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H. R. 2679

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 1999

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

(a) SHORT TITLE.—This Act may be cited as the
“Motor Carrier Safety Act of 1999”.

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- Sec. 220. Use of recording devices in commercial motor vehicles.
- Sec. 221. Passenger van safety.

8 Congress makes the following findings:

1 (1) The current rate, number, and severity of
2 crashes involving motor carriers in the United States
3 are unacceptable.

4 (2) The number of Federal and State commer-
5 cial motor vehicle and operator inspections is too low
6 and the number and size of civil penalties for viola-
7 tors must be sufficient to establish a credible deter-
8 rent to future violations.

9 (3) The Department of Transportation takes
10 too long to complete statutorily mandated rule-
11 making proceedings on motor carrier safety and, in
12 some significant safety rulemaking proceedings, in-
13 cluding driver hours-of-service regulations, extensive
14 periods have elapsed without progress toward resolu-
15 tion or implementation.

16 (4) Too few motor carriers undergo compliance
17 reviews and the Department's data bases and infor-
18 mation systems require substantial improvement to
19 enhance the Department's ability to target inspec-
20 tion and enforcement resources toward the most se-
21 rious safety problems and to improve States' ability
22 to keep dangerous drivers off the roads.

23 (5) There needs to be a substantial increase in
24 appropriate facilities and personnel in international
25 border areas to ensure that commercial motor vehi-

1 cles, drivers, and carriers comply with United States
2 safety standards.

3 (6) The Department should rigorously avoid
4 conflicts of interest in research awards in Federally
5 funded research.

6 (7) Unless meaningful measures to improve
7 safety are implemented expeditiously, projected in-
8 creases in vehicle-miles traveled will raise the num-
9 ber of crashes, injuries, and fatalities even higher.

10 (8) Wisely used additional funding and per-
11 sonnel are essential to the Department's ability to
12 improve its research, rulemaking, oversight, and en-
13 forcement activities related to commercial motor ve-
14 hicles, operators, and carriers.

15 **SEC. 3. PURPOSES.**

16 The purposes of this Act are—

17 (1) to improve the administration of the Fed-
18 eral motor carrier safety program and to establish a
19 National Motor Carrier Safety Administration in the
20 Department of Transportation; and

21 (2) to reduce the number and severity of large-
22 truck involved crashes through more commercial
23 motor vehicle and operator inspections and motor
24 carrier compliance reviews, stronger enforcement
25 measures against violators, expedited completion of

1 rulemaking proceedings, scientifically sound re-
2 search, and effective commercial driver's license test-
3 ing, recordkeeping and sanctions.

4 **TITLE I—NATIONAL MOTOR CAR-**
5 **RIER SAFETY ADMINISTRA-**
6 **TION**

7 **SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER**
8 **SAFETY ADMINISTRATION.**

9 (a) IN GENERAL.—Chapter 1 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 113. National Motor Carrier Safety Administration**

13 “(a) IN GENERAL.—The National Motor Carrier
14 Safety Administration shall be an administration of the
15 Department of Transportation.

16 “(b) SAFETY AS HIGHEST PRIORITY.—In carrying
17 out its duties, the Administration shall consider the as-
18 signment and maintenance of safety as the highest pri-
19 ority, recognizing the clear intent, encouragement, and
20 dedication of Congress to the furtherance of the highest
21 degree of safety in motor carrier transportation.

22 “(c) ADMINISTRATOR.—The head of the Administra-
23 tion shall be the Administrator who shall be appointed by
24 the President, by and with the advice and consent of the

1 Senate. The Administrator shall report directly to the Sec-
2 retary of Transportation.

3 “(d) DEPUTY ADMINISTRATOR.—The Administration
4 shall have a Deputy Administrator appointed by the Sec-
5 retary, with the approval of the President. The Deputy
6 Administrator shall carry out duties and powers pre-
7 scribed by the Administrator.

8 “(e) CHIEF SAFETY OFFICER.—The Administration
9 shall have an Assistant National Motor Carrier Safety Ad-
10 ministrator appointed in the competitive service by the
11 Secretary, with the approval of the President. The Assist-
12 ant Administrator shall be the Chief Safety Officer of the
13 Administration. The Assistant Administrator shall carry
14 out the duties and powers prescribed by the Adminis-
15 trator.

