

112TH CONGRESS
1ST SESSION

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.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Regulations for improved occupant protection and 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 motorcoach services and of other motorcoach carriers of passengers.
 Sec. 9. Motorcoach driver training.
 Sec. 10. Improved testing for the commercial driver's license passenger endorsement.
 Sec. 11. Improved physical fitness oversight and commercial driver medical certificates.
 Sec. 12. Safety and enforcement technology for motorcoaches.
 Sec. 13. Safety inspection program for commercial motor vehicles of passengers.
 Sec. 14. Distracted driving.
 Sec. 15. Motorcoach rental or leasing companies.
 Sec. 16. Regulations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

16 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**
 17 **TEM.**—The term “direct tire pressure monitoring
 18 system” means a tire pressure monitoring system
 19 (as defined in section 571.138 of title 49, Code of

1 Federal Regulations), that is capable of directly de-
2 tecting when the air pressure level in any tire is sig-
3 nificantly under-inflated and immediately providing
4 the driver a low tire pressure warning as to which
5 specific tire is significantly under-inflated.

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

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

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

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

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

23 (8) MOTORCOACH.—The term “motorcoach”
24 has the meaning given the term “over-the-road bus”
25 in section 3038(a)(3) of the Transportation Equity

1 Act for the 21st Century (Public Law 105–178; 49
2 U.S.C. 5310 note), but does not include—

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

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

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

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

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

22 (12) PROVIDER OF MOTORCOACH SERVICES.—
23 The term “provider of motorcoach services” means
24 a motor carrier that provides passenger transpor-
25 tation services with a motorcoach, including per-trip

1 compensation and contracted or chartered com-
2 pensation.

3 (13) PUBLIC TRANSPORTATION.—The term
4 “public transportation” has the meaning given such
5 term in section 5302(a)(10) of title 49, United
6 States Code.

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

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

12 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**
13 **TION AND MOTORCOACH CRASH AVOIDANCE.**

14 (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not
15 later than 1 year after the date of the enactment of this
16 Act, the Secretary shall prescribe the following regula-
17 tions:

18 (1) SAFETY BELTS.—The Secretary shall re-
19 quire safety belts to be installed in motorcoaches at
20 each designated seating position.

21 (2) ROOF STRENGTH AND CRUSH RESIST-
22 ANCE.—The Secretary shall establish improved roof
23 standards for motorcoaches that substantially im-
24 prove the resistance of motorcoach roofs to deforma-

1 tion and intrusion to prevent serious occupant injury
2 in rollover crashes involving motorcoaches.

3 (3) ANTI-EJECTION SAFETY COUNTER-
4 MEASURES.—The Secretary shall require advanced
5 glazing to be installed in each motorcoach portal to
6 prevent partial or complete ejection of passengers of
7 motorcoaches, including such passengers that are
8 children.

9 (4) ROLLOVER CRASH AVOIDANCE.—The Sec-
10 retary shall require motorcoaches to be equipped
11 with stability enhancing technology, such as elec-
12 tronic stability control, or torque vectoring, to re-
13 duce the number and frequency of rollover crashes
14 among motorcoaches.

15 (5) FIREFIGHTING EQUIPMENT.—The Secretary
16 shall require the installation in motorcoaches of im-
17 proved fire extinguishers or other readily available
18 firefighting equipment for the purpose of effectively
19 extinguishing fires in motorcoaches to prevent pas-
20 senger deaths and injuries.

21 (b) REGULATIONS REQUIRED WITHIN 2 YEARS.—
22 Not later than 2 years after the date of enactment of this
23 Act, the Secretary shall prescribe the following commercial
24 motor vehicle tire regulations:

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

3 (A) IN GENERAL.—The Secretary shall
4 prescribe regulations that require motorcoaches
5 to be equipped with direct tire pressure moni-
6 toring systems that warn the operator of a com-
7 mercial motor vehicle when any tire exhibits a
8 level of air pressure that is below a specified
9 level of air pressure established by the Sec-
10 retary.

