S. 453

To improve the safety of motorcoaches, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2011

Mr. BROWN of Ohio (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the safety of motorcoaches, and for other purposes.

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Motorcoach Enhanced Safety Act of 2011”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Regulations for improved occupant protection and motorcoach crash avoidance.
Sec. 4. Standards for improved fire safety.
Sec. 5. Occupant protection and collision avoidance research.
Sec. 6. New entrants.
Sec. 7. Reincarnated motor carriers.
Sec. 8. Improved oversight of providers of motoreach services and of other mo-
toreach carriers of passengers.
Sec. 9. Motoreach driver training.
Sec. 10. Improved testing for the commercial driver’s license passenger endorse-
ment.
Sec. 11. Improved physical fitness oversight and commercial driver medical cer-
tificates.
Sec. 12. Safety and enforcement technology for motoreaches.
Sec. 13. Safety inspection program for commercial motor vehicles of pas-
sengers.
Sec. 14. Distracted driving.
Sec. 15. Motoreach rental or leasing companies.
Sec. 16. Regulations.

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

(4) DIRECT TIRE PRESSURE MONITORING SYS-
tem.—The term “direct tire pressure monitoring system” means a tire pressure monitoring system (as defined in section 571.138 of title 49, Code of
Federal Regulations), that is capable of directly de-
tecting when the air pressure level in any tire is sig-
nificantly under-inflated and immediately 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 elec-
tronic 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

(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 Regula-
tions.

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

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

(8) MOTORCOACH.—The term “motorcoach”
has the meaning given the term “over-the-road bus”
in section 3038(a)(3) of the Transportation Equity
Act for the 21st Century (Public Law 105–178; 49 U.S.C. 5310 note), but does not include—

(A) buses used in public transportation provided by a State or local government; or

(B) school buses, including multifunction school activity buses.

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

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

(11) PORTAL.—The term “portal” means any opening on the front, sides, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

(12) PROVIDER OF MOTORCOACH SERVICES.—The term “provider of motorcoach services” means a motor carrier that provides passenger transportation services with a motorcoach, including per-trip
compensation and contracted or chartered compensa-

(13) Public Transportation.—The term “public transportation” has the meaning given such term in section 5302(a)(10) of title 49, United States Code.

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

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

SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION AND MOTORCOACH CRASH AVOIDANCE.

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

(1) Safety Belts.—The Secretary shall require safety belts to be installed in motorcoaches at each designated seating position.

(2) Roof Strength and Crush Resistance.—The Secretary shall establish improved roof standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deforma-
tion and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches.

(3) Anti-ejection safety countermeasures.—The Secretary shall require advanced glazing to be installed in each motorcoach portal to prevent partial or complete ejection of passengers of motorcoaches, including such passengers that are children.

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

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

(b) Regulations Required Within 2 Years.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial motor vehicle tire regulations:
(1) Commercial motor vehicle tire pressure monitoring systems.—

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

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

(i) at all times when the ignition locking system is in the “On” position;

(ii) at all vehicle speeds;

(iii) on all road surfaces;

(iv) during all weather conditions; and

(v) after a repair or other service is performed on a tire.

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

(c) Application of Regulations.—

(1) New Motorcoaches.—Any regulation prescribed pursuant to subsection (a) or (b) shall apply to all motorcoaches that are manufactured more than 2 years after the date on which the regulation is published as a final rule.

(2) Retrofit Requirements for Existing Motorcoaches.—The Secretary may, by regulation, provide for the application of any requirement established under this section 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. The Secretary shall complete an assessment with respect to safety belt retrofits not later than 2 years after the date of the enactment of this Act.

SEC. 4. STANDARDS FOR IMPROVED FIRE SAFETY.

(a) Evaluations.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall complete an evaluation of the following:

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

(2) **Smoke Suppression.**—The Secretary shall review Federal motor vehicle safety standard number 302 (49 CFR 571.302; relating to flammability of interior materials) to consider more realistic tests to improve the resistance of motorcoach interiors and components to burning, prevent inhalation by passengers of toxic smoke and vapors, and permit sufficient time for the safe evacuation of passengers from motorcoaches.