16 “(f) REGULATORY OMBUDSMAN.—The Administra-
17 tion shall have a Regulatory Ombudsman appointed by the
18 Administrator. The Secretary and the Administrator shall
19 each delegate to the Ombudsman such authority as may
20 be necessary for the Ombudsman to expedite rulemaking
21 proceedings to comply with statutory and internal depart-
22 mental deadlines, including authority to—

23 “(1) make decisions to resolve disagreements
24 between officials in the Administration who are par-
25 ticipating in a rulemaking process; and

1 “(2) ensure that sufficient staff are assigned to
2 rulemaking projects to meet all deadlines.

3 “(g) OFFICES OF PASSENGER VEHICLE SAFETY,
4 CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—
5 The Administration shall have an Office of Passenger Ve-
6 hicle Safety, an Office of Consumer Affairs, and an Office
7 of International Affairs.

8 “(h) POWERS AND DUTIES.—The Administrator
9 shall carry out—

10 “(1) duties and powers related to motor car-
11 riers or motor carrier safety vested in the Secretary
12 by chapters 5, 51, 55, 57, 59, 133 through 149,
13 311, 313, 315, and by section 18 of the Noise Con-
14 trol Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–
15 1250); except as otherwise delegated by the Sec-
16 retary to any agency of the Department of Trans-
17 portation other than the Federal Highway Adminis-
18 tration, as of October 8, 1999; and

19 “(2) additional duties and powers prescribed by
20 the Secretary.

21 “(i) LIMITATION ON TRANSFER OF POWERS AND DU-
22 TIES.—A duty or power specified in subsection (h)(1) may
23 only be transferred to another part of the Department
24 when specifically provided by law.

1 “(j) EFFECT OF CERTAIN DECISIONS.—A decision of
 2 the Administrator involving a duty or power specified in
 3 subsection (h)(1) and involving notice and hearing re-
 4 quired by law is administratively final.

5 “(k) CONSULTATION.—The Administrator shall con-
 6 sult with the Federal Highway Administrator and with the
 7 National Highway Traffic Safety Administrator on mat-
 8 ters related to highway and motor carrier safety.”.

9 (b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)
 10 of title 23, United States Code, is amended—

11 (1) in paragraph (1) by redesignating subpara-
 12 graphs (A) and (B) as clauses (i) and (ii), respec-
 13 tively, and by moving the text of such clauses 2 ems
 14 to the right;

15 (2) in paragraph (1) by striking “exceed 1½
 16 percent of all sums so made available, as the Sec-
 17 retary determines necessary—” and inserting
 18 “exceed—

19 “(A) 1⅙ percent of all sums so made
 20 available, as the Secretary determines nec-
 21 essary—”;

22 (3) by striking the period at the end of para-
 23 graph (1)(A)(ii) (as redesignated by paragraphs (1)
 24 and (2) of this subsection) and inserting “; and”
 25 and the following:

1 “(B) $\frac{1}{3}$ of one percent of all sums so made
2 available, as the Secretary determines nec-
3 essary, to administer the provisions of law to be
4 financed from appropriations for motor carrier
5 safety programs and motor carrier safety re-
6 search.”; and—

7 (4) by adding at the end the following:

8 “(4) LIMITATION ON TRANSFERABILITY.—Un-
9 less expressly authorized by law, the Secretary may
10 not transfer any sums deducted under paragraph (1)
11 to a Federal agency or entity other than the Federal
12 Highway Administration and the National Motor
13 Carrier Safety Administration.”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) CHAPTER ANALYSIS.—The analysis for
16 chapter 1 of title 49, United States Code, is amend-
17 ed by adding at the end the following:

“113. National Motor Carrier Safety Administration.”.

18 (2) FEDERAL HIGHWAY ADMINISTRATION.—
19 Section 104 of title 49, United States Code, is
20 amended—

21 (A) in subsection (c)—

22 (i) by striking the semicolon at the
23 end of paragraph (1) and inserting “;
24 and”;

25 (ii) by striking paragraph (2); and

1 (iii) by redesignating paragraph (3) as
2 paragraph (2);
3 (B) by striking subsection (d); and
4 (C) by redesignating subsection (e) as sub-
5 section (d).

