comprehensive analysis on the need for crashworthiness standards on property-carrying commercial motor vehicles with a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds involved in interstate commerce, including an evaluation of the need for roof strength, pillar strength, air bags, and frontal and back wall standards.

(b) Report.—Not later than 90 days after completing the comprehensive analysis under subsection (a), the Secretary shall report the results of the analysis and any recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.
SEC. 204. CANADIAN SAFETY RATING RECIPROCITY.

Section 31144 is amended by adding at the end the following:

“(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

“(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

“(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country’s motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under sub-
section (b) in making motor carrier safety fitness de-
terminations.”.

SEC. 205. STATE REPORTING OF FOREIGN COMMERCIAL
DRIVER CONVICTIONS.

(a) Definition of Foreign Commercial Driver.—Section 31301 is amended—

(1) by redesignating paragraphs (10) through
(14) as paragraphs (11) through (15), respectively;
and

(2) by inserting after paragraph (9) the fol-
lowing:

“(10) ‘foreign commercial driver’ means an in-
dividual licensed to operate a commercial motor ve-
icle by an authority outside the United States, or
a citizen of a foreign country who operates a com-
mercial motor vehicle in the United States.”.

(b) State Reporting of Convictions.—Section
31311(a) is amended by adding after paragraph (21) the
following:

“(22) The State shall report a conviction of a
foreign commercial driver by that State to the Fed-
eral Convictions and Withdrawal Database, or an-
other information system designated by the Sec-
retary to record the convictions. A report shall in-
clude—

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“(A) for a driver holding a foreign commercial driver’s license—

“(i) each conviction relating to the operation of a commercial motor vehicle; and

“(ii) a non-commercial motor vehicle; and

“(B) for an unlicensed driver or a driver holding a foreign non-commercial driver’s license, each conviction for operating a commercial motor vehicle.”.

SEC. 206. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.

Section 31310 is amended by adding at the end the following:

“(k) FOREIGN COMMERCIAL DRIVERS.—A foreign commercial driver shall be subject to disqualification under this section.”.

SEC. 207. REVOCATION OF FOREIGN MOTOR CARRIER OPERATING AUTHORITY FOR FAILURE TO PAY CIVIL PENALTIES.

Section 13905(d)(1) is amended by inserting “foreign motor carrier, foreign motor private carrier,” after “registration of a motor carrier,” each place it appears.
TITLE III—DRIVER SAFETY

SEC. 301. ELECTRONIC ON-BOARD RECORDING DEVICES.

(a) General Authority.—Section 31137 is amended—

(1) by amending the section heading to read as follows:

“§ 31137. Electronic on-board recording devices and brake maintenance regulations”;

(2) by redesignating subsection (b) as subsection (e); and

(3) by amending (a) to read as follows:

“(a) Electronic On-Board Recording Devices.—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, the Secretary of Transportation shall prescribe regulations—

“(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic on-board recording device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and
“(2) ensuring that an electronic on-board recording device is not used to harass a vehicle operator.

“(b) ELECTRONIC ON-BOARD RECORDING DEVICE REQUIREMENTS.—

“(1) IN GENERAL.—The regulations prescribed under subsection (a) shall—

“(A) require an electronic on-board recording device—

“(i) to accurately record commercial driver hours of service;

“(ii) to record the location of a commercial motor vehicle;

“(iii) to be tamper resistant; and

“(iv) to be integrally synchronized with an engine’s control module;

“(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

“(C) apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.
“(2) PERFORMANCE AND DESIGN STANDARDS.—The regulations prescribed under subsection (a) shall establish performance standards—

“(A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

“(B) establishing a secure process for standardized—

“(i) and unique vehicle operator identification;

“(ii) data access;

“(iii) data transfer for vehicle operators between motor vehicles;

“(iv) data storage for a motor carrier; and

“(v) data transfer and transportability for law enforcement officials;

“(C) establishing a standard security level for an electronic on-board recording device and related components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

“(D) identifying each driver subject to the hours of service and record of duty status re-

“(c) Certification Criteria.—

“(1) In general.—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of an electronic on-board recording device to ensure that the device meets the performance requirements under this section.

“(2) Effect of noncertification.—An electronic on-board recording device that is not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

“(d) Electronic On-Board Recording Device Defined.—In this section, the term ‘electronic on-board recording device’ means an electronic device that—

“(1) is capable of recording a driver’s hours of service and duty status accurately and automatically; and

“(2) meets the requirements established by the Secretary through regulation.”.
(b) CIVIL PENALTIES.—Section 30165(a)(1) is amended by striking “or 30141 through 30147” and inserting “30141 through 30147, or 31137”.

(c) CONFORMING AMENDMENT.—The analysis for chapter 311 is amended by striking the item relating to section 31137 and inserting the following:

“31137. Electronic on-board recording devices and brake maintenance regulations.”.

SEC. 302. SAFETY FITNESS.

(a) SAFETY FITNESS RATING METHODOLOGY.—The Secretary shall—

(1) incorporate into its Compliance, Safety, Accountability program a safety fitness rating methodology that assigns sufficient weight to adverse vehicle and driver performance based-data that elevate crash risks to warrant an unsatisfactory rating for a carrier; and

(2) ensure that the data to support such assessments is accurate.

(b) INTERIM MEASURES.—Not later than March 31, 2011, the Secretary shall take interim measures to implement a similar safety fitness rating methodology in its current safety rating system if the Compliance, Safety, Accountability program is not fully implemented.
SEC. 303. DRIVER MEDICAL QUALIFICATIONS.

(a) Deadline for Establishment of National Registry of Medical Examiners.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.

(b) Examination Requirement for National Registry of Medical Examiners.—Section 31149(e)(1)(D) is amended to read as follows:

“(D) not later than 1 year after enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, develop requirements for a medical examiner to be listed in the national registry under this section, including—

“(i) the completion of specific courses and materials;

“(ii) certification, including self-certification, if the Secretary determines that self-certification is necessary for sufficient participation in the national registry, to verify that a medical examiner completed specific training, including refresher courses, that the Secretary determines necessary to be listed in the national registry;
“(iii) an examination that requires a
passing grade; and
“(iv) demonstration of a medical ex-
aminer’s willingness to meet the reporting
requirements established by the Sec-
retary.”.

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

(1) IN GENERAL.—Section 31149(c)(1) is
amended—

(A) in subparagraph (E), by striking
“and” after the semicolon;

(B) in subparagraph (F), by striking the
period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) annually review the implementation
of commercial driver’s license requirements by
not fewer than 10 States to assess the accu-
racy, validity, and timeliness of—

“(i) the submission of physical exam-
ination reports and medical certificates to
State licensing agencies; and

“(ii) the processing of the submissions
by State licensing agencies.”.

(2) INTERNAL OVERSIGHT POLICY.—
(A) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish an oversight policy and procedure to carry out section 31149(e)(1)(G) of title 49, United States Code, as added by section 303(c)(1) of this Act.

(B) Effective date.—The amendments made by section 303(c)(1) of this Act shall take effect on the date the oversight policies and procedures are established pursuant to subparagraph (A).

(d) Electronic filing of medical examination certificates.—Section 31311(a), as amended by sections 205(b) and 306(b) of this Act, is amended by adding at the end the following:

“(24) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner’s certificate, from a certified medical examiner, for each holder of a commercial driver’s license issued by the State who operates or intends to operate in interstate commerce.”.

(e) Funding.—
(1) Authorization of Appropriations.—Of the funds provided for Data and Technology Grants under section 31104(a) of title 49, United States Code, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to make grants to States or an organization representing agencies and officials of the States to support development costs of the information technology needed to carry out section 31311(a)(24) of title 49, United States Code, up to $1 million for fiscal year 2012 and up to $1 million for fiscal year 2013.

(2) Period of Availability.—The amounts made available under this subsection shall remain available until expended.

SEC. 304. COMMERCIAL DRIVER'S LICENSE NOTIFICATION SYSTEM.

(a) In General.—Section 31304 is amended—

(1) by striking “An employer” and inserting the following:

“(a) In General.—An employer”; and

(2) by adding at the end the following:

“(b) Driver Violation Records.—
“(1) **PERIODIC REVIEW.**—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

“(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial driver’s license or permit during such time period;

“(B) by receiving occurrence-based reports of changes in the status of a driver’s record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

“(C) by a combination of inquiries to States and reports from driver record notification systems.

“(2) **RECORD KEEPING.**—A copy of the reports received under paragraph (1) shall be maintained in the driver’s qualification file.

“(3) **EXCEPTIONS TO RECORD REVIEW REQUIREMENT.**—Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—
“(A) if the employer obtains the driver’s identification number, type, and issuing State of the driver’s commercial motor vehicle license; or

“(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

“(4) DRIVER RECORD NOTIFICATION SYSTEM DEFINED.—In this section, the term ‘driver record notification system’ means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee’s driver’s license due to a conviction for a moving violation, a failure to appear, an accident, driver’s license suspension, driver’s license revocation, or any other action taken against the driving privilege.”.

(b) STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.
(c) Plan for National Notification System.—
   
   (1) Development.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop recommendations and a plan for the development and implementation of a national driver record notification system, including—

   (A) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and

   (B) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.

   (2) Submission to Congress.—Not later than 90 days after the recommendations and plan are developed under paragraph (1), the Secretary shall submit a report on the recommendations and plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 305. COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING.

(a) In General.—Section 31305 is amended by adding at the end the following:
“(c) Standards for Training.—Not later than 6 months after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle—

“(1) addressing the knowledge and skills that—

“(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

“(B) must be acquired before obtaining a commercial driver’s license for the first time or upgrading from one class of commercial driver’s license to another class;

“(2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements, including for an operator seeking a passenger endorsement training—

“(A) to suppress motorcoach fires; and

“(B) to evacuate passengers from motorcoaches safely;

“(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in
paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

“(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

“(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.”.

(b) COMMERCIAL DRIVER’S LICENSE UNIFORM STANDARDS.—Section 31308(1) is amended to read as follows:

“(1) an individual issued a commercial driver’s license—

“(A) pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); and

“(B) present certification of completion of driver training that meets the requirements es-
established by the Secretary under section 31305(c);”.

(c) CONFORMING AMENDMENT.—The section heading for section 31305 is amended to read as follows:

“§ 31305. General driver fitness, testing, and training”.

(d) CONFORMING AMENDMENT.—The analysis for chapter 313 is amended by striking the item relating to section 31305 and inserting the following:

“31305. General driver fitness, testing, and training.”.

SEC. 306. COMMERCIAL DRIVER’S LICENSE PROGRAM.

(a) IN GENERAL.—Section 31309 is amended—

(1) in subsection (e)(4), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The plan shall specify—

“(i) a date by which all States shall be operating commercial driver’s license information systems that are compatible with the modernized information system under this section; and

“(ii) that States must use the systems to receive and submit conviction and disqualification data.”; and

(2) in subsection (f), by striking “use” and inserting “use, subject to section 31313(a),”.

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(b) Requirements for State Participation.—

Section 31311 is amended—

(1) in subsection (a), as amended by section 205(b) of this Act—

(A) in paragraph (5), by striking “At least” and all that follows through “regula-
tion),” and inserting: “Not later than the time period prescribed by the Secretary by regula-
tion,”; and

(B) by adding at the end the following:

“(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, the State shall imple-
ment a system and practices for the exclusive elec-
tronic exchange of driver history record information on the system the Secretary maintains under section 31309, including the posting of convictions, with-
drawals, and disqualifications.”; and

(2) by adding at the end the following:

“(d) Critical Requirements.—

“(1) Identification of Critical Require-
ments.—After reviewing the requirements under subsection (a), including the regulations issued pur-
suant to subsection (a) and section 31309(e)(4), the Secretary shall identify the requirements that are
critical to an effective State commercial driver's license program.