11 (B) PERFORMANCE REQUIREMENTS.—The
12 regulations prescribed by the Secretary under
13 this section shall include performance require-
14 ments to ensure that direct tire pressure moni-
15 toring systems are capable of performing—

16 (i) at all times when the ignition lock-
17 ing system is in the “On” position;

18 (ii) at all vehicle speeds;

19 (iii) on all road surfaces;

20 (iv) during all weather conditions; and

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

23 (2) TIRE PERFORMANCE STANDARD.—The Sec-
24 retary shall upgrade performance standards for tires

1 used on motorcoaches, including an enhanced endur-
2 ance test and a new high-speed performance test.

3 (c) APPLICATION OF REGULATIONS.—

4 (1) NEW MOTORCOACHES.—Any regulation pre-
5 scribed pursuant to subsection (a) or (b) shall apply
6 to all motorcoaches that are manufactured more
7 than 2 years after the date on which the regulation
8 is published as a final rule.

9 (2) RETROFIT REQUIREMENTS FOR EXISTING
10 MOTORCOACHES.—The Secretary may, by regula-
11 tion, provide for the application of any requirement
12 established under this section to motorcoaches man-
13 ufactured before the date on which the requirement
14 applies to new motorcoaches under paragraph (1)
15 based on an assessment of the feasibility, benefits,
16 and costs of retrofitting the older motorcoaches. The
17 Secretary shall complete an assessment with respect
18 to safety belt retrofits not later than 2 years after
19 the date of the enactment of this Act.

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

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

24 (1) FLAMMABILITY STANDARD FOR EXTERIOR
25 COMPONENTS.—The Secretary shall examine the

1 feasibility of establishing requirements for fire hard-
2 ening or fire resistance of motorcoach exterior com-
3 ponents to prevent fire and smoke inhalation injuries
4 to occupants.

5 (2) SMOKE SUPPRESSION.—The Secretary shall
6 review Federal motor vehicle safety standard num-
7 ber 302 (49 CFR 571.302; relating to flammability
8 of interior materials) to consider more realistic tests
9 to improve the resistance of motorcoach interiors
10 and components to burning, prevent inhalation by
11 passengers of toxic smoke and vapors, and permit
12 sufficient time for the safe evacuation of passengers
13 from motorcoaches.

14 (3) PREVENTION OF, AND RESISTANCE TO,
15 WHEEL WELL FIRES.—The Secretary shall assess
16 technologies to prevent and mitigate the propagation
17 of wheel well fires into the passenger compartment
18 and substantially reduce occupant deaths and inju-
19 ries from such fires.

20 (4) PASSENGER EVACUATION.—The Secretary
21 shall evaluate requirements for motorcoaches to be
22 equipped with the following:

23 (A) IMPROVED EMERGENCY EVACUATION
24 DESIGNS.—Improved emergency exit window,
25 door, roof hatch, and wheelchair lift door de-

1 signs to expedite access and use by passengers
2 of motorcoaches under all emergency cir-
3 cumstances, including crashes and fires.

4 (B) EMERGENCY INTERIOR LIGHTING.—
5 Emergency interior lighting systems, including
6 luminescent or retroreflectorized delineation of
7 evacuation paths and exits, that are triggered
8 by a crash or other emergency incidents to ac-
9 complish more rapid and effective evacuation of
10 passengers.

11 (5) AUTOMATIC FIRE SUPPRESSION.—The Sec-
12 retary shall evaluate requirements for motorcoaches
13 to be equipped with highly effective fire suppression
14 systems that automatically respond to and suppress
15 all fires in such motorcoaches.

16 (b) PERFORMANCE REQUIREMENTS.—Not later than
17 3 years after the date of the enactment of this Act, the
18 Secretary shall issue performance requirements for im-
19 proved fire safety and passenger evacuation based on the
20 results of the evaluations conducted under subsection (a).

21 **SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOID-**
22 **ANCE RESEARCH.**

23 (a) SAFETY RESEARCH INITIATIVES.—Not later than
24 2 years after the date of the enactment of this Act, the
25 Secretary shall complete research on the following:

1 (1) COMPARTMENTALIZATION SAFETY COUN-
2 TERMEASURES.—Enhanced compartmentalization
3 safety countermeasures for motorcoaches, including
4 enhanced seating designs, to reduce substantially the
5 risk of passengers being thrown from their seats and
6 colliding with other passengers, interior surfaces,
7 and components in the event of a crash involving a
8 motorcoach.

9 (2) INTERIOR IMPACT PROTECTION.—Enhanced
10 occupant impact protection standards for motor-
11 coach interiors to reduce substantially serious inju-
12 ries for all passengers of motorcoaches.