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

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

(A) **Improved Emergency Evacuation Designs.**—Improved emergency exit window, door, roof hatch, and wheelchair lift door de-
signs to expedite access and use by passengers of motorcoaches under all emergency circumstances, including crashes and fires.

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

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

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

SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOIDANCE RESEARCH.

(a) Safety research initiatives.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete research on the following:
(1) **COMPARTMENTALIZATION SAFETY COUNTERMEASURES.**—Enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs, to reduce substantially the risk of passengers being thrown from their seats and colliding with other passengers, interior surfaces, and components in the event of a crash involving a motorcoach.

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

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

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

**SEC. 6. NEW ENTRANTS.**

(a) **REGISTRATION REQUIREMENTS.**—Section 13902(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and
(2) by inserting before paragraph (2), 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 register a person to provide motorcoach services only after that person—

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

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

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

“(iii) the ability to obtain required insurance;

“(iv) driver qualifications, including the validity of the commercial driver’s license of each driver who will be operating under such authority;
“(v) disclosure of common ownership, common control, common management, common familial relationship, or other corporate relationship with another motor carrier or applicant for motor carrier authority during the most recent 3 years;

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

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

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

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

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

(b) SAFETY REVIEWS OF NEW OPERATORS.—Section 31144(g)(1) of title 49, United States Code, 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 to undergo a safety review not later than 18 months after the date on which the owner or operator, as the case may be, begins operations under such registration.

“(B) PROVIDERS OF MOTORCOACH SERVICES.—Safety reviews of owners and operators registered as providers of motorcoach services shall be conducted not later than 9 months after the owner or operator, as the case may be, begins operations under such registration.

“(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 after the submission of an application for operating authority.”.
(c) Effective Date.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 7. REINCARNATED MOTOR CARRIERS.

(a) Denial, Suspension, Amendment, or Revocation of Registration.—Section 13905(d) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “On application” and inserting the following:

“(A) Registrant Application.—On application”;

(B) by striking “On complaint” and inserting the following:

“(B) Complaint.—On complaint”;

(C) by striking “the Secretary may (A) suspend,” and inserting the following: “the Secretary may—

“(i) suspend”;

(D) by striking “registration; and (B) suspend” and inserting the following “registration;

“(ii) suspend”;

(E) by striking “freight forwarder: (i) for failure” and inserting the following: “freight forwarder for—
“(I) failure”;

(F) by striking “title; or (ii) for failure”
and inserting the following: “title; or—

“(II) failure”; and

(G) by striking “penalty. Subparagraph
(B) shall not apply” and inserting the following:

“penalty; and

“(iii) deny, suspend, amend, or revoke
all or part of a registration of a motor car-
rrier following a determination by the Sec-
retary that the motor carrier failed to dis-
close in its application for registration a
material fact relevant to its willingness and
ability to comply with—

“(I) this part;

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

or

“(III) a condition of its registra-
tion.

“(C) EXCEPTION.—Subparagraph (B)(ii)
shall not apply”; and

(2) in paragraph (2), by striking “paragraph
(1)(B)” and inserting “paragraph (1)(B)(ii)”.

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(b) Procedure.—Section 13905(e)(1) of such title is amended by striking "registrant" and inserting "registrant, or if the Secretary determines that the registrant has failed to disclose a material fact in its application for registration in accordance with subsection (d)(1)(B)(iii),”.

(c) Duties of Employers and Employees.—Section 31135 of such title is amended—

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

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

“(d) Avoiding Compliance.—

“(1) Prohibited Actions.—Two or more employers may not use common ownership, common management, common control, or common familial relationship to enable any or all such employers to avoid compliance, or mask or otherwise conceal non-compliance, or a history of noncompliance, with commercial motor vehicle safety regulations issued under this subchapter, chapter 315, or an order of the Secretary issued under this subchapter, chapter 315, or such regulations.

“(2) Civil Penalties.—If the Secretary determines that an employer has engaged in any of the
prohibited actions described in paragraph (1), the Secretary shall—

“(A) deny, suspend, amend, or revoke all or part of any such employer’s registration under section 13905; and

“(B) take into account such noncompliance for purposes of determining the amount of the civil penalty to be assessed under section 521(b)(2)(D).”.