“(2) GUIDANCE.—Not later than 180 days after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011, the Secretary shall issue guidance to assist States in complying with the critical requirements identified under paragraph (1). The guidance shall include a description of the actions that each State must take to collect and share accurate and complete data in a timely manner.

“(e) STATE COMMERCIAL DRIVER'S LICENSE PROGRAM PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the Secretary issues guidance under subsection (d)(2), a State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

“(2) CONTENTS.—A plan submitted by a State under paragraph (1) shall identify—

“(A) the actions that the State will take to comply with the critical requirements identified under subsection (d)(1);
“(B) the actions that the State will take to address any deficiencies in the State’s commercial driver’s license program, as identified by the Secretary in the most recent audit of the program; and

“(C) other actions that the State will take to comply with the requirements under subsection (a).

“(3) PRIORITY.—

“(A) IMPLEMENTATION SCHEDULE.—A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize the actions identified under paragraphs (2)(A) and (2)(B).

“(B) DEADLINE FOR COMPLIANCE WITH CRITICAL REQUIREMENTS.—A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the critical requirements pursuant to subsection (d) not later than September 30, 2015.

“(4) APPROVAL AND DISAPPROVAL.—The Secretary shall—
“(A) review each plan submitted under paragraph (1);

“(B) approve a plan that the Secretary determines meets the requirements under this subsection and promotes the goals of this chapter; and

“(C) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

“(5) MODIFICATION OF DISAPPROVED PLANS.—

If the Secretary disapproves a plan under paragraph (4)(C), the Secretary shall—

“(A) provide a written explanation of the disapproval to the State; and

“(B) allow the State to modify the plan and resubmit it for approval.

“(6) PLAN UPDATES.—The Secretary may require a State to review and update a plan, as appropriate.

“(f) ANNUAL COMPARISON OF STATE LEVELS OF COMPLIANCE.—The Secretary shall annually—

“(1) compare the relative levels of compliance by States with the requirements under subsection (a); and
“(2) make the results of the comparison available to the public.”.

(c) Decertification Authority.—Section 31312 is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) Deadline for Compliance With Critical Requirements.—Beginning on October 1, 2016, in making a determination under subsection (a), the Secretary shall consider a State to be in substantial noncompliance with this chapter if the Secretary determines that—

“(1) the State is not complying with a critical requirement under section 31311(d)(1); and

“(2) sufficient grant funding was made available to the State under section 31313(a) to comply with the requirement.”.

SEC. 307. COMMERCIAL DRIVER’S LICENSE REQUIREMENTS.

(a) Licensing Standards.—Section 31305(a)(7) is amended by inserting “would not be subject to a disqualification under section 31310(g) of this title and” after “taking the tests”. 
(b) DISQUALIFICATIONS.—Section 31310(g)(1) is amended by deleting “who holds a commercial driver’s li-

cense and”.

SEC. 308. COMMERCIAL MOTOR VEHICLE DRIVER INFOR-

MATION SYSTEMS.

Section 31106(c) is amended—

(1) by striking the subsection heading and in-
serting “(1) IN GENERAL.—”;

(2) by redesignating paragraphs (1) through

(4) as subparagraphs (A) through (D); and

(3) by adding at the end the following:

“(2) ACCESS TO RECORDS.—The Secretary may

require a State, as a condition of an award of grant

money under this section, to provide the Secretary

access to all State licensing status and driver history

records via an electronic information system, subject

to section 2721 of title 18.”.

SEC. 309. DISQUALIFICATIONS BASED ON NON-COMMER-

CIAL MOTOR VEHICLE OPERATIONS.

(a) FIRST OFFENSE.—Section 31310(b)(1)(D) is

amended by deleting “commercial” after “revoked, sus-
pended, or canceled based on the individual’s operation of

a,” and before “motor vehicle”.

(b) SECOND OFFENSE.—Section 31310(c)(1)(D) is

amended by deleting “commercial” after “revoked, sus-
pended, or canceled based on the individual’s operation of a,” and before “motor vehicle”.

SEC. 310. FEDERAL DRIVER DISQUALIFICATIONS.

(a) DISQUALIFICATION DEFINED.—Section 31301, as amended by section 205 of this Act, is amended—

(1) by redesignating paragraphs (6) through (15) as paragraphs (7) through (16), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) ‘Disqualification’ means—

“(A) the suspension, revocation, or cancellation of a commercial driver’s license by the State of issuance;

“(B) a withdrawal of an individual’s privilege to drive a commercial motor vehicle by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control, except for a parking, vehicle weight, or vehicle defect violation;

“(C) a determination by the Secretary that an individual is not qualified to operate a commercial motor vehicle; or
“(D) a determination by the Secretary that
a commercial motor vehicle driver is unfit under
section 31144(g).”.

(b) Commercial Driver’s License Information System Contents.—Section 31309(b)(1)(F) is amended by inserting after “disqualified” the following: “by the State that issued the individual a commercial driver’s li-
cense, or by the Secretary,”.

(c) State Action on Federal Disqualifica-
tion.—Section 31310(h) is amended by inserting after the first sentence the following:
“If the State has not disqualified the individual from operating a commercial vehicle under subsections (b) through (g), the State shall disqualify the individual if the Secretary determines under 31144(g) that the individual is disqualified from operating a commercial motor vehi-
cle.”.

SEC. 311. EMPLOYER RESPONSIBILITIES.

Section 31304, as amended by section 304 of this Act, is amended in subsection (a)—

(1) by striking “knowingly”; and

(2) by striking “in which” and inserting “that the employer knows or should reasonably know that”.
TITLE IV—SAFE ROADS ACT OF 2011

SEC. 401. SHORT TITLE.
This title may be cited as the “Safe Roads Act of 2011”.

SEC. 402. NATIONAL CLEARINGHOUSE FOR CONTROLLED SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) In General.—Chapter 313 is amended—

(1) in section 31306(a), by inserting “and section 31306a” after “this section”; and

(2) by inserting after section 31306 the following:

“§31306a. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators

“(a) Establishment.—

“(1) In General.—Not later than 2 years after the date of enactment of the Safe Roads Act of 2011, the Secretary of Transportation shall establish a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.

“(2) Purposes.—The purposes of the clearing-house shall be—
“(A) to improve compliance with the Department of Transportation’s alcohol and controlled substances testing program applicable to commercial motor vehicle operators;

“(B) to facilitate access to information about an individual before employing the individual as a commercial motor vehicle operator;

“(C) to enhance the safety of our United States roadways by reducing accident fatalities involving commercial motor vehicles; and

“(D) to reduce the number of impaired commercial motor vehicle operators.

“(3) CONTENTS.—The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(4) ELECTRONIC EXCHANGE OF RECORDS.—The Secretary shall ensure that records can be electronically submitted to, and requested from, the clearinghouse by authorized users.

“(5) AUTHORIZED OPERATOR.—The Secretary may authorize a qualified and experienced private
entity to operate and maintain the clearinghouse and
to collect fees on behalf of the Secretary under sub-
section (e). The entity shall establish, operate, main-
tain and expand the clearinghouse and permit access
to driver information and records from the clearing-
house in accordance with this section.

“(b) Design of Clearinghouse.—

“(1) Use of Federal Motor Carrier Safety
Administration Recommendations.—In estab-
lishing the clearinghouse, the Secretary shall con-
sider—

“(A) the findings and recommendations
contained in the Federal Motor Carrier Safety
Administration’s March 2004 report to Con-
gress required under section 226 of the Motor
Carrier Safety Improvement Act of 1999 (49
U.S.C. 31306 note); and

“(B) the findings and recommendations
contained in the Government Accountability Of-
ifice’s May 2008 report to Congress entitled
‘Motor Carrier Safety: Improvements to Drug
Testing Programs Could Better Identify Illegal
Drug Users and Keep Them off the Road.’.
“(2) Development of secure processes.—

In establishing the clearinghouse, the Secretary shall develop a secure process for—

“(A) administering and managing the clearinghouse in compliance with applicable Federal security standards;

“(B) registering and authenticating authorized users of the clearinghouse;

“(C) registering and authenticating persons required to report to the clearinghouse under subsection (g);

“(D) preventing the unauthorized access of information from the clearinghouse;

“(E) storing and transmitting data;

“(F) persons required to report to the clearinghouse under subsection (g) to timely and accurately submit electronic data to the clearinghouse;

“(G) generating timely and accurate reports from the clearinghouse in response to requests for information by authorized users; and

“(H) updating an individual’s record upon completion of the return-to-duty process described in title 49, Code of Federal Regulations.
“(3) Employer Alert of Positive Test Result.—In establishing the clearinghouse, the Secretary shall develop a secure method for electronically notifying an employer of each additional positive test result or other noncompliance—

“(A) for an employee, that is entered into the clearinghouse during the 7-day period immediately following an employer’s inquiry about the employee; and

“(B) for an employee who is listed as having multiple employers.

“(4) Archive Capability.—In establishing the clearinghouse, the Secretary shall develop a process for archiving all clearinghouse records, including the depositing of personal records, records relating to each individual in the database, and access requests for personal records, for the purposes of—

“(A) auditing and evaluating the timeliness, accuracy, and completeness of data in the clearinghouse; and

“(B) auditing to monitor compliance and enforce penalties for noncompliance.

“(5) Future Needs.—
“(A) INTEROPERABILITY WITH OTHER DATA SYSTEMS.—In establishing the clearing-
house, the Secretary shall consider—

“(i) the existing data systems con-
taining regulatory and safety data for com-
mercial motor vehicle operators;

“(ii) the efficacy of using or com-
bining clearinghouse data with 1 or more of such systems; and

“(iii) the potential interoperability of the clearinghouse with such systems.

“(B) SPECIFIC CONSIDERATIONS.—In car-
rying out subparagraph (A), the Secretary shall
determine—

“(i) the clearinghouse’s capability for interoperability with—

“(I) the National Driver Register
established under section 30302;

“(II) the Commercial Driver’s Li-
cense Information System established under section 31309;

“(III) the Motor Carrier Manage-
ment Information System for pre-
employment screening services under section 31150; and
“(IV) other data systems, as appropriate; and

“(ii) any change to the administration of the current testing program, such as forms, that is necessary to collect data for the clearinghouse.

“(c) STANDARD FORMATS.—The Secretary shall develop standard formats to be used—

“(1) by an authorized user of the clearinghouse to—

“(A) request a record from the clearinghouse; and

“(B) obtain the consent of an individual who is the subject of a request from the clearinghouse, if applicable; and

“(2) to notify an individual that a positive alcohol or controlled substances test result, refusing to test, and a violation of any of the prohibitions under subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.

“(d) PRIVACY.—A release of information from the clearinghouse shall—
“(1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);

“(2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

“(3) not be made to any person or entity unless expressly authorized or required by law.

“(e) FEES.—

“(1) AUTHORITY TO COLLECT FEES.—Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.

“(2) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.

“(3) LIMITATION.—The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.

“(f) EMPLOYER REQUIREMENTS.—

“(1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE.—The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing
requirements under title 49, Code of Federal Regulations.

“(2) APPLICABILITY OF EXISTING REQUIREMENTS.—Each employer and service agent shall comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

“(3) EMPLOYMENT PROHIBITIONS.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), an employer shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 3-year period—

“(A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations—

“(i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or

“(ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;
“(B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or

“(ii) refused to take an alcohol or controlled substance test and completed the required return-to-duty process under title 49, Code of Federal Regulations; and

“(C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(4) ANNUAL REVIEW.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), an employer shall request and review a commercial motor vehicle operator’s record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.

“(g) REPORTING OF RECORDS.—

“(1) IN GENERAL.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to
the Secretary, if in possession of, the record of an individual who—

“(A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;

“(B) tests positive for alcohol or a controlled substance in violation of the regulations; or

“(C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(2) Inclusion of records in clearinghouse.—The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).

“(3) Modifications and deletions.—If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.

“(4) Notification.—The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when—

“(A) a record relating to the individual is received by the clearinghouse;
“(B) a record in the clearinghouse relating to the individual is modified or deleted, and include in the notification the reason for the modification or deletion; or

“(C) a record in the clearinghouse relating to the individual is released to an employer and specify the reason for the release.

“(5) DATA QUALITY AND SECURITY STANDARDS FOR REPORTING AND RELEASING.—The Secretary may establish additional requirements, as appropriate, to ensure that—

“(A) the submission of records to the clearinghouse is timely and accurate;

“(B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section; and

“(C) an individual with a record in the clearinghouse has a cause of action for any inappropriate use of information included in the clearinghouse.

“(6) RETENTION OF RECORDS.—The Secretary shall—
“(A) retain a record submitted to the clearinghouse for a 5-year period beginning on the date the record is submitted;

“(B) remove the record from the clearinghouse at the end of the 5-year period, unless the individual fails to meet a return-to-duty or follow-up requirement under title 49, Code of Federal Regulations; and

“(C) retain a record after the end of the 5-year period in a separate location for archiving and auditing purposes.

“(h) AUTHORIZED USERS.—

“(1) EMPLOYERS.—The Secretary shall establish a process for an employer to request and receive an individual’s record from the clearinghouse.

“(A) CONSENT.—An employer may not access an individual’s record from the clearinghouse unless the employer—

“(i) obtains the prior written or electronic consent of the individual for access to the record; and

“(ii) submits proof of the individual’s consent to the Secretary.

“(B) ACCESS TO RECORDS.—After receiving a request from an employer for an individ-
nal’s record under subparagraph (A), the Secretary shall grant access to the individual’s record to the employer as expeditiously as practicable.

“(C) RETENTION OF RECORD REQUESTS.—The Secretary shall require an employer to retain for a 3-year period—

“(i) a record of each request made by the employer for records from the clearinghouse; and

“(ii) the information received pursuant to the request.

“(D) USE OF RECORDS.—An employer may use an individual’s record received from the clearinghouse only to assess and evaluate the qualifications of the individual to operate a commercial motor vehicle for the employer.

“(E) PROTECTION OF PRIVACY OF INDIVIDUALS.—An employer that receives an individual’s record from the clearinghouse under subparagraph (B) shall—

“(i) protect the privacy of the individual and the confidentiality of the record; and
“(ii) ensure that information contained in the record is not divulged to a person or entity that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle for the employer.

“(2) State licensing authorities.—The Secretary shall establish a process for the chief commercial driver’s licensing official of a State to request and receive an individual’s record from the clearinghouse if the individual is applying for a commercial driver’s license from the State.

“(A) Consent.—The Secretary may grant access to an individual’s record in the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver’s license shall be deemed to consent to such access by obtaining a commercial driver’s license.

“(B) Protection of privacy of individuals.—A chief commercial driver’s licensing official of a State that receives an individual’s record from the clearinghouse under this paragraph shall—
“(i) protect the privacy of the individual and the confidentiality of the record; and

“(ii) ensure that the information in the record is not divulged to any person that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle.

“(3) NATIONAL TRANSPORTATION SAFETY BOARD.—The Secretary shall establish a process for the National Transportation Safety Board to request and receive an individual’s record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.

“(A) CONSENT.—The Secretary may grant access to an individual’s record in the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver’s license shall be deemed to consent to such access by obtaining a commercial driver’s license.

“(B) PROTECTION OF PRIVACY OF INDIVIDUALS.—An official of the National Trans-
transportation Safety Board that receives an individual’s record from the clearinghouse under this paragraph shall—

“(i) protect the privacy of the individual and the confidentiality of the record;

and

“(ii) unless the official determines that the information in the individual’s record should be reported under section 1131(e), ensure that the information in the record is not divulged to any person that is not directly involved with investigating the accident.

“(4) ADDITIONAL AUTHORIZED USERS.—The Secretary shall consider whether to grant access to the clearinghouse to additional users. The Secretary may authorize access to an individual’s record from the clearinghouse to an additional user if the Secretary determines that granting access will further the purposes under subsection (a)(2). In determining whether the access will further the purposes under subsection (a)(2), the Secretary shall consider, among other things—

“(A) what use the additional user will make of the individual’s record;
“(B) the costs and benefits of the use; and

“(C) how to protect the privacy of the individual and the confidentiality of the record.

“(i) Access to Clearinghouse by Individuals.—

“(1) In general.—The Secretary shall establish a process for an individual to request and receive information from the clearinghouse—

“(A) to determine whether the clearinghouse contains a record pertaining to the individual;

“(B) to verify the accuracy of a record;

“(C) to update an individual’s record, including completing the return-to-duty process described in title 49, Code of Federal Regulations; and

“(D) to determine whether the clearinghouse received requests for the individual’s information.

“(2) Dispute Procedure.—The Secretary shall establish a procedure, including an appeal process, for an individual to dispute and remedy an administrative error in the individual’s record.

“(j) Penalties.—

“(1) In general.—An employer, employee, medical review officer, or service agent who violates
any provision of this section shall be subject to civil penalties under section 521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.

“(2) VIOLATION OF PRIVACY.—The Secretary shall establish civil and criminal penalties, consistent with paragraph (1), for an authorized user who violates paragraph (2)(B) or (3)(B) of subsection (h).

“(k) COMPATIBILITY OF STATE AND LOCAL LAWS.—

“(1) PREEMPTION.—Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe related to a commercial driver’s license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, that is inconsistent with this section or a regulation issued pursuant to this section is preempted.

“(2) APPLICABILITY.—The preemption under paragraph (1) shall include—

“(A) the reporting of valid positive results from alcohol screening tests and drug tests;

“(B) the refusal to provide a specimen for an alcohol screening test or drug test; and
“(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(3) EXCEPTION.—A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe shall not be preempted under this subsection to the extent it relates to an action taken with respect to a commercial motor vehicle operator’s commercial driver’s license or driving record as a result of the driver’s—

“(A) verified positive alcohol or drug test result;

“(B) refusal to provide a specimen for the test; or

“(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(l) DEFINITIONS.—In this section—

“(1) AUTHORIZED USER.—The term ‘authorized user’ means an employer, State licensing authority, National Transportation Safety Board, or other person granted access to the clearinghouse under subsection (h).

“(2) CHIEF COMMERCIAL DRIVER’S LICENSING OFFICIAL.—The term ‘chief commercial driver’s li-
censing official’ means the official in a State who is
authorized to—

“(A) maintain a record about commercial
driver’s licenses issued by the State; and

“(B) take action on commercial driver’s li-
censes issued by the State.

“(3) CLEARINGHOUSE.—The term ‘clearing-
house’ means the clearinghouse established under
subsection (a).

“(4) COMMERCIAL MOTOR VEHICLE OPER-
ATOR.—The term ‘commercial motor vehicle oper-
ator’ means an individual who—

“(A) possesses a valid commercial driver’s
license issued in accordance with section 31308;
and

“(B) is subject to controlled substances
and alcohol testing under title 49, Code of Fed-
eral Regulations.

“(5) EMPLOYER.—The term ‘employer’ means
a person or entity employing, or seeking to employ,
1 or more employees (including an individual who is
self-employed) to be commercial motor vehicle opera-
tors.
“(6) MEDICAL REVIEW OFFICER.—The term ‘medical review officer’ means a licensed physician who is responsible for—

“(A) receiving and reviewing a laboratory result generated under the testing program;

“(B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and

“(C) interpreting the results of a controlled substances test.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(8) SERVICE AGENT.—The term ‘service agent’ means a person or entity, other than an employee of the employer, who provides services to employers or employees under the testing program.

“(9) TESTING PROGRAM.—The term ‘testing program’ means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 313 is amended by inserting after the item relating to section 31306 the following:

“31306a. National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators.”.
SEC. 403. DRUG AND ALCOHOL VIOLATION SANCTIONS.

Chapter 313 is amended—

(1) by redesignating section 31306(f) as 31306(f)(1); and

(2) by inserting after section 31306(f)(1) the following:

“(2) ADDITIONAL SANCTIONS.—The Secretary may require a State to revoke, suspend, or cancel the commercial driver’s license of a commercial motor vehicle operator who is found, based on a test conducted and confirmed under this section, to have used alcohol or a controlled substance in violation of law until the commercial motor vehicle operator completes the rehabilitation process under subsection (e).”; and

(3) by amending section 31310(d) to read as follows:

“(d) CONTROLLED SUBSTANCE VIOLATIONS.—The Secretary may permanently disqualify an individual from operating a commercial vehicle if the individual—

“(1) uses a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance; or
“(2) uses alcohol or a controlled substance, in violation of section 31306, 3 or more times.”.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

From the funds authorized to be appropriated under section 31104(h) of title 49, United States Code, up to $5,000,000 is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to develop, design, and implement the national clearinghouse required by section 402 of this Act.

TITLE V—ENFORCEMENT

SEC. 501. INSPECTION DEMAND AND DISPLAY OF CREDENTIALS.

(a) SAFETY INVESTIGATIONS.—Section 504(c) is amended—

(1) by inserting ‘‘, or an employee of the recipient of a grant issued under section 31102 of this title’’ after ‘‘a contractor’’; and

(2) by inserting ‘‘, in person or in writing’’ after ‘‘proper credentials’’.

(b) CIVIL PENALTY.—Section 521(b)(2)(E) is amended—

(1) by redesignating subparagraph (E) as subparagraph (E)(i); and

(2) by adding at the end the following:
“(ii) Place out of service.—The Secretary may by regulation adopt procedures for placing out of service the commercial motor vehicle of a foreign-domiciled motor carrier that fails to promptly allow the Secretary to inspect and copy a record or inspect equipment, land, buildings, or other property.”.

(e) Hazardous Materials Investigations.—Section 5121(c)(2) is amended by inserting “, in person or in writing,” after “proper credentials”.

(d) Commercial Investigations.—Section 14122(b) is amended by inserting “, in person or in writing” after “proper credentials”.

SEC. 502. OUT OF SERVICE PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b)(2)(E) is amended—

(1) by inserting after “$10,000.” the following: “In the case of a motor carrier, the Secretary may also place the violator’s motor carrier operations out of service.”; and

(2) by striking “such penalty” after “It shall be a defense to” and inserting “a penalty”.
SEC. 503. PENALTIES FOR VIOLATION OF OPERATION OUT OF SERVICE ORDERS.

Section 521(b)(2) is amended by adding at the end the following:

“(F) Penalty for violations relating to out of service orders.—A motor carrier or employer (as defined in section 31132) that operates a commercial motor vehicle in commerce in violation of a prohibition on transportation under section 31144(e) of this title or an imminent hazard out of service order issued under subsection (b)(5) of this section or section 5121(d) of this title shall be liable for a civil penalty not to exceed $25,000.”.

SEC. 504. MINIMUM PROHIBITION ON OPERATION FOR UNFIT CARRIERS.

(a) In General.—Section 31144(c)(1) is amended by inserting “, and such period shall be for not less than 10 days” after “operator is fit”.

(b) Owners or Operators Transporting Passengers.—Section 31144(c)(2) is amended by inserting “, and such period shall be for not less than 10 days” after “operator is fit”.

(c) Owners or Operators Transporting Hazardous Material.—Section 31144(c)(3) is amended by
inserting at the end of the first sentence the following:

“, and such period shall be for not less than 10 days”.

SEC. 505. MINIMUM OUT OF SERVICE PENALTIES.