6 (d) POSITIONS IN EXECUTIVE SERVICE.—

7 (1) ADMINISTRATOR.—Section 5314 of title 5,
8 United States Code, is amended by inserting after
9 “Administrator of the National Highway Traf-
10 fic Safety Administration.”
11 the following:

12 “Administrator of the National Motor Carrier
13 Safety Administration.”.

14 (2) DEPUTY AND ASSISTANT ADMINISTRA-
15 TORS.—Section 5316 of title 5, United States Code,
16 is amended by inserting after

17 “Deputy Administrator of the National High-
18 way Traffic Safety Administration.”
19 the following:

20 “Deputy Administrator of the National Motor
21 Carrier Safety Administration.

22 “Assistant National Motor Carrier Safety Ad-
23 ministrator.”.

24 (e) CONFLICTS OF INTEREST.—

1 (1) COMPLIANCE WITH REGULATION.—In
2 awarding any contract for research, the National
3 Motor Carrier Safety Administrator shall comply
4 with section 1252.209–70 of title 48, Code of Fed-
5 eral Regulations, as in effect on the date of enact-
6 ment of this section. The Administrator shall require
7 that the text of such section be included in any re-
8 quest for proposal and contract for research made
9 by the Administrator.

10 (2) STUDY.—

11 (A) IN GENERAL.—The Administrator
12 shall conduct a study to determine whether or
13 not compliance with the section referred to in
14 paragraph (1) is sufficient to avoid real or per-
15 ceived conflicts of interest in contracts for re-
16 search awarded by the Administrator and to
17 evaluate whether or not compliance with such
18 section unreasonably delays or burdens the
19 awarding of such contracts.

20 (B) CONSULTATION.—In conducting the
21 study under this paragraph, the Administrator
22 shall consult, as appropriate, with the Inspector
23 General of the Department of Transportation,
24 the Comptroller General, the heads of other
25 Federal agencies, research organizations, indus-

1 try representatives, employee organizations,
2 safety organizations, and other entities.

3 (C) REPORT.—Not later than 18 months
4 after the date of the enactment of this Act, the
5 Administrator shall submit to Congress a report
6 on the results of the study conducted under this
7 paragraph.

8 **SEC. 102. MOTOR CARRIER SAFETY STRATEGY.**

9 (a) SAFETY GOALS.—In conjunction with existing
10 strategic planning efforts, the Secretary of Transportation
11 shall develop a long-term strategy for improving commer-
12 cial motor vehicle, operator, and carrier safety. The strat-
13 egy shall include an annual plan and schedule for achiev-
14 ing, at a minimum, the following goals:

15 (1) Reducing the number and rates of crashes,
16 injuries, and fatalities, involving commercial motor
17 vehicles.

18 (2) Improving the consistency and effectiveness
19 of commercial motor vehicle, operator, and carrier
20 enforcement and compliance programs.

21 (3) Identifying and targeting enforcement ef-
22 forts at high-risk commercial motor vehicles, opera-
23 tors, and carriers.

1 (4) Improving research efforts to enhance and
2 promote commercial motor vehicle, operator, and
3 carrier safety and performance.

4 (b) CONTENTS OF STRATEGY.—

5 (1) MEASURABLE GOALS.—The strategy and
6 annual plans under subsection (a) shall include, at
7 a minimum, specific numeric or measurable goals
8 designed to achieve the strategic goals of subsection
9 (a). The purposes of the numeric or measurable
10 goals are as follows:

11 (A) To increase the number of inspections
12 and compliance reviews to ensure that all high-
13 risk commercial motor vehicles, operators, and
14 carriers are examined.

15 (B) To eliminate, with meaningful safety
16 measures, the backlog of rulemakings.

17 (C) To improve the quality and effective-
18 ness of data bases by ensuring that all States
19 and inspectors accurately and promptly report
20 complete safety information.

21 (D) To eliminate, with meaningful civil
22 and criminal penalties for violations, the back-
23 log of enforcement cases.

24 (E) To provide for a sufficient number of
25 Federal and State safety inspectors, and pro-

1 vide adequate facilities and equipment, at inter-
2 national border areas.

3 (2) RESOURCE NEEDS.—In addition, the strat-
4 egy and annual plans shall include estimates of the
5 funds and staff resources needed to accomