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, Mrs. Hutchison, Mr. Schumer, Mrs. Gillibrand, Mr. Lautenberg, Mr. Blumenthal, Mr. Rockefeller, and Mr. Webb) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 9, 2011

Reported by Mr. Rockefeller, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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”.

Calendar No. 227

S. 453

[Report No. 112–93]
(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 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.

SEC. 2. DEFINITIONS.

In this Act:

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

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

(3) **COMMERCIAL MOTOR VEHICLE.**—Except as otherwise specified, the term “commercial motor ve-
(4) Direct Tire Pressure Monitoring System.—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 detecting when the air pressure level in any tire is significantly 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 electronic device that acquires and stores data showing the record of duty status of the vehicle operator and performs the functions required of an automatic on-board recording device in section 395.15(b) of title 49, Code of Federal Regulations.

(6) Event Data Recorder.—The term "event data recorder" has the meaning given that term in section 563.5 of title 49; Code of Federal Regulations.

(7) Motor Carrier.—The term "motor carrier" means—
(A) a motor carrier (as defined in section 13102(14) of title 49, United States Code); or
(B) a motor private carrier (as defined in section 13102(15) of such title).

(8) MOTORCOACH.—The term "motorcoach" 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 compensation.

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

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

(B) Emergency interior lighting.—Emergency interior lighting systems, including luminescent or 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 im-
proved 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 redesig-

ated, the following:

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“(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—
"(I) failure;

(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 carrier following a determination by the Secretary that the motor carrier failed to disclose 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;
(III) a condition of its registration.

(C) Exception.—Subparagraph (B)(ii) shall not apply; and

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

(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 noncompliance, or a history of noncompliance, with commercial motor vehicle safety regulations issued under
this subchapter, chapter 315, or an order of the Secretary issued under this subchapter, chapter 315, or such regulations:

"(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 Transportation established pursuant to section 31144 of title 49, United States Code, to meet the goals of the safety recommendation H–99–6 of the National Transportation Safety Board, issued 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 Secretary shall establish, by regulation, minimum curricular 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 cur-
ricular requirements under paragraph (1) shall in-
clude—

(A) classroom and behind-the-wheel in-
struction that is adequate for training entry-
level drivers of motorcoaches and drivers up-
grading from class of commercial driver’s li-
cense to another class to safely operate
motorcoaches and respond effectively to emer-
gency 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 driv-
er’s license passenger endorsement to undergo a
training program that includes the minimum cur-
ricular 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.
(e) Report on Feasibility, Benefits, and Costs of Establishing a System of Certification of Training Programs.—Not later than 2 years after the date of 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 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 motorcoach 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 qual-
ity and stringency of the examination for the com-
mercial driver's license passenger-carrying endorse-
ment.

(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 vehi-

cle 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 Com-
mercial Driver's License Passenger-Carrying En-
donsement.—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 inter-
state 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: “recom-

mendations concerning—

“(A) medical standards”; and

(2) by striking “medical research.” and insert-

ing 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(e)(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 na-
tional 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”;

(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(e) 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.”.

(e) 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 subpara-
graph (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 re-
corders.

(2) Performance requirements.—The regu-
lations 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 lo-
cation; 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 accident data analysis, the results of ongoing research, and other information, as appropriate.

"(c) Prohibited Use.—Except as provided in subsection (d), the Secretary shall prohibit the use of the devices 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 prohibited under subsection (c) 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 contents 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.

SECTION 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 collision avoidance.
Sec. 4. Standards for improved fire safety.
Sec. 5. Occupant protection and collision avoidance research.
Sec. 6. New entrants.
Sec. 7. Reincarnated carriers.
Sec. 8. Improved oversight of motorcoach service providers.
Sec. 9. Motorcoach driver training.
Sec. 10. Improved testing for the commercial driver’s license passenger endorsement.
Sec. 11. Improved physical fitness oversight and commercial driver medical certificates.
Sec. 12. Safety and enforcement technology for motorcoaches.
Sec. 13. Safety inspection program for commercial motor vehicles of passengers.
Sec. 14. Distracted driving.
Sec. 15. Motorcoach rental or leasing companies.
Sec. 16. Registration of brokers for motor carriers of passengers.
Sec. 17. Regulations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCED GLAZING.—The term “advanced glazing” means glazing installed in a portal on the side or the roof of a motorcoach that is designed to be highly resistant to partial or complete occupant ejection in all types of motor vehicle crashes.
(2) **Bus.**—The term “bus” has the meaning given such term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

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

(4) **Direct tire pressure monitoring system.**—The term “direct tire pressure monitoring system” means a tire pressure monitoring system that is capable of directly detecting when the air pressure level in any tire is significantly 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 such title).