SEC. 8. IMPROVED OVERSIGHT OF PROVIDERS OF MOTORCOACH SERVICES AND OTHER MOTORCOACH CARRIERS OF PASSENGERS.

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

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

“(1) SAFETY REVIEW.—Not later than 3 years after the date of the enactment of the Motorcoach Enhanced Safety Act of 2011, the Secretary shall—

“(A) determine the safety fitness of each provider of motorcoach services registered with the Federal Motor Carrier Safety Administration; and
“(B) assign a safety fitness rating to each such provider.

“(2) Periodic review.—The Secretary shall establish a process, by regulation, for monitoring the safety performance of each provider of motorcoach services on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

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

“(4) Periodic update of safety fitness rating.—As part of the safety review required by this subsection, the Secretary shall reassess such rating not less frequently than every 3 years.

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

(b) Revision of Safety Fitness Rating Methodology.—Not later than 1 year after the date of the
enactment of this Act, the Secretary shall revise the safety
fitness rating methodology of the Department of Trans-
portation established pursuant to section 31144 of title
49, United States Code, to meet the goals of the safety
recommendation H–99–6 of the National Transportation
Safety Board, issued on February 26, 1999.

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

SEC. 9. MOTORCOACH DRIVER TRAINING.

(a) ESTABLISHMENT OF TRAINING CURRICULUM.—

(1) IN GENERAL.—Not later than 18 months
after the date of the enactment of this Act, the Sec-
retary shall establish, by regulation, minimum cur-
ricular requirements for entry-level drivers of
motorcoaches and drivers upgrading from 1 class of
commercial driver’s license to another class, to be
adopted by public and private schools and motor
carriers and motorcoach operators that provide
training for such drivers.
(2) CURRICULAR REQUIREMENTS.—The curricular requirements under paragraph (1) shall include—

(A) classroom and behind-the-wheel instruction that is adequate for training entry-level drivers of motorcoaches and drivers upgrading from 1 class of commercial driver’s license to another class to safely operate motorcoaches and respond effectively to emergency situations; and

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

(i) to suppress motorcoach fires; and

(ii) to evacuate passengers from motorcoaches safely.

(b) TRAINING REQUIRED.—

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

(A) each trainer of a driver seeking a commercial driver’s license passenger endorsement to issue a certificate to the trainee and the appropriate State licensing authority certifying that the trainee has completed a motorcoach driver training course that includes the curricular requirements established under subsection (a);

(B) each driver seeking to take the test for the commercial driver’s license passenger endorsement to present the certificate to a State licensing authority;

(C) the State licensing authority to compare the certificate presented by the applicant with the certificate provided by the driver training school; and

(D) the State licensing authority to refuse to administer the test if the certificates are not the same.

(c) 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 sub-
mit 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 describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motoreach operators that provide motorcoach driver training, in accordance with the curricular requirements established by the Secretary under subsection (a).

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

(a) Increased Stringency of Examination for Commercial Driver’s License Passenger-Carrying Endorsement.—

(1) Final rule.—Not later than 6 months after the date of the enactment of this Act, the Secretary, after consultation with the American Association of Motor Vehicle Administrators, shall issue a final rule in Docket No. FMCSA 2007–27659: Commercial Driver’s License Testing and Commercial Learner’s Permit Standards that improves the quality and stringency of the examination for the commercial driver’s license passenger-carrying endorsement.
(2) REQUIREMENTS.—The final rule issued under paragraph (1) shall require—

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

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

(b) MODIFICATION OF REQUIREMENTS FOR COMMERCIAL DRIVER’S LICENSE PASSENGER-CARRYING ENDORSEMENT.—The Secretary shall require, by regulation, that any driver who transports not fewer than 9 and not more than 15 passengers (including the driver) in interstate commerce through the operation of a commercial motor vehicle (as defined in section 31301(4) of title 49, United States Code)—

(1) has a commercial driver’s license passenger-carrying endorsement; and

(2) has been tested in accordance with a drug and alcohol testing program that is consistent with part 40 of title 49, Code of Federal Regulations.
SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND COMMERCIAL DRIVER MEDICAL CERTIFICATES.