Section 521(b)(7) is amended by adding at the end the following:

“The penalties may include a minimum duration for any out of service period, not to exceed 90 days.”.

SEC. 506. IMPOUNDMENT AND IMMOBILIZATION OF COMMERCIAL MOTOR VEHICLES FOR IMMINENT HAZARD.

Section 521(b) is amended by adding at the end the following:

“(15) IMPOUNDMENT OF COMMERCIAL MOTOR VEHICLES.—

“(A) ENFORCEMENT OF IMMINENT HAZARD OUT-OF-SERVICE ORDERS.—

“(i) The Secretary, or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, may enforce an imminent hazard out-of-service order issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder, by towing and impounding a
commercial motor vehicle until the order is rescinded.

“(ii) Enforcement shall not unreasonably interfere with the ability of a shipper, carrier, broker, or other party to arrange for the alternative transportation of any cargo or passenger being transported at the time the commercial motor vehicle is immobilized. In the case of a commercial motor vehicle transporting passengers, the Secretary or authorized State official shall provide reasonable, temporary, and secure shelter and accommodations for passengers in transit.

“(iii) The Secretary’s designee or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, shall immediately notify the owner of a commercial motor vehicle of the impoundment and the opportunity for review of the impoundment. A review shall be provided in accordance with section 554 of title 5, except that the review shall occur not later than 10 days after the impoundment.
“(B) Issuance of Regulations.—The Secretary shall promulgate regulations on the use of impoundment or immobilization of commercial motor vehicles as a means of enforcing additional out-of-service orders issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder. Regulations promulgated under this subparagraph shall include consideration of public safety, the protection of passengers and cargo, inconvenience to passengers, and the security of the commercial motor vehicle.

“(C) Definition.—In this paragraph, the term ‘impoundment’ or ‘impounding’ means the seizing and taking into custody of a commercial motor vehicle or the immobilizing of a commercial motor vehicle through the attachment of a locking device or other mechanical or electronic means.”.

SEC. 507. INCREASED PENALTIES FOR EVASION OF REGULATIONS.

(a) Penalties.—Section 524 is amended—

(1) by striking “knowingly and willfully”;

(2) by inserting after “this chapter” the following: “, chapter 51, subchapter III of chapter 311
(except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions,”;

(3) by striking “$200 but not more than $500” and inserting “$2,000 but not more than $5,000”; and

(4) by striking “$250 but not more than $2,000” and inserting “$2,500 but not more than $7,500”.

(b) Evasion of Regulation.—Section 14906 is amended—

(1) by striking “$200” and inserting “at least $2,000”;  

(2) by striking “$250” and inserting “$5,000”;  

and

(3) by inserting after “a subsequent violation” the following:

“, and may be subject to criminal penalties”.

SEC. 508. FAILURE TO PAY CIVIL PENALTY AS A DISQUALIFYING OFFENSE.

(a) In General.—Chapter 311 is amended by inserting after section 31151 the following:
§ 31152. Disqualification for failure to pay

“An individual assessed a civil penalty under this chapter, or chapters 5, 51, or 149 of this title, or a regulation issued under any of those provisions, who fails to pay the penalty or fails to comply with the terms of a settlement with the Secretary, shall be disqualified from operating a commercial motor vehicle. A disqualification shall continue until the penalty is paid, or the individual complies with the terms of the settlement, unless the non-payment is because the individual is a debtor in a case under chapter 11 of title 11, United States Code.”.

(b) TECHNICAL AMENDMENTS.—Section 31310, as amended by sections 206 and 310 of this Act, is amended—

(1) by redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

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

“(h) DISQUALIFICATION FOR FAILURE TO PAY.—The Secretary shall disqualify from operating a commercial motor vehicle any individual who fails to pay a civil penalty within the prescribed period, or fails to conform to the terms of a settlement with the Secretary. A disqualification shall continue until the penalty is paid, or the individual conforms to the terms of the settlement, unless the nonpayment is because the individual is a debtor in
and

(3) in subsection (i), as redesignated, by striking “Notwithstanding subsections (b) through (g)” and inserting “Notwithstanding subsections (b) through (h)”.

(e) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31151 the following:

“31152. Disqualification for failure to pay.”.

SEC. 509. VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.

Section 521(b)(2)(D) is amended by striking “ability to pay,”.

SEC. 510. EMERGENCY DISQUALIFICATION FOR IMMINENT HAZARD.

Section 31310(f) is amended—

(1) in paragraph (1) by inserting “section 521 or” before “section 5102”; and

(2) in paragraph (2) by inserting “section 521 or” before “section 5102”.
SEC. 511. INTRASTATE OPERATIONS OF INTERSTATE MOTOR CARRIERS.

(a) Prohibited Transportation.—Section 521(b)(5) is amended by inserting after subparagraph (B) the following:

“(C) If an employee, vehicle, or all or part of an employer’s commercial motor vehicle operations is ordered out of service under paragraph (5)(A), the commercial motor vehicle operations of the employee, vehicle, or employer that affect interstate commerce are also prohibited.”.

(b) Prohibition on Operation in Interstate Commerce After Nonpayment of Penalties.—Section 521(b)(8) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

“(B) Additional prohibition.—A person prohibited from operating in interstate commerce under paragraph (8)(A) may not operate any commercial motor vehicle where the operation affects interstate commerce.”.
SEC. 512. ENFORCEMENT OF SAFETY LAWS AND REGULATIONS.

(a) ENFORCEMENT OF SAFETY LAWS AND REGULATIONS.—Chapter 311, as amended by sections 113 and 508 of this Act, is amended by adding after section 31153 the following:

"§ 31154. Enforcement of safety laws and regulations  
"

"(a) IN GENERAL.—The Secretary may bring a civil action to enforce this part, or a regulation or order of the Secretary under this part, when violated by an employer, employee, or other person providing transportation or service under this subchapter or subchapter I.

"(b) VENUE.—In a civil action under subsection (a)—

"(1) trial shall be in the judicial district in which the employer, employee, or other person operates;

"(2) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

"(3) a person participating with a carrier or broker in a violation may be joined in the civil action without regard to the residence of the person.".

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(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31153 the following:

“31154. Enforcement of safety laws and regulations.”

SEC. 513. DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Section 31106(e) is amended—

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

(2) by inserting at the end the following:

“(2) IN GENERAL.—Notwithstanding any prohibition on disclosure of information in section 31105(h) or 31143(b) of this title or section 552a of title 5, the Secretary may disclose information maintained by the Secretary pursuant to chapters 51, 135, 311, or 313 of this title to appropriate personnel of a State agency or instrumentality authorized to carry out State commercial motor vehicle safety activities and commercial driver’s license laws, or appropriate personnel of a local law enforcement agency, in accordance with standards, conditions, and procedures as determined by the Secretary. Disclosure under this section shall not operate as a waiver by the Secretary of any applicable privilege against disclosure under common law or as a basis
for compelling disclosure under section 552 of title 5.”.

TITLE VI—COMPLIANCE, SAFETY, ACCOUNTABILITY

SEC. 601. COMPLIANCE, SAFETY, ACCOUNTABILITY.

(a) Section 31102 is amended—

(1) by amending the section heading to read:

“§ 31102. Compliance, safety, and accountability grants”;

(2) by amending subsection (a) to read as follows:

“(a) GENERAL AUTHORITY.—Subject to this section, the Secretary of Transportation shall make and admin-
ister a compliance, safety, and accountability grant pro-
gram to assist States, local governments, and other enti-
ties and persons with motor carrier safety and enforce-
ment on highways and other public roads, new entrant
safety audits, border enforcement, hazardous materials
safety and security, consumer protection and household
goods enforcement, and other programs and activities re-
quired to improve the safety of motor carriers as deter-
mined by the Secretary. The Secretary shall allocate fund-
ing in accordance with section 31104 of this title.”;

(3) in subsection (b)—
(A) by amending the heading to read as follows:

“(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—”;

(B) by redesignating paragraphs (1) through (3) as (2) through (4), respectively;

(C) by inserting before paragraph (2), as redesignated, the following:

“(1) PROGRAM GOAL.—The goal of the Motor Carrier Safety Assistance Program is to ensure that the Secretary, States, local government agencies, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

“(A) making targeted investments to promote safe commercial motor vehicle transportation, including transportation of passengers and hazardous materials;

“(B) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;
“(C) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

“(D) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.”;

(D) in paragraph (2), as redesignated—

(i) by striking “make a declaration of” in subparagraph (I) and inserting “demonstrate”; 

(ii) by amending subparagraph (M) to read as follows:

“(M) ensures participation in appropriate Federal Motor Carrier Safety Administration systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;”;

(iii) in subparagraph (Q), by inserting “and dedicated sufficient resources to” between “established” and “a program”; 

(iv) in subparagraph (W), by striking “and” after the semicolon;
(v) by amending subparagraph (X) to read as follows:

“(X) except in the case of an imminent or obvious safety hazard, ensures that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, weigh station, rest stop, turnpike service area, or a location where adequate food, shelter, and sanitation facilities are available for passengers, and reasonable accommodation is available for passengers with disabilities; and”;

(vi) by adding after subparagraph (X) the following:

“(Y) ensures that the State will transmit to its roadside inspectors the notice of each federal exemption granted pursuant to section 31315(b) and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.”; and

(E) by amending paragraph (4), as redesignated, to read as follows:

“(4) MAINTENANCE OF EFFORT.—
“(A) IN GENERAL.—A plan submitted by a State under paragraph (2) shall provide that the total expenditure of amounts of the lead State agency responsible for implementing the plan will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

“(B) AVERAGE LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under subparagraph (A), the Secretary—

“(i) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

“(ii) shall require the State to exclude State matching amounts used to receive Government financing under this subsection.

“(C) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements of this paragraph for 1 fiscal year, if the Secretary determines that a waiver is equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a
serious decline in the financial resources of the
State motor carrier safety assistance program
agency.”;

(4) by redesignating subsection (e) as sub-
section (h); and

(5) by inserting after subsection (d) the fol-
lowing:

“(e) NEW ENTRANT SAFETY ASSURANCE PRO-
GRAM.—

“(1) PROGRAM GOAL.—The Secretary may
make grants to States and local governments for
pre-authorization safety audits and new entrant
motor carrier audits as described in section
31144(g).

“(2) RECIPIENTS.—Grants made in support of
this program may be provided to States and local
governments.

“(3) FEDERAL SHARE.—The Federal share of a
grant made under this program is 100 percent.

“(4) ELIGIBLE ACTIVITIES.—Eligible activities
will be in accordance with criteria developed by the
Secretary and posted in the Federal Register in ad-
advance of the grant application period.

“(5) DETERMINATION.—If the Secretary deter-
mines that a State or local government is unable to
conduct a new entrant motor carrier audit, the Secretary may use the funds to conduct the audit.

“(f) BORDER ENFORCEMENT.—

“(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

“(2) RECIPIENTS.—The Secretary of Transportation may make a grant to an entity, State, or other person for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

“(3) FEDERAL SHARE.—The Secretary shall reimburse a grantee at least 80 percent of the costs incurred in a fiscal year for carrying out border commercial motor vehicle safety programs and related enforcement activities and projects.

“(4) ELIGIBLE ACTIVITIES.—An eligible activity will be in accordance with criteria developed by the Secretary and posted in the Federal Register in advance of the grant application period.

“(g) HIGH PRIORITY INITIATIVES.—

“(1) PROGRAM GOAL.—The Secretary may make grants to carry out high priority activities and projects that improve commercial motor vehicle safe-
ty and compliance with commercial motor vehicle
safety regulations, including activities and projects
that—

“(A) are national in scope;

“(B) increase public awareness and edu-
cation;

“(C) target unsafe driving of commercial
motor vehicles and non-commercial motor vehi-

les in areas identified as high risk crash cor-

ridors;

“(D) improve consumer protection and en-
forcement of household goods regulations;

“(E) improve the movement of hazardous
materials safely and securely, including activi-
ties related to the establishment of uniform
forms and application procedures that improve
the accuracy, timeliness, and completeness of
commercial motor vehicle safety data reported
to the Secretary; or

“(F) demonstrate new technologies to im-
prove commercial motor vehicle safety.

“(2) Recipients.—The Secretary may allocate
amounts to award grants to State agencies, local
governments, and other persons for carrying out
high priority activities and projects that improve
commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations in accordance with the program goals specified in paragraph (1).

“(3) FEDERAL SHARE.—The Secretary shall reimburse a grantee at least 80 percent of the costs incurred in a fiscal year for carrying out the high priority activities or projects.

“(4) ELIGIBLE ACTIVITIES.—An eligible activity will be in accordance with criteria that is—

“(A) developed by the Secretary; and

“(B) posted in the Federal Register in advance of the grant application period.”.

(b) Conforming Amendment.—The analysis of chapter 311 is amended by striking the item relating to section 31102 and inserting the following:

“31102. Compliance, safety, and accountability grants.”.

SEC. 602. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM.

Section 31106(b) is amended—

(1) by amending paragraph (3)(C) to read as follows—

“(C) establish and implement a process—

“(i) to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found lia-
ble under section 31310(j)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order; and

“(ii) to reinstate the vehicle registration or return the registration plates of the commercial motor vehicle, subject to sanctions under clause (i), if the Secretary permits such carrier to resume operations after the date of issuance of such order.”;

and

(2) by striking paragraph (4).

SEC. 603. COMMERCIAL MOTOR VEHICLE DEFINED.

Section 31101(1) is amended to read as follows:

“(1) ‘commercial motor vehicle’ means (except under section 31106) a self-propelled or towed vehicle used on the highways in commerce to transport passengers or property, if the vehicle—

“(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

“(B) is designed or used to transport more than 8 passengers, including the driver, for compensation;
“(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

“(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.”.

SEC. 604. DRIVER SAFETY FITNESS RATINGS.

Section 31144, as amended by section 204 of this Act, is amended by adding at the end the following:

“(i) COMMERCIAL MOTOR VEHICLE DRIVERS.—The Secretary may maintain by regulation a procedure for determining the safety fitness of a commercial motor vehicle driver and for prohibiting the driver from operating in interstate commerce. The procedure and prohibition shall include the following:

“(1) Specific initial and continuing requirements that a driver must comply with to demonstrate safety fitness.

“(2) The methodology and continually updated safety performance data that the Secretary will use to determine whether a driver is fit, including in-
specification results, serious traffic offenses, and crash
involvement data.

“(3) Specific time frames within which the Sec-
retary will determine whether a driver is fit.

“(4) A prohibition period or periods, not to ex-
ceed 1 year, that a driver that the Secretary deter-
mines is not fit will be prohibited from operating a
commercial motor vehicle in interstate commerce.
The period or periods shall begin on the 46th day
after the date of the fitness determination and con-
tinue until the Secretary determines the driver is fit
or until the prohibition period expires.

“(5) A review by the Secretary, not later than
30 days after an unfit driver requests a review, of
the driver’s compliance with the requirements the
driver failed to comply with and that resulted in the
Secretary determining that the driver was not fit.
The burden of proof shall be on the driver to dem-
onstrate fitness.

“(6) The eligibility criteria for reinstatement,
including the remedial measures the unfit driver
must take for reinstatement.”.
SEC. 605. UNIFORM ELECTRONIC CLEARANCE FOR COMMERCIAL MOTOR VEHICLE INSPECTIONS.

(a) IN GENERAL.—Chapter 311 is amended by adding after section 31109 the following:

“§ 31110. Withholding amounts for State noncompliance

“(a) FIRST FISCAL YEAR.—Subject to criteria established by the Secretary of Transportation, the Secretary may withhold up to 50 percent of the amount a State is otherwise eligible to receive under section 31102(b) on the first day of the fiscal year after the first fiscal year following the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011 in which the State uses for at least 180 days an electronic commercial motor vehicle inspection selection system that does not employ a selection methodology approved by the Secretary.

“(b) SECOND FISCAL YEAR.—The Secretary shall withhold up to 75 percent of the amount a State is otherwise eligible to receive under section 31102(b) on the first day of the fiscal year after the second fiscal year following the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011 in which the State uses for at least 180 days an electronic commercial motor vehicle inspection selection system that does not employ a selection methodology approved by the Secretary.
“(c) Subsequent Availability of Withheld Funds.—The Secretary may make the amounts withheld under subsection (a) or subsection (b) available to the State if the Secretary determines that the State has substantially complied with the requirement described under subsection (a) or subsection (b) not later than 180 days after the beginning of the fiscal year in which amounts were withheld.”.

(b) Conforming Amendment.—The analysis of chapter 311 is amended by inserting after the item relating to section 31109 the following:

“31110. Withholding amounts for State noncompliance.”.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 31104 is amended to read as follows:

“§ 31104. Availability of amounts

“(a) In General.—There are authorized to be appropriated from Highway Trust Fund (other than the Mass Transit Account) for Federal Motor Carrier Safety Administration programs the following:

“(1) Compliance, safety, and accountability grants under section 31102.—

“(A) $249,717,000 for fiscal year 2012, provided that the Secretary shall set aside not less than $168,388,000 to carry out the motor carrier safety assistance program under section 31102(b); and
“(B) $253,814,000 for fiscal year 2013, provided that the Secretary shall set aside not less than $171,813,000 to carry out the motor carrier safety assistance program under section 31102(b).

“(2) DATA AND TECHNOLOGY GRANTS UNDER SECTION 31109.—

“(A) $30,000,000 for fiscal year 2012; and

“(B) $30,000,000 for fiscal year 2013.

“(3) DRIVER SAFETY GRANTS UNDER SECTION 31313.—

“(A) $31,000,000 for fiscal year 2012; and

“(B) $31,000,000 for fiscal year 2013.

“(4) CRITERIA.—The Secretary shall develop criteria to allocate the remaining funds under paragraphs (1), (2), and (3) for fiscal year 2013 and for each fiscal year thereafter not later than April 1 of the prior fiscal year.

“(b) AVAILABILITY AND REALLOCATION OF AMOUNTS.—

“(1) ALLOCATIONS AND REALLOCATIONS.—

Amounts made available under subsection (a)(1) remain available until expended. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the
next fiscal year. Amounts not expended by a State
during those 2 fiscal years are released to the Sec-
retary for reallocation.

“(2) REDISTRIBUTION OF AMOUNTS.—The Sec-
retary may, after August 1 of each fiscal year, upon
a determination that a State does not qualify for
funding under section 31102(b) or that the State
will not expend all of its existing funding, reallocate
the State’s funding. In revising the allocation and
redistributing the amounts, the Secretary shall give
preference to those States that require additional
funding to meet program goals under section
31102(b).

“(3) PERIOD OF AVAILABILITY FOR DATA AND
TECHNOLOGY GRANTS.—Amounts made available
under subsection (a)(2) remain available for obliga-
tion for the fiscal year and the next 2 years in which
they are appropriated. Allocations remain available
for expenditure in the State for 5 fiscal years after
they were obligated. Amounts not expended by a
State during those 3 fiscal years are released to the
Secretary for reallocation.

“(4) PERIOD OF AVAILABILITY FOR DRIVER
SAFETY GRANTS.—Amounts made available under
subsection (a)(3) of this section remain available for
obligation for the fiscal year and the next fiscal year in which they are appropriated. Allocations to a State remain available for expenditure in the State for the fiscal year in which they are allocated and for the following 2 fiscal years. Amounts not expended by a State during those 3 fiscal years are released to the Secretary for reallocation.

“(5) REALLOCATION.—The Secretary, upon a request by a State, may reallocate grant funds previously awarded to the State under a grant program authorized by section 31102, 31109, or 31313 to another grant program authorized by those sections upon a showing by the State that it is unable to expend the funds within the 12 months prior to their expiration provided that the State agrees to expend the funds within the remaining period of expenditure.

“(c) GRANTS AS CONTRACTUAL OBLIGATIONS.—Approval by the Secretary of a grant under sections 31102, 31109, and 31313 is a contractual obligation of the Government for payment of the Government’s share of costs incurred in developing and implementing programs to improve commercial motor vehicle safety and enforce commercial driver’s license regulations, standards, and orders.
“(d) Deduction for Administrative Expenses.—

“(1) In general.—On October 1 of each fiscal year or as soon after that as practicable, the Secretary may deduct, from amounts made available under—

“(A) subsection (a)(1) for that fiscal year, not more than 1.5 percent of those amounts for administrative expenses incurred in carrying out section 31102 in that fiscal year;

“(B) subsection (a)(2) for that fiscal year, not more than 1.4 percent of those amounts for administrative expenses incurred in carrying out section 31109 in that fiscal year; and

“(C) subsection (a)(3) for that fiscal year, not more than 1.4 percent of those amounts for administrative expenses incurred in carrying out section 31313 in that fiscal year.

“(2) Training.—The Secretary may use at least 50 percent of the amounts deducted from the amounts made available under sections (a)(1) and (a)(3) to train non-Government employees and to develop related training materials to carry out sections 31102, 31311, and 31313 of this title.
“(3) Contracts.—The Secretary may use amounts deducted under paragraph (1) to enter into contracts and cooperative agreements with States, local governments, associations, institutions, corporations, and other persons, if the Secretary determines the contracts and cooperative agreements are cost-effective, benefit multiple jurisdictions of the United States, and enhance safety programs and related enforcement activities.

“(e) Allocation Criteria and Eligibility.—

“(1) On October 1 of each fiscal year or as soon as practicable after that date after making the deduction under subsection (d)(1)(A), the Secretary shall allocate amounts made available to carry out section 31102(b) for such fiscal year among the States with plans approved under that section. Allocation shall be made under the criteria prescribed by the Secretary.

“(2) On October 1 of each fiscal year or as soon as practicable after that date and after making the deduction under subsection (d)(1)(B) or (d)(1)(C), the Secretary shall allocate amounts made available to carry out sections 31109(a) and 31313(b)(1).
“(f) INTRASTATE COMPATIBILITY.—The Secretary shall prescribe regulations specifying tolerance guidelines and standards for ensuring compatibility of intrastate commercial motor vehicle safety laws and regulations with Government motor carrier safety regulations to be enforced under section 31102(b). To the extent practicable, the guidelines and standards shall allow for maximum flexibility while ensuring a degree of uniformity that will not diminish transportation safety. In reviewing State plans and allocating amounts or making grants under section 153 of title 23, United States Code, the Secretary shall ensure that the guidelines and standards are applied uniformly.

“(g) WITHHOLDING AMOUNTS FOR STATE NON-COMPLIANCE.—

“(1) IN GENERAL.—Subject to criteria established by the Secretary, the Secretary may withhold up to 100 percent of the amounts a State is otherwise eligible to receive under section 31102(b) on October 1 of each fiscal year beginning after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2011 and continuing for the period that the State does not comply substantially with a requirement under section 31109(b).
“(2) Subsequent availability of withheld funds.—The Secretary may make the amounts withheld in accordance with paragraph (1) available to a State if the Secretary determines that the State has substantially complied with a requirement under section 31109(b) not later than 180 days after the beginning of the fiscal year in which the amounts are withheld.

“(h) Administrative Expenses.—

“(1) Authorization of appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to pay administrative expenses of the Federal Motor Carrier Safety Administration—

“(A) $250,819,000 for fiscal year 2012; and

“(B) $248,523,000 for fiscal year 2013.

“(2) Use of funds.—The funds authorized by this subsection shall be used for personnel costs, administrative infrastructure, rent, information technology, programs for research and technology, information management, regulatory development, the administration of the performance and registration information system management, outreach and edu-
cation, other operating expenses, and such other ex-

penses as may from time to time be necessary to im-

plement statutory mandates of the Administration

not funded from other sources.

“(i) AVAILABILITY OF FUNDS.—

“(1) PERIOD OF AVAILABILITY.—The amounts

made available under this section shall remain avail-

able until expended.

“(2) INITIAL DATE OF AVAILABILITY.—Author-

izations from the Highway Trust Fund (other than

the Mass Transit Account) for this section shall be

available for obligation on the date of their apportion-

ment or allocation or on October 1 of the fiscal

year for which they are authorized, whichever occurs

first.”.

SEC. 607. HIGH RISK CARRIER REVIEWS.

(a) HIGH RISK CARRIER REVIEWS.—Section

31104(h), as amended by section 606 of this Act, is

amended by adding at the end of paragraph (2) the fol-

lowing:

“From the funds authorized by this subsection, the

Secretary shall ensure that a review is completed on each

motor carrier that demonstrates through performance

data that it poses the highest safety risk. At a minimum,

a review shall be conducted whenever a motor carrier is
• among the highest risk carriers for 2 consecutive
  months.”.

(b) CONFORMING AMENDMENT.—Section 4138 of the
Safe, Accountable, Flexible, Efficient Transportation Eq-
uity Act: A Legacy for Users (49 U.S.C. 31144 note) is
repealed.

SEC. 608. DATA AND TECHNOLOGY GRANTS.

(a) IN GENERAL.—Section 31109 is amended to read
as follows:

“§ 31109. Data and technology grants

“(a) GENERAL AUTHORITY.—The Secretary of
Transportation shall establish and administer a data and
technology grant program to assist the States with the im-
plementation and maintenance of data systems. The Sec-
retary shall allocate the funds in accordance with section
31104.

“(b) PERFORMANCE GOALS.—The Secretary may
make a grant to a State to implement the performance
and registration information system management require-
ments of section 31106(b) to develop, implement, and
maintain commercial vehicle information systems and net-
works, and other innovative technologies that the Sec-
retary determines improve commercial motor vehicle safe-
ty.
“(c) ELIGIBILITY.—To be eligible for a grant to im-
plement the requirements of section 31106(b), the State
shall design a program that—

“(1) links Federal motor carrier safety informa-
tion systems with the State’s motor carrier informa-
tion systems;

“(2) determines the safety fitness of a motor
carrier or registrant when licensing or registering
the registrant or motor carrier or while the license
or registration is in effect; and

“(3) denies, suspends, or revokes the commer-
cial motor vehicle registrations of a motor carrier or
registrant that was issued an operations out-of-serv-
ice order by the Secretary.

“(d) REQUIRED PARTICIPATION.—The Secretary
shall require States that participate in the program under
section 31106 to—

“(1) comply with the uniform policies, proce-
dures, and technical and operational standards pre-
scribed by the Secretary under section 31106(b);

“(2) possess or seek the authority to possess for
a time period not longer than determined reasonable
by the Secretary, to impose sanctions relating to
commercial motor vehicle registration on the basis of
a Federal safety fitness determination; and
“(3) establish and implement a process to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(j)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out of service order.

“(e) Federal Share.—The total Federal share of the cost of a project payable from all eligible Federal sources shall be at least 80 percent.”.

(b) Conforming Amendment.—The analysis of chapter 311 is amended by striking the item relating to section 31109 and inserting the following:

“31109. Data and technology grants.”.

SEC. 609. DRIVER SAFETY GRANTS.

(a) Driver Focused Grant Program.—Section 31313 is amended to read as follows:

“§31313. Driver safety grants

“(a) General Authority.—The Secretary shall make and administer a driver focused grant program to assist the States, local governments, entities, and other persons with commercial driver’s license systems, programs, training, fraud detection, reporting of violations and other programs required to improve the safety of drivers as the Federal Motor Carrier Safety Administration
deems critical. The Secretary shall allocate the funds for
the program in accordance with section 31104.

“(b) Commercial Driver’s License Program Im-
provement Grants.—

“(1) Program goal.—The Secretary of Trans-
portation may make a grant to a State in a fiscal
year—

“(A) to comply with the requirements of
section 31311;

“(B) in the case of a State that is making
a good faith effort toward substantial compli-
ance with the requirements of this section and
section 31311, to improve its implementation of
its commercial driver’s license program;

“(C) for research, development demonstra-
tion projects, public education, and other spe-
cial activities and projects relating to commer-
cial driver licensing and motor vehicle safety
that are of benefit to all jurisdictions of the
United States or are designed to address na-
tional safety concerns and circumstances;

“(D) for commercial driver’s license pro-
gram coordinators;

“(E) to implement or maintain a system to
notify an employer of an operator of a commer-
cial motor vehicle of the suspension or revoca-

tion of the operator’s commercial driver’s li-

cense consistent with the standards developed

under section 304(b) of the Commercial Motor

Vehicle Safety Enhancement Act of 2011; or

“(F) to train operators of commercial

color motor vehicles, as defined under section 31301,

and to train operators and future operators in

the safe use of such vehicles. Funding priority

for this discretionary grant program shall be to

regional or multi-state educational or nonprofit

associations serving economically distressed re-

gions of the United States.

“(2) PRIORITY.—The Secretary shall give pri-

ority, in making grants under paragraph (1)(B), to

a State that will use the grants to achieve compli-

ance with the requirements of the Motor Carrier

Safety Improvement Act of 1999 (113 Stat. 1748),

including the amendments made by the Commercial


“(3) RECIPIENTS.—The Secretary may allocate

grants to State agencies, local governments, and

other persons for carrying out activities and projects

that improve commercial driver’s license safety and

compliance with commercial driver’s license and
commercial motor vehicle safety regulations in accordance with the program goals under paragraph (1) and that train operators on commercial motor vehicles. The Secretary may make a grant to a State to comply with section 31311 for commercial driver’s license program coordinators and for notification systems.

“(4) FEDERAL SHARE.—The Federal share of a grant made under this program shall be at least 80 percent, except that the Federal share of grants for commercial driver license program coordinators and training commercial motor vehicle operators shall be 100 percent.”.

(b) CONFORMING AMENDMENT.—The analysis of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

“31313. Driver safety grants.”.

SEC. 610. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.

Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—
(1) established time frames and milestones for resuming the Commercial Vehicle Information Systems and Networks Program; and

(2) a strategic workforce plan for its grants management office to ensure that it has determined the skills and competencies that are critical to achieving its mission goals.

**TITLE VII—MOTORCOACH ENHANCED SAFETY ACT OF 2011**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Motorcoach Enhanced Safety Act of 2011”.

**SEC. 702. 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 the 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 ve-
vehicle” has the meaning given the 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 under-inflated and providing the driver a low tire pressure warning as to which specific tire is significantly under-inflated.

(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 that title).

(8) MOTORCOACH.—The term “motorcoach” has the meaning given the term “over-the-road bus” in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include—

(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency; 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 BUS.—The term “multifunction school activity bus” has the meaning given the 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, side, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejec-
tion 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) PUBLIC TRANSPORTATION.—The term “public transportation” has the meaning given the term in section 5302 of title 49, United States Code.

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

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

SEC. 703. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION, PASSENGER EVACUATION, AND CRASH AVOIDANCE.

(a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.
(b) Regulations Required Within 2 Years.—

Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial motor vehicle regulations:

(1) Roof strength and crush resistance.—The Secretary shall establish improved roof and roof support 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.

(2) Anti-ejection safety countermeasures.—The Secretary shall require advanced glazing to be installed in each motorcoach portal and shall consider other portal improvements to prevent partial and complete ejection of motorcoach passengers, including children. In prescribing such standards, the Secretary shall consider the impact of such standards on the use of motorcoach portals as a means of emergency egress.

(3) Rollover crash avoidance.—The Secretary shall require motorcoaches to be equipped with stability enhancing technology, such as electronic stability control and torque vectoring, to re-
duce the number and frequency of rollover crashes among motorcoaches.

(c) Commercial Motor Vehicle Tire Pressure Monitoring Systems.—Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial vehicle regulation:

(1) In general.—The Secretary shall 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.

(2) Performance requirements.—The regulation prescribed by the Secretary under this subsection shall include performance requirements to ensure that direct tire pressure monitoring systems are capable of—

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

(B) activating in a specified time period after the underinflation is detected; and

(C) operating at different vehicle speeds.

(d) Application of regulations.—

(1) New motorcoaches.—Any 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 requirements for existing
motorcoaches.—

(A) In general.—The Secretary may, by
regulation, provide for the application of any re-
quirement established under subsection (a) or
(b)(2) to motorcoaches manufactured before the
date on which the requirement applies to new
motorcoaches under paragraph (1) based on an
assessment of the feasibility, benefits, and costs
of retrofitting the older motorcoaches.

(B) Assessment.—The Secretary shall
complete an assessment with respect to safety
belt retrofits not later than 1 year after the
date of enactment of this Act and with respect
to anti-ejection countermeasure retrofits not
later than 2 years after the date of enactment
of this Act.

(e) Failure to meet deadline.—If the Secretary
determines that a final rule cannot be issued before the
deadline established under this section, the Secretary
shall—
(1) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that explains why the deadline cannot be met; and

(2) establish a new deadline for the issuance of the final rule.

SEC. 704. STANDARDS FOR IMPROVED FIRE SAFETY.

(a) EVALUATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall initiate the following rulemaking proceedings:

(1) FLAMMABILITY STANDARD FOR EXTERIOR COMPONENTS.—The Secretary shall establish 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 update Federal Motor Vehicle Safety Standard Number 302 (49 C.F.R. 571.302; relating to flammability of interior materials) 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 establish requirements—

(A) to prevent and mitigate the propagation of wheel well fires into the passenger compartment; and

(B) to substantially reduce occupant deaths and injuries from such fires.

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

(5) Passenger evacuation.—The Secretary shall establish requirements for motorcoaches to be equipped with—

(A) 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; and

(B) emergency interior lighting systems, including luminescent or retroreflectorized delineation of evacuation paths and exits, which are triggered by a crash or other emergency in-
cident to accomplish more rapid and effective evacuation of passengers.

(6) CAUSATION AND PREVENTION OF MOTORCOACH FIRES.—The Secretary shall examine the principle causes of motorcoach fires and vehicle design changes intended to reduce the number of motorcoach fires resulting from those principle causes.

(b) DEADLINE.—Not later than 42 months after the date of enactment of this Act, the Secretary shall—

(1) issue final rules in accordance with subsection (a); or

(2) if the Secretary determines that any standard is not warranted based on the requirements and considerations set forth in subsection (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(c) TIRE PERFORMANCE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—
(1) issue a final rule upgrading performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test; or

(2) if the Secretary determines that a standard is not warranted based on the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 705. OCCUPANT PROTECTION, COLLISION AVOIDANCE, FIRE CAUSATION, AND FIRE EXTINGUISHER RESEARCH AND TESTING.

(a) SAFETY RESEARCH INITIATIVES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete the following research and testing:

(1) IMPROVED FIRE EXTINGUISHERS.—The Secretary shall research and test the need to install improved fire extinguishers or other readily available firefighting equipment in motorcoaches to effectively
extinguish fires in motorcoaches and prevent pas-
senger deaths and injuries.

(2) INTERIOR IMPACT PROTECTION.—The Sec-
retary shall research and test enhanced occupant im-
pact protection standards for motorcoach interiors to
reduce substantially serious injuries for all pas-
sengers of motorcoaches.

(3) COMPARTMENTALIZATION SAFETY COUNTERMEASURES.—The Secretary shall require en-
hanced compartmentalization safety counter-
measures for motorcoaches, including enhanced seat-
ing designs, to substantially reduce the risk of pas-
sengers being thrown from their seats and colliding
with other passengers, interior surfaces, and compo-
ments in the event of a crash involving a motorcoach.

(4) COLLISION AVOIDANCE SYSTEMS.—The Sec-
retary shall research and test forward and lateral
crash warning systems applications for
motorcoaches.

(b) RULEMAKING.—Not later than 2 years after the
completion of each research and testing initiative required
under subsection (a), the Secretary shall issue final motor
vehicle safety standards if the Secretary determines that
such standards are warranted based on the requirements
and considerations set forth in section subsections (a) and (b) of section 30111 of title 49, United States Code.

SEC. 706. MOTORCOACH REGISTRATION.

(a) Registration Requirements.—Section 13902(b) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (5) through (12), respectively; and

(2) by inserting before paragraph (5), as redesignated, the following:

“(1) Additional registration requirements for providers or motorcoach services.—In addition to meeting the requirements under subsection (a)(1), the Secretary may not register a person to provide motorcoach services until after the person—

“(A) undergoes a preauthorization 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 under 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 during 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 (122 Stat. 2915);

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

“(C) through the successful completion of a written examination developed by the Secretary, has demonstrated 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 under paragraph (1)(A) shall be completed on-site not 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. Amounts 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) is amended by inserting “transporting property” after “each operator”.

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(c) Conforming Amendment.—Section 24305(a)(3)(A)(i) is amended by striking “section 13902(b)(8)(A)” and inserting “section 13902(b)(12)(A)”.

(d) Effective Date.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 707. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

Section 31144, as amended by sections 204 and 604 of this Act, is amended by adding at the end the following:

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

“(1) Safety review.—

“(A) In general.—The Secretary shall—

“(i) determine the safety fitness of all providers of motorcoach services registered with the Federal Motor Carrier Safety Administration; and

“(ii) 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 beginning not later than 2 years after the date of such registration; and

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

“(2) Periodic review.—The Secretary shall establish, by regulation, a process 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.

“(4) Periodic update of safety fitness rating.—In conducting the safety reviews required under this subsection, the Secretary shall reassess the safety fitness rating of each provider not less frequently than once every 3 years.
“(5) Motorcoach services defined.—In this subsection, the term ‘provider of motorcoach services’ has the meaning given such term in section 702 of the Motorcoach Enhanced Safety Act of 2011.”.

SEC. 708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.

Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes 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.

SEC. 709. REPORT ON DRIVER’S LICENSE REQUIREMENTS FOR 9- TO 15-PASSENGER VANS.

(a) In general.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that examines requiring all or certain classes
of drivers operating a vehicle, which is designed or used
to transport not fewer than 9 and not more than 15 pas-
sengers (including a driver) in interstate commerce, to
have a commercial driver’s license passenger-carrying en-
dorsement and be tested in accordance with a drug and
alcohol testing program under part 40 of title 49, Code
of Federal Regulations.

(b) Considerations.—In developing the report
under subsection (a), the Secretary shall consider—

(1) the safety benefits of the requirement de-
scribed in subsection (a);

(2) the scope of the population that would be
impacted by such requirement;

(3) the cost to the Federal Government and
State governments to meet such requirement; and

(4) the impact on safety benefits and cost from
limiting the application of such requirement to cer-
tain drivers of such vehicles, such as drivers who are
compensated for driving.

SEC. 710. EVENT DATA RECORDERS.

(a) Evaluation.—Not later than 1 year after the
date of enactment of this Act, the Secretary, after consid-
ering the performance requirements for event data record-
ers for passenger vehicles under part 563 of title 49, Code
of Federal Regulations, 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.

(b) **STANDARDS AND REGULATIONS.**—Not later than 2 years after completing the evaluation required under subsection (a), the Secretary shall issue standards and regulations based on the results of that evaluation.

SEC. 711. 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 an assessment of—

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

(2) the effectiveness of existing Federal standards for the inspection of such vehicles in—

(A) mitigating the risks described in paragraph (1); and

(B) ensuring the safe and proper operation condition of such vehicles; and
(3) the costs and benefits of a mandatory State
inspection program.

SEC. 712. DISTRACTED DRIVING.

(a) IN GENERAL.—Chapter 311, as amended by sec-
tions 113, 508, and 512 of this Act, is amended by adding
after section 31154 the following:

“§ 31155. Regulation of the use of distracting devices
in motorcoaches

“(a) IN GENERAL.—Not later than 1 year after the
date of enactment of the Motorcoach Enhanced Safety Act
of 2011, the Secretary of Transportation shall prescribe
regulations on the use of electronic or wireless devices, in-
cluding cell phones and other distracting devices, by an
individual employed as the operator of a motorcoach (as
defined in section 702 of that Act).

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

“(c) PROHIBITED USE.—Except as provided under
subsection (d), the Secretary shall prohibit the use of the
devices described in subsection (a) in circumstances in
which the Secretary determines that their use interferes
with a driver’s safe operation of a motorcoach.
“(d) PERMITTED USE.—The Secretary may permit
the use of a device that is otherwise prohibited under sub-
section (c) if the Secretary determines that such use is
necessary for the safety of the driver or the public in emer-
gency circumstances.”.

(b) CONFORMING AMENDMENT.—The analysis for
chapter 311 is amended by inserting after the item relat-
ing to section 31154 the following:

“31155. Regulation of the use of distracting devices in motoreaches.”.

SEC. 713. REGULATIONS.

Any standard or regulation prescribed or modified
pursuant to the Motorcoach Enhanced Safety Act of 2011
shall be prescribed or modified in accordance with section
553 of title 5, United States Code.

TITLE VIII—SAFE HIGHWAYS
AND INFRASTRUCTURE PRES-
ERVATION

SEC. 801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIM-
ITS STUDY.

(a) TRUCK SIZE AND WEIGHT LIMITS STUDY.—Not
later than 90 days after the date of enactment of this Act,
the Secretary, in consultation with each relevant State and
other applicable Federal agencies, shall commence a com-
prehensive truck size and weight limits study. The study
shall—
(1) provide data on accident frequency and factors related to accident risk of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations and its correlation to truck size and weight limits;

(2) evaluate the impacts to the infrastructure of each route of the National Highway System in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations, including—

(A) an analysis that quantifies the cost of the impacts in dollars;

(B) an analysis of the percentage of trucks operating in excess of the Federal size and weight limits; and

(C) an analysis that examines the ability of each State to recover the cost for the impacts;

(3) evaluate the impacts and frequency of violations in excess of the Federal size and weight law and regulations to determine the cost of the enforcement of the law and regulations, and the effectiveness of the enforcement methods;
(4) examine the relationship between truck performance and crash involvement and its correlation to Federal size and weight limits;

(5) assess the impacts that truck size and weight limits in excess of the Federal law and regulations have in the risk of bridge failure contributing to the structural deficiencies of bridges or in the useful life of a bridge;

(6) analyze the impacts on safety and infrastructure in each State that allows a truck to operate in excess of Federal size and weight limitations in truck-only lanes; and

(7) compare and contrast the safety and infrastructure impacts of the Federal limits regarding truck size and weight limits in relation to—

(A) six-axle and other alternative configurations of tractor-trailers; and

(B) safety records of foreign nations with truck size and weight limits and tractor-trailer configurations that differ from the Federal law and regulations.

(b) REPORT.—Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a final report on the study, including all findings and recommendations, to the Committee
on Commerce, Science, and Transportation and the Com-
mittee on Environment and Public Works of the Senate
and the Committee on Transportation and Infrastructure
of the House of Representatives.

SEC. 802. COMPILATION OF EXISTING STATE TRUCK SIZE
AND WEIGHT LIMIT LAWS.

(a) In General.—Not later than 90 days after the
date of enactment of this Act, the Secretary, in consulta-
tion with the States, shall begin to compile—

(1) a list for each State, as applicable, that de-
scribes each route of the National Highway System
that allows a vehicle to operate in excess of the Fed-
eral truck size and weight limits that—

(A) was authorized under State law on or
before the date of enactment of this Act; and

(B) was in actual and lawful operation on
a regular or periodic basis (including seasonal
operations) on or before the date of enactment
of this Act;

(2) a list for each State, as applicable, that de-
scribes—

(A) the size and weight limitations applica-
table to each segment of the National Highway
System in that State as listed under paragraph
(1);
(B) each combination that exceeds the Interstate weight limit, but that the Department of Transportation, other Federal agency, or a State agency has determined on or before the date of enactment of this Act, could be or could have been lawfully operated in the State; and

(C) each combination that exceeds the Interstate weight limit, but that the Secretary determines could have been lawfully operated on a non-Interstate segment of the National Highway System in the State on or before the date of enactment of this Act; and

(3) a list of each State law that designates or allows designation of size and weight limitations in excess of Federal law and regulations on routes of the National Highway System, including nondivisible loads.

(b) Specifications.—The Secretary, in consultation with the States, shall specify whether the determinations under paragraphs (1) and (2) of subsection (a) were made by the Department of Transportation, other Federal agency, or a State agency.

(c) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a final
report of the compilation under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**TITLE IX—MISCELLANEOUS**

**SEC. 901. DETENTION TIME STUDY.**

(a) **STUDY.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall task the Motor Carrier Safety Advisory Committee to study the extent to which detention time contributes to drivers violating hours of service requirements and driver fatigue. In conducting this study, the Committee shall—

(1) examine data collected from driver and vehicle inspections;

(2) consult with—

(A) motor carriers and drivers, shippers, and representatives of ports and other facilities where goods are loaded and unloaded;

(B) government officials; and

(C) other parties as appropriate; and

(3) provide recommendations to the Secretary for addressing issues identified in the study.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall provide
a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes recommendations for legislation and for addressing the results of the study.

SEC. 902. PROHIBITION OF COERCION.

Section 31136(a) is amended by—

(1) striking “and” at the end of paragraph (3);

(2) striking the period at the end of paragraph (4) and inserting “; and”;

(3) adding after subsection (4) the following:

“(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.”.

SEC. 903. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) MEMBERSHIP.—Section 4144(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note) is amended by inserting “nonprofit employee labor organizations representing commercial motor vehicle drivers,” after “industry,”.
(b) **TERMINATION DATE.**—Section 4144(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note) is amended by striking “March 31, 2012” and inserting “September 30, 2013”.

**SEC. 904. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.**

(a) **WAIVER STANDARDS.**—Section 31315(a) is amended—

(1) by inserting “and” at the end of paragraph (2); and

(2) by striking paragraph (3); and

(3) redesignating paragraph (4) as paragraph (3).

(b) **EXEMPTION STANDARDS.**—Section 31315(b)(4) is amended—

(1) in subparagraph (A), by inserting “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”; and

(2) by amending subparagraph (B) to read as follows:

“(B) **UPON GRANTING A REQUEST.**—Upon granting a request and before the effective date
of the exemption, the Secretary shall publish in
the Federal Register (or, in the case of an ex-
emption from the physical qualification stand-
ards for commercial motor vehicle drivers, post
on a web site established by the Secretary to
implement the requirements of section 31149)
the name of the person granted the exemption,
the provisions from which the person is exempt,
the effective period, and the terms and condi-
tions of the exemption.”; and

(3) in subparagraph (C), by inserting “(or, in
the case of a request for an exemption from the
physical qualification standards for commercial
motor vehicle drivers, post on a web site established
by the Secretary to implement the requirements of
section 31149)” after “Federal Register”.