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

16 (b) STANDARDS AND REGULATIONS.—Not later than
17 2 years after the completion of each research initiative re-
18 quired under subsection (a), the Secretary shall prescribe
19 a standard or regulation based on the results of that re-
20 search.

21 **SEC. 6. NEW ENTRANTS.**

22 (a) REGISTRATION REQUIREMENTS.—Section
23 13902(b) of title 49, United States Code, is amended—

24 (1) by redesignating paragraphs (1) through
25 (8) as paragraphs (2) through (9), respectively; and

1 (2) by inserting before paragraph (2), as redese-
2 gnated, the following:

3 “(1) ADDITIONAL REGISTRATION REQUIRE-
4 MENTS FOR PROVIDERS OR MOTORCOACH SERV-
5 ICES.—In addition to meeting the requirements
6 under subsection (a)(1), the Secretary may register
7 a person to provide motorcoach services only after
8 that person—

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

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

16 “(ii) the carrier’s system of compli-
17 ance with hours-of-service rules, including
18 hours-of-service records;

19 “(iii) the ability to obtain required in-
20 surance;

21 “(iv) driver qualifications, including
22 the validity of the commercial driver’s li-
23 cense of each driver who will be operating
24 under such authority;

1 “(v) disclosure of common ownership,
2 common control, common management,
3 common familial relationship, or other cor-
4 porate relationship with another motor car-
5 rier or applicant for motor carrier author-
6 ity during the most recent 3 years;

7 “(vi) records of the State inspections,
8 or of a Level I or Level V Commercial Ve-
9 hicle Safety Alliance Inspection, for all ve-
10 hicles that will be operated by the carrier;

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

14 “(viii) the ability to comply with the
15 Americans with Disabilities Act of 1990
16 (42 U.S.C. 12101 et seq.) and the Over-
17 the-Road Bus Transportation Accessibility
18 Act of 2007 (49 U.S.C. 10101 note);

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

22 “(C) has demonstrated, through the suc-
23 cessful completion of a written examination de-
24 veloped by the Secretary, proficiency to comply

1 with and carry out the requirements and regu-
2 lations described in subsection (a)(1).”.

3 (b) SAFETY REVIEWS OF NEW OPERATORS.—Section
4 31144(g)(1) of title 49, United States Code, is amended
5 to read as follows:

6 “(1) SAFETY REVIEW.—

7 “(A) IN GENERAL.—The Secretary shall
8 require, by regulation, each owner and each op-
9 erator granted new registration under section
10 13902 to undergo a safety review not later than
11 18 months after the date on which the owner
12 or operator, as the case may be, begins oper-
13 ations under such registration.

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

20 “(2) PRE-AUTHORIZATION SAFETY AUDIT.—

21 The pre-authorization safety audit required under
22 paragraph (1)(A) shall be completed on-site not later
23 than 90 days after the submission of an application
24 for operating authority.”.

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

4 **SEC. 7. REINCARNATED MOTOR CARRIERS.**

5 (a) DENIAL, SUSPENSION, AMENDMENT, OR REV-
 6 OCATION OF REGISTRATION.—Section 13905(d) of title
 7 49, United States Code, is amended—

8 (1) in paragraph (1)—

9 (A) by striking “On application” and in-
 10 sserting the following:

11 “(A) REGISTRANT APPLICATION.—On ap-
 12 plication”;

13 (B) by striking “On complaint” and insert-
 14 ing the following:

15 “(B) COMPLAINT.—On complaint”;

16 (C) by striking “the Secretary may (A)
 17 suspend,” and inserting the following: “the Sec-
 18 retary may—

19 “(i) suspend”;

20 (D) by striking “registration; and (B) sus-
 21 pend” and inserting the following “registration;

22 “(ii) suspend”;

23 (E) by striking “freight forwarder: (i) for
 24 failure” and inserting the following: “freight
 25 forwarder for—

1 “(I) failure”;

2 (F) by striking “title; or (ii) for failure”

3 and inserting the following: “title; or—

4 “(II) failure”; and

5 (G) by striking “penalty. Subparagraph

6 (B) shall not apply” and inserting the following:

7 “penalty; and

8 “(iii) deny, suspend, amend, or revoke

9 all or part of a registration of a motor car-

10 rier following a determination by the Sec-

11 retary that the motor carrier failed to dis-

12 close in its application for registration a

13 material fact relevant to its willingness and

14 ability to comply with—

15 “(I) this part;

16 “(II) an applicable regulation or

17 order of the Secretary or the Board;

18 or

19 “(III) a condition of its registra-

20 tion.