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

(1) by striking “recommendations on medical standards” and inserting the following: “recommendations concerning—

“(A) medical standards”; and

(2) by striking “medical research.” and inserting the following: “medical research; and

“(B) the criteria to be used for evaluating medical examiners for admission to the national registry established under subsection (d).”.

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

Section 31149(c)(1)(D) of such title is amended to read as follows:

“(D) develop requirements applicable to a medical examiner seeking to be listed in the national registry, including—

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

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

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

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

(c) Medical Examination Form Comparisons.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall prescribe a regulation that requires any medical examiner who performs a medical examination to certify an applicant for a commercial driver’s license under section 391.43 of title 49, Code of Federal Regulations, to submit the form for such examination required under subsection (f) of such section (as in effect on the day before the date of the enactment of this Act) to the appropriate State licensing agency.

(d) State Plan Requirement.—Section 31102(b) of title 49, United States Code, is amended—
(1) in subparagraph (W), by striking “and” at the end;

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

(3) by adding at the end the following:

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

(c) ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.—

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

(A) in subparagraph (E), by striking “and” at the end;

(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 licensing authorities of 10 States to assess the accuracy, validity, and timeliness of physical examination reports and medical certificates submitted by certified medical examiners to such State licensing agencies and the processing of such submissions by the licensing authorities.”.

(2) INTERNAL OVERSIGHT POLICY.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish an oversight policy and process within the Department of Transportation for purposes of carrying out section 31149(e)(1)(G) of title 49, United States Code, as added by paragraph (1)(C).

(B) EFFECTIVE DATE.—Section 31149(e)(1)(G) of title 49, United States Code, as added by paragraph (1)(C), shall take effect on the date on which the oversight policies and processes are established pursuant to subparagraph (A).

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

SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR MOTORCOACHES.

(a) Electronic On-Board Recorders.—

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

(2) Performance requirements.—The regulations prescribed by the Secretary under paragraph (1) shall include performance requirements to ensure that electronic on-board recorders—

(A) accurately record commercial driver hours of service;

(B) allow tracking of driver and vehicle location; and

(C) are tamper resistant.

(3) Effective date.—The regulations prescribed under this subsection shall—

(A) take effect on the date that is 2 years after the date on which the regulation is published as a final rule; and
(B) apply to all motorcoaches described in paragraph (1).

(b) Event Data Recorders.—

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

(2) Standards and Regulations.—Not later than 1 year after completing the evaluation required under paragraph (1), the Secretary shall issue standards and regulations based on the results of such evaluation.

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

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

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

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

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

SEC. 14. DISTRACTED DRIVING.

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

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

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of the Motorcoach Enhanced Safety Act of 2011, the Secretary of Transportation shall prescribe regulations on the use of electronic or wireless devices, including cell phones and other distracting devices,
by an individual employed as the operator of a motorcoach
(as defined in section 2(8) of that Act).

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

“(c) PROHIBITED USE.—Except as provided in sub-
section (d), the Secretary shall prohibit the use of the de-
VICES set forth in subsection (a) in circumstances in which
the Secretary determines that their use interferes with the
driver’s safe operation of a motorcoach.

“(d) PERMITTED USE.—Under the regulations, the
Secretary may permit the use of a device otherwise prohib-
ited under subsection (e) if the Secretary determines that
such use is necessary for the safety of the driver or the
public in emergency circumstances.”.

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

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

SEC. 15. MOTORCOACH RENTAL OR LEASING COMPANIES.

Section 31132(3) of title 49, United States Code, is
amended to read as follows:

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

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

“(ii) offers for rent or lease motor vehicles designed or used to transport more than 15 passengers, including the driver, and from the same location or as part of the same business provides names or contact information of drivers, or holds itself out to the public as a charter bus company; and

“(B) does not include an individual who is an employee of the United States Government, a State, or a political subdivision of a State acting in the course of that individual’s employment as such an employee.”.

SEC. 16. REGULATIONS.

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