(8) MOTORCOACH.—The term “motorcoach” means—

(A) a bus with—

(i) a gross vehicle weight rating of 26,000 pounds or greater;

(ii) 16 or more designated seating positions (including the driver); and

(iii) at least 2 rows of passenger seats rearward of the driver’s seating position that are forward-facing or can be converted to forward-facing without the use of tools; and

(B) does not include—

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

(ii) a school bus, including a multi-function school activity bus.
(9) **MOTORCOACH SERVICES.**—The term “motorcoach services” means passenger transportation by motorcoach for compensation.

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

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

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

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

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

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

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

(b) **Regulations Required Within 18 Months.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall prescribe regulations—
(1) establishing improved roof standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches; and

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

(c) Regulations Required Within 2 Years.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe the following commercial motor vehicle regulations:

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

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

(A) 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 paragraph shall include performance requirements to ensure that direct tire pressure monitoring systems are capable of—

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

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

(iii) operating at different vehicle speeds.

(3) Tire Performance Standard.—The Secretary shall upgrade performance standards for tires used on motorcoaches by conducting an enhanced endurance test and a new high-speed performance test.

(d) Application of Regulations.—

(1) New Motorcoaches.—A regulation prescribed in accordance with subsection (a), (b), or (c) shall apply to all motorcoaches manufactured more than 2 years after the date on which the regulation is published as a final rule.
(2) Retrofit 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 such motorcoaches. The Secretary shall complete such assessment with respect to safety belt retrofits no 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 conduct 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 C.F.R. 571.302; relating to flammability of interior materials) to consider more realistic tests to
improve the resistance of motorcoach interiors and components to burning and permit sufficient time for the safe evacuation of passengers from motorcoaches.

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

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

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

(B) Emergency Interior Lighting.—Emergency interior lighting systems, including luminescent or retroreflectORIZED delineation of evacuation paths and exits, which 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 re-
quired under subsection (a), the Secretary shall issue a
standard or regulation based on the results of such 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 (5) through (12), respectively; and

(2) by inserting before paragraph (5), as redesig-
nated, the following:

“(1) ADDITIONAL REGISTRATION REQUIREMENTS
FOR PROVIDERS OR MOTORCOACH SERVICES.—In ad-
dition to meeting the requirements under subsection
(a)(1), the Secretary may not register a person to
provide motorcoach services until after such person—

“(A) undergoes a preauthorization safety
audit, including verification, in a manner suffi-
cient 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 (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) 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) of title 49, United States Code, is amended by inserting “transporting property” after “each operator”.

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

SEC. 7. REINCARNATED CARRIERS.

(a) REGISTRATION REQUIREMENTS.—Section 13902(b) of title 49, United States Code, as amended by section 6(a), by inserting after paragraph (3), as added by section 6(a), the following:

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

(b) DENIAL, SUSPENSION, AMENDMENT, OR REVOCATION OF REGISTRATION.—Section 13905(d) of such title is amended—

(1) in paragraph (1)—
(A) by striking “may (A) suspend” and inserting the following: "may—

“(A) suspend”;

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

“(B) suspend”;

(C) by striking “forwarder: (i) for failure to pay” and inserting the following: "forwarder for failure—

“(i) to pay”;

(D) by striking “title; or (ii) for failure to arrange” and inserting the following: "title; or

“(ii) to arrange”;

(E) by striking “penalty.” and inserting the following: "penalty; and

“(C) deny, suspend, amend, or revoke all or part of a registration of a motor carrier following a determination by the Secretary that the motor carrier failed to disclose 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 registration.”;

and

(F) by striking the last sentence; and

(2) by amending paragraph (2) to read as follows:

“(2) Not later than 12 months after the date of
the enactment of the Motorcoach Enhanced Safety Act
of 2011, the Secretary, after notice and opportunity
for comment, shall issue regulations that—

“(A) provide for the denial, suspension,
amendment, or revocation of a registration pur-
suant to paragraph (1)(C); and

“(B) exempt the application of paragraph
(1)(B) to any person who is unable to pay a
civil penalty because such person is a debtor in
a case under chapter 11 of title 11.”.

(c) PROCEDURE.—Section 13905(e) of such title is
amended—

(1) by redesignating paragraph (2) as subpara-
graph (B);

(2) in paragraph (1), by striking “(1) the Sec-
retary” and inserting the following:

“(2)(A) the Secretary”; and

(3) by inserting before paragraph (2), as redesig-
nated, the following:
“(1) the Secretary determines that the registrant has failed to disclose a material fact in its application for registration in accordance with subsection (d)(1)(C); or”.