21 “(C) EXCEPTION.—Subparagraph (B)(ii)

22 shall not apply”; and

23 (2) in paragraph (2), by striking “paragraph

24 (1)(B)” and inserting “paragraph (1)(B)(ii)”.

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

6 (c) DUTIES OF EMPLOYERS AND EMPLOYEES.—Sec-
7 tion 31135 of such title is amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) AVOIDING COMPLIANCE.—

13 “(1) PROHIBITED ACTIONS.—Two or more em-
14 ployers may not use common ownership, common
15 management, common control, or common familial
16 relationship to enable any or all such employers to
17 avoid compliance, or mask or otherwise conceal non-
18 compliance, or a history of noncompliance, with com-
19 mercial motor vehicle safety regulations issued under
20 this subchapter, chapter 315, or an order of the Sec-
21 retary issued under this subchapter, chapter 315, or
22 such regulations.

23 “(2) CIVIL PENALTIES.—If the Secretary deter-
24 mines that an employer has engaged in any of the

1 prohibited actions described in paragraph (1), the
2 Secretary shall—

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

6 “(B) take into account such noncompliance
7 for purposes of determining the amount of the
8 civil penalty to be assessed under section
9 521(b)(2)(D).”.

10 **SEC. 8. IMPROVED OVERSIGHT OF PROVIDERS OF MOTOR-**
11 **COACH SERVICES AND OTHER MOTORCOACH**
12 **CARRIERS OF PASSENGERS.**

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

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

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

21 “(A) determine the safety fitness of each
22 provider of motorcoach services registered with
23 the Federal Motor Carrier Safety Administra-
24 tion; and

1 “(B) assign a safety fitness rating to each
2 such provider.

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

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

15 “(4) PERIODIC UPDATE OF SAFETY FITNESS
16 RATING.—As part of the safety review required by
17 this subsection, the Secretary shall reassess such
18 rating not less frequently than every 3 years.

19 “(5) PROVIDER OF MOTORCOACH SERVICES DE-
20 FINED.—In this subsection, the term ‘provider of
21 motorcoach services’ has the meaning given such
22 term in section 2 of the Motorcoach Enhanced Safe-
23 ty Act of 2011.”.

24 (b) REVISION OF SAFETY FITNESS RATING METH-
25 ODOLOGY.—Not later than 1 year after the date of the

1 enactment of this Act, the Secretary shall revise the safety
2 fitness rating methodology of the Department of Trans-
3 portation established pursuant to section 31144 of title
4 49, United States Code, to meet the goals of the safety
5 recommendation H-99-6 of the National Transportation
6 Safety Board, issued on February 26, 1999.

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

14 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

15 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

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

1 (2) CURRICULAR REQUIREMENTS.—The cur-
2 ricular requirements under paragraph (1) shall in-
3 clude—

4 (A) classroom and behind-the-wheel in-
5 struction that is adequate for training entry-
6 level drivers of motorcoaches and drivers up-
7 grading from 1 class of commercial driver’s li-
8 cense to another class to safely operate
9 motorcoaches and respond effectively to emer-
10 gency situations; and

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

15 (i) to suppress motorcoach fires; and

16 (ii) to evacuate passengers from

17 motorcoaches safely.

18 (b) TRAINING REQUIRED.—

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

1 (2) CERTIFICATE REQUIRED.—The Secretary
2 shall require that—

3 (A) each trainer of a driver seeking a com-
4 mercial driver’s license passenger endorsement
5 to issue a certificate to the trainee and the ap-
6 propriate State licensing authority certifying
7 that the trainee has completed a motorcoach
8 driver training course that includes the cur-
9 ricular requirements established under sub-
10 section (a);

11 (B) each driver seeking to take the test for
12 the commercial driver’s license passenger en-
13 dorsement to present the certificate to a State
14 licensing authority;

15 (C) the State licensing authority to com-
16 pare the certificate presented by the applicant
17 with the certificate provided by the driver train-
18 ing school; and