(c) Providing Notice of Exemptions to State
Personnel.—Section 31315(b)(7) is amended to read as
follows:

“(7) Notification of State Compliance
and Enforcement Personnel.—Before the effective
date of an exemption, the Secretary shall notify
a State safety compliance and enforcement agency,
and require the agency pursuant to section
31102(b)(1)(Y) to notify the State’s roadside inspec-
tors, that a person will be operating pursuant to an
exemption and the terms and conditions that apply
to the exemption.”.

(d) PILOT PROGRAMS.—Section 31315(e)(1) is
amended by striking “in the Federal Register”.

(e) REPORT TO CONGRESS.—Section 31315 is
amended by adding after subsection (d) the following:

“(e) REPORT TO CONGRESS.—The Secretary shall
submit an annual report to the Committee on Commerce,
Science, and Transportation of the Senate and the Com-
mittee on Transportation and Infrastructure of the House
of Representatives listing the waivers, exemptions, and
pilot programs granted under this section, and any im-
pacts on safety.

“(f) WEB SITE.—The Secretary shall ensure that the
Federal Motor Carrier Safety Administration web site in-
cludes a link to the web site established by the Secretary
to implement the requirements under sections 31149 and
31315. The link shall be in a clear and conspicuous loca-
tion on the home page of the Federal Motor Carrier Safety
Administration web site and be easily accessible to the
public.”.

SEC. 905. TRANSPORTATION OF HORSES.

Section 80502 is amended—
(1) in subsection (c), by striking “This section does not” and inserting “Subsections (a) and (b) shall not”;

(2) by redesignating subsection (d) as subsection (e);

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

“(d) TRANSPORTATION OF HORSES.—

“(1) PROHIBITION.—No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States in a motor vehicle containing 2 or more levels stacked on top of each other.

“(2) MOTOR VEHICLE DEFINED.—In this subsection, the term ‘motor vehicle’—

“(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

“(B) does not include a vehicle operated exclusively on a rail or rails.”; and

(4) in subsection (e), as redesignated—
(A) by striking “A rail carrier” and inserting the following:

“(1) IN GENERAL.—A rail carrier”; (B) by striking “this section” and inserting “subsection (a) or (b)”; and 

(C) by striking “On learning” and inserting before “of a violation” the following:

“(2) TRANSPORTATION OF HORSES IN MULTI-LEVEL TRAILER.—

“(A) CIVIL PENALTY.—A person that knowingly violates subsection (d) is liable to the United States Government for a civil penalty of at least $100 but not more than $500 for each violation. A separate violation occurs under subsection (d) for each horse that is transported, or caused to be transported, in violation of subsection (d).

“(B) RELATIONSHIP TO OTHER LAWS.—The penalty provided under subparagraph (A) shall be in addition to any penalty or remedy available under any other law.

“(3) CIVIL ACTION.—On learning”.
TITLE X—HOUSEHOLD GOODS
TRANSPORTATION

SEC. 1001. ADDITIONAL REGISTRATION REQUIREMENTS
FOR HOUSEHOLD GOODS MOTOR CARRIERS.

(a) Section 13902(a)(2) is amended—

(1) in subparagraph (B), by striking “section
13702(c);” and inserting “section 13702(c); and”;

(2) by amending subparagraph (C) to read as
follows:

“(C) demonstrates, before being registered,
through successful completion of a proficiency
examination established by the Secretary,
knowledge and intent to comply with applicable
Federal laws relating to consumer protection,
estimating, consumers’ rights and responsibil-
ities, and options for limitations of liability for
loss and damage.”; and

(3) by striking subparagraph (D).

(b) COMPLIANCE REVIEWS OF NEW HOUSEHOLD
GOODS MOTOR CARRIERS.—Section 31144(g), as amend-
ed by section 102 of this Act, is amended by adding at
the end the following:

“(6) ADDITIONAL REQUIREMENTS FOR HOUSE-
HOLD GOODS MOTOR CARRIERS.—(A) In addition to
the requirements of this subsection, the Secretary
shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

“(B) ELEMENTS.—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 1002. FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS.

(a) INJUNCTIVE RELIEF.—Section 14704(a)(1) is amended by striking “and 14103” and inserting “, 14103, and 14915(c)”.

(b) CIVIL PENALTIES.—Section 14915(a)(1) is amended by adding at the end the following:
“The United States may assign all or a portion of
the civil penalty to an aggrieved shipper. The Secretary
of Transportation shall establish criteria upon which such
assignments shall be made. The Secretary may order,
after notice and an opportunity for a proceeding, that a
person found holding a household goods shipment hostage
return the goods to an aggrieved shipper.”.

SEC. 1003. SETTLEMENT AUTHORITY.

(a) Settlement of General Civil Penalties.—
Section 14901 is amended by adding at the end the fol-
lowing:

“(h) Settlement of Household Goods Civil
Penalties.—Nothing in this section shall be construed
to prohibit the Secretary from accepting partial payment
of a civil penalty as part of a settlement agreement in the
public interest, or from holding imposition of any part of
a civil penalty in abeyance.”.

(b) Settlement of Household Goods Civil
Penalties.—Section 14915(a) is amended by adding at
the end the following:

“(4) Settlement Authority.—Nothing in
this section shall be construed as prohibiting the
Secretary from accepting partial payment of a civil
penalty as part of a settlement agreement in the
public interest, or from holding imposition of any
part of a civil penalty in abeyance.”

SEC. 1004. HOUSEHOLD GOODS TRANSPORTATION ASSIST-
ANCE PROGRAM.

(a) JOINT ASSISTANCE PROGRAM.—Not later than
18 months after the date of enactment of this Act, the
Secretary shall develop and implement a joint assistance
program, through the Federal Motor Carrier Safety Ad-
ministration—

(1) to educate consumers about the household
goods motor carrier industry pursuant to the rec-
ommendations of the task force established under
section 1005 of this Act;

(2) to improve the Federal Motor Carrier Safe-
ty Administration’s implementation, monitoring, and
coordination of Federal and State household goods
enforcement activities;

(3) to assist a consumer with the timely resolu-
tion of an interstate household goods hostage situa-
tion, as appropriate; and

(4) to conduct other enforcement activities as
designated by the Secretary.

(b) JOINT ASSISTANCE PROGRAM PARTNERSHIP.—
The Secretary—
(1) may partner with 1 or more household goods motor carrier industry groups to implement the joint assistance program under subsection (a); and

(2) shall ensure that each participating household goods motor carrier industry group—

(A) implements the joint assistance program in the best interest of the consumer;

(B) implements the joint assistance program in the public interest;

(C) accurately represents its financial interests in providing household goods mover services in the normal course of business and in assisting consumers resolving hostage situations;

(D) does not hold itself out or misrepresent itself as an agent of the Federal government;

(E) abides by Federal regulations and guidelines for the provision of assistance and receipt of compensation for household goods mover services; and

(F) accurately represents the Federal and State remedies that are available to consumers
for resolving interstate household goods hostage situations.

(c) REPORT.—The Secretary shall submit a report annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa
tives providing a detailed description of the joint assistance program under subsection (a).

(d) PROHIBITION.—The joint assistance program under subsection (a) may not include the provision of funds by the United States to a consumer for lost, stolen, or damaged items.

SEC. 1005. HOUSEHOLD GOODS CONSUMER EDUCATION PROGRAM.

(a) TASK FORCE.—The Secretary of Transportation shall establish a task force to develop recommendations to ensure that a consumer is informed of Federal law concern
ing the transportation of household goods by a motor carrier, including recommendations—

(1) on how to condense publication ESA 03005 of the Federal Motor Carrier Safety Administration into a format that can be more easily used by a con-
sumer; and
(2) on the use of state-of-the-art education techniques and technologies, including the use of the Internet as an educational tool.

(b) TASK FORCE MEMBERS.—The task force shall be comprised of—

(1) individuals with expertise in consumer affairs;

(2) educators with expertise in how people learn most effectively; and

(3) representatives of the household goods moving industry.

(c) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the task force shall complete its recommendations under subsection (a). Not later than 1 year after the task force completes its recommendations under subsection (a), the Secretary shall issue regulations implementing the recommendations, as appropriate.

(d) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(e) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.
TITLE XI—TECHNICAL
AMENDMENTS

SEC. 1101. UPDATE OF OBSOLETE TEXT.

(a) Section 31137(e), as redesignated by section 301 of this Act, is amended by striking “Not later than December 1, 1990, the Secretary shall prescribe” and inserting “The Secretary shall maintain”.

(b) Section 31151(a) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.”; and

(2) by striking paragraph (4).

(c) Section 31307(b) is amended by striking “Not later than December 18, 1994, the Secretary shall prescribe” and inserting “The Secretary shall maintain”.

(d) Section 31310(g)(1) is amended by striking “Not later than 1 year after the date of enactment of this Act, the” and inserting “The”.

(e) Section 4123(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1736) is amended by striking “Not later
than 1 year after the date of enactment of this Act, the”
and inserting “The”.

SEC. 1102. CORRECTION OF INTERSTATE COMMERCE COM-
MISSION REFERENCES.

(a) SAFETY INFORMATION AND INTERVENTION IN
INTERSTATE COMMERCE COMMISSION PROCEEDINGS.—
Chapter 3 is amended—

(1) by repealing section 307;
(2) in the analysis, by striking the item relating
to section 307;
(3) in section 333(d)(1)(C), by striking “Inter-
state Commerce Commission” and inserting “Sur-
face Transportation Board”; and
(4) in section 333(e)—
(A) by striking “Interstate Commerce
Commission” each place it appears and insert-
ing “Surface Transportation Board”; and
(B) by striking “Commission” each place it
appears and inserting “Board”.

(b) FILING AND PROCEDURE FOR APPLICATION TO
ABANDON OR DISCONTINUE.—Section 10903(b)(2) is
amended by striking “24706(c) of this title” and inserting
“24706(c) of this title before May 31, 1998”.

(c) RIGHTS AND REMEDIES OF PERSONS INJURED
BY CARRIERS OR BROKERS.—
(1) Section 14704 is amended—

(A) in subsection (a)—

(i) by striking “IN GENERAL.—” and all that follows through “injured” and inserting “ENFORCEMENT OF ORDER.—A person injured”; and

(ii) by redesignating paragraph (2) as subsection (b)(2); and

(B) in subsection (b)—

(i) by striking “LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—” and all that follows through “A carrier” and inserting “EXCEEDING TARIFF RATE.—(1) A carrier”; and

(ii) by striking “DAMAGES FOR VIOLATIONS.—” in paragraph (2), as redesignated, and inserting “OTHER VIOLATIONS.—”.

(2) Section 14705(c) is amended by striking “14704(b)” and substituting “14704(b)(2)”.

(d) TECHNICAL AMENDMENTS TO PART C OF SUBTITLE V.—

(1) Section 24307(b)(3) is amended by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”.

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(2) Section 24311 is amended—

(A) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and

(B) by striking “Commission” each place it appears and inserting “Board”.

(3) Section 24902 is amended—

(A) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and

(B) by striking “Commission” each place it appears and inserting “Board”.

(4) Section 24904 is amended—

(A) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and

(B) by striking “Commission” each place it appears and inserting “Board”.

SEC. 1103. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 14504a(c)(1) is amended—

(1) in subparagraph (C), by striking “sections” and inserting “section”; and

(2) in subparagraph (D)(ii)(II) by striking the period at the end and inserting “; and”.

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(b) Section 24305(a)(3)(1) is amended by striking “section 13902(b)(8)(A)” and inserting “section 13902(b)(9)(A)”.

c) Section 31103(a) is amended by striking “section 31102(b)(1)(E)” and inserting “section 31102(b)(2)(E)”.

d) Section 31103(b) is amended by striking “authorized by section 31104(f)(2)”.

e) Section 31309(b)(2) is amended by striking “31308(2)” and inserting “31308(3)”.

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