(d) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of such title is amended—

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

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

“(d) AVOIDING COMPLIANCE.—

“(1) PROHIBITED ACTIONS.—Two or more employers shall not use common ownership, common management, common control, or common familial relationship to enable any or all such employers to avoid compliance, or mask or otherwise conceal 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) EFFECT OF VIOLATION.—If the Secretary determines that an employer has engaged in any action prohibited under paragraph (1), the Secretary shall—
“(A) deny, suspend, amend, or revoke all or part of such employer’s registration under section 13905; and

“(B) take into account such noncompliance for purposes of determining the amount of the civil to which the employer is liable under section 521(b)(2)(D).”.

SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

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

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

“(1) SAFETY REVIEW.—

“(A) IN GENERAL.—The Secretary shall—

“(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 the 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 the enactment of such 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 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 Transportation established pursuant to section 31144 of title 49, United States Code, to meet the goals of the safety recommendation H–99–6 of the National Transportation Safety Board, which was issued on February 26, 1999.

(c) **High risk carrier compliance reviews.**—Section 4138 of SAFETEA–LU (49 U.S.C. 31144 note) is amended by striking “is rated as category A or B for 2 consecutive months.” and inserting “meets the Safety Measurement System criteria for being a high risk motor carrier for 2 consecutive months.”.

**Sec. 9. Motorcoach driver training.**

(a) **Establishment of training curriculum.**—

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

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

(A) classroom and behind-the-wheel instruc-
tion that is adequate for training entry-level
drivers of motorcoaches and drivers upgrading
from 1 class of commercial driver’s license to an-
other class to safely operate motorcoaches and re-
pond effectively to emergency situations; and

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

(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 re-
quirements established under subsection (a) before taking a test for a commercial driver’s license passenger endorsement.

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

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

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

(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 submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transpor-
tion 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 in accordance with the curricular requirements established by the Secretary under subsection (a).

(d) Nonpreemption of State Programs.—The minimum curricular requirements required under this section shall not preempt any State or local law or regulation imposing additional or more stringent requirements unless the Secretary determines that—

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

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

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

(a) Increased Stringency of Examination for Commercial Driver’s License Passenger-carrying Endorsement.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in 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—

(1) improves the quality and stringency of the examination for the commercial driver’s license passenger-carrying endorsement;

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

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

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

(2) be tested in accordance with a drug and alcohol testing program under 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 on—

“(A) medical standards”; and

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

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

(b) Examination Requirements for Listing in the National Registry of Medical Examiners.—Section 31149(c)(1)(D) of title 49, United States Code, is amended to read as follows:
“(D) develop requirements applicable to a medical examiner seeking to be listed in the national registry, including—

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

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

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

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

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

(d) STATE PLAN REQUIREMENT.—Section 31102(b)(1) of title 49, United States Code, is amended—

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

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

“(Y) requires State licensing authorities to compare the forms they receive pursuant to 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 enactment of that Act), to determine the accuracy and validity of the information contained in such forms and certificates.”.

(e) 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; and
(B) in subparagraph (F), by striking the period at the end and inserting the following: "; and

“(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 the requirement under section 31149(c)(1)(G) of title 49, United States Code, as added by paragraph (1).

(B) EFFECTIVE DATE.—The requirement under section 31149(c)(1)(G) of title 49, United States Code, 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 examiners in accordance with section 31149(d)(1) of title 49, United States Code.

SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR MOTORCOACHES.

(a) Electronic On-board Recorders.—

(1) In general.—

(A) Rulemaking.—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 a motor carrier in interstate commerce be equipped with electronic on-board recorders.

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

(i) accurately record commercial driver hours of service;

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

(iii) are tamper resistant.
(2) **APPLICABILITY.**—The regulations prescribed under paragraph (1) shall apply to all motorcoaches described in such paragraph beginning on the date that is 2 years after the date on which the regulation is published as a final rule.

(b) **EVENT DATA RECORDERS.**—

(1) **EVALUATION.**—Not later than 1 year after the date of the enactment of this Act, the Secretary, after considering the performance requirements for event data recorders 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.

(2) **STANDARDS AND REGULATIONS.**—Not later than 2 years after completing the evaluation required under paragraph (1), the Secretary shall issue standards and regulations based on the results of that evaluation.
SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.

Not later than 3 years after the date of the 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. 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 such 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 the driver’s safe operation of a motorcoach.

“(d) PERMITTED USE.—The Secretary may permit the use of a device that is otherwise prohibited under subsection (c) 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 contents 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, arranges for a driver of the rented or leased passenger-carrying motor vehicle, or holds itself out to the public as a provider of transportation services; 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. REGISTRATION OF BROKERS FOR MOTOR CARRIERS OF PASSENGERS.

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

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

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

(2) by striking paragraph (14); and

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

SEC. 17. REGULATIONS.

Any standard or regulation prescribed or modified pursuant to this Act shall be prescribed or modified in accordance with section 553 of title 5, United States Code.
To improve the safety of motorcoaches, and for other purposes.

A BILL

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