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

22 (c) REPORT ON FEASIBILITY, BENEFITS, AND COSTS
23 OF ESTABLISHING A SYSTEM OF CERTIFICATION OF
24 TRAINING PROGRAMS.—Not later than 2 years after the
25 date of the enactment of this Act, the Secretary shall sub-

1 mit a report to the Committee on Commerce, Science, and
 2 Transportation of the Senate and the Committee on En-
 3 ergy and Commerce of the House of Representatives that
 4 describes the feasibility, benefits, and costs of establishing
 5 a system of certification of public and private schools and
 6 of motor carriers and motorcoach operators that provide
 7 motorcoach driver training, in accordance with the cur-
 8 ricular requirements established by the Secretary under
 9 subsection (a).

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

12 (a) INCREASED STRINGENCY OF EXAMINATION FOR
 13 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
 14 ENDORSEMENT.—

15 (1) FINAL RULE.—Not later than 6 months
 16 after the date of the enactment of this Act, the Sec-
 17 retary, after consultation with the American Associa-
 18 tion of Motor Vehicle Administrators, shall issue a
 19 final rule in Docket No. FMCSA 2007–27659: Com-
 20 mercial Driver's License Testing and Commercial
 21 Learner's Permit Standards that improves the qual-
 22 ity and stringency of the examination for the com-
 23 mercial driver's license passenger-carrying endorse-
 24 ment.

1 (2) REQUIREMENTS.—The final rule issued
2 under paragraph (1) shall require—

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

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

12 (b) MODIFICATION OF REQUIREMENTS FOR COM-
13 Mercial Driver's License Passenger-Carrying En-
14 DORSEMENT.—The Secretary shall require, by regulation,
15 that any driver who transports not fewer than 9 and not
16 more than 15 passengers (including the driver) in inter-
17 state commerce through the operation of a commercial
18 motor vehicle (as defined in section 31301(4) of title 49,
19 United States Code)—

20 (1) has a commercial driver's license passenger-
21 carrying endorsement; and

22 (2) has been tested in accordance with a drug
23 and alcohol testing program that is consistent with
24 part 40 of title 49, Code of Federal Regulations.

1 **SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
2 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
3 **CATES.**

4 (a) **MEDICAL REVIEW BOARD FUNCTIONS.**—Section
5 31149(a)(1) of title 49, United States Code, is amended—

6 (1) by striking “recommendations on medical
7 standards” and inserting the following: “rec-
8 ommendations concerning—

9 “(A) medical standards”; and

10 (2) by striking “medical research.” and insert-
11 ing the following: “medical research; and

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

15 (b) **EXAMINATION REQUIREMENTS FOR LISTING IN**
16 **THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—
17 Section 31149(c)(1)(D) of such title is amended to read
18 as follows:

19 “(D) develop requirements applicable to a
20 medical examiner seeking to be listed in the na-
21 tional registry, including—

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

25 “(ii) a rigorous written examination
26 for which a passing grade must be

1 achieved to be listed in the national reg-
2 istry;

3 “(iii) certification (including self-cer-
4 tification), as appropriate, to verify that
5 the medical examiner has completed train-
6 ing, including refresher courses, that the
7 Secretary determines are necessary to be
8 listed in the national registry; and

9 “(iv) demonstration of the willingness
10 and ability of a medical examiner to com-
11 ply with any reporting requirements estab-
12 lished by the Secretary;”.

13 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
14 Not later than 18 months after the date of the enactment
15 of this Act, the Secretary shall prescribe a regulation that
16 requires any medical examiner who performs a medical ex-
17 amination to certify an applicant for a commercial driver’s
18 license under section 391.43 of title 49, Code of Federal
19 Regulations, to submit the form for such examination re-
20 quired under subsection (f) of such section (as in effect
21 on the day before the date of the enactment of this Act)
22 to the appropriate State licensing agency.

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

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

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

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

6 “(Y) requires State licensing authorities to
7 compare the forms they receive pursuant to the
8 regulation prescribed under section 11(c) of the
9 Motorcoach Enhanced Safety Act of 2011 with
10 the medical examiner’s certificate required
11 under section 391.43(g) of title 49, Code of
12 Federal Regulations (as in effect on the day be-
13 fore the date of the enactment of that Act), to
14 determine the accuracy and validity of the in-
15 formation contained in such forms and certifi-
16 cates.”.

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

19 (1) IN GENERAL.—Section 31149(c)(1) of title
20 49, United States Code, is amended—

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

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

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

1 “(G) annually review the licensing authori-
2 ties of 10 States to assess the accuracy, valid-
3 ity, and timeliness of physical examination re-
4 ports and medical certificates submitted by cer-
5 tified medical examiners to such State licensing
6 agencies and the processing of such submissions
7 by the licensing authorities.”.

8 (2) INTERNAL OVERSIGHT POLICY.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of the enactment of this Act, the
11 Secretary shall establish an oversight policy and
12 process within the Department of Transpor-
13 tation for purposes of carrying out section
14 31149(c)(1)(G) of title 49, United States Code,
15 as added by paragraph (1)(C).

16 (B) EFFECTIVE DATE.—Section
17 31149(c)(1)(G) of title 49, United States Code,
18 as added by paragraph (1)(C), shall take effect
19 on the date on which the oversight policies and
20 processes are established pursuant to subpara-
21 graph (A).

22 (f) DEADLINE FOR ESTABLISHMENT OF NATIONAL
23 REGISTRY OF MEDICAL EXAMINERS.—Not later than 6
24 months after the date of the enactment of this Act, the
25 Secretary shall establish a national registry of medical ex-

1 ainers as required under section 31149(d)(1) of title 49,
2 United States Code.

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

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

6 (1) **IN GENERAL.**—Not later than 1 year after
7 the date of the enactment of this Act, the Secretary
8 shall prescribe regulations requiring that all
9 motorcoaches used by any motor carrier in interstate
10 commerce be equipped with electronic on-board re-
11 corders.

12 (2) **PERFORMANCE REQUIREMENTS.**—The regu-
13 lations prescribed by the Secretary under paragraph
14 (1) shall include performance requirements to ensure
15 that electronic on-board recorders—

16 (A) accurately record commercial driver
17 hours of service;

18 (B) allow tracking of driver and vehicle lo-
19 cation; and

20 (C) are tamper resistant.

21 (3) **EFFECTIVE DATE.**—The regulations pre-
22 scribed under this subsection shall—

23 (A) take effect on the date that is 2 years
24 after the date on which the regulation is pub-
25 lished as a final rule; and

1 (B) apply to all motorcoaches described in
2 paragraph (1).

3 (b) EVENT DATA RECORDERS.—

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

15 (2) STANDARDS AND REGULATIONS.—Not later
16 than 1 year after completing the evaluation required
17 under paragraph (1), the Secretary shall issue
18 standards and regulations based on the results of
19 such evaluation.

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

22 Not later than 3 years after the date of the enact-
23 ment of this Act, the Secretary shall complete a rule-
24 making proceeding to consider requiring States to conduct

1 annual inspections of commercial motor vehicles designed
2 or used to transport passengers, including—

3 (1) an assessment of the risks associated with
4 improperly maintained or inspected commercial
5 motor vehicles designed or used to transport pas-
6 sengers;

7 (2) an assessment of the effectiveness of cur-
8 rent Federal standards for the inspection of such ve-
9 hicles in mitigating the risks described in paragraph
10 (1) and to ensure the safe and proper operation con-
11 dition of such vehicles; and

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

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

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

18 **“§ 31152. Regulation of the use of distracting devices**
19 **in motorcoaches**

20 “(a) IN GENERAL.—Not later than 1 year after the
21 date of the enactment of the Motorcoach Enhanced Safety
22 Act of 2011, the Secretary of Transportation shall pre-
23 scribe regulations on the use of electronic or wireless de-
24 vices, including cell phones and other distracting devices,

1 by an individual employed as the operator of a motorcoach
 2 (as defined in section 2(8) of that Act).

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

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

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

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

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

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

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

24 “(3) ‘employer’—

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

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

7 “(ii) offers for rent or lease motor ve-
8 hicles designed or used to transport more
9 than 15 passengers, including the driver,
10 and from the same location or as part of
11 the same business provides names or con-
12 tact information of drivers, or holds itself
13 out to the public as a charter bus com-
14 pany; and

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

20 **SEC. 16. REGULATIONS.**

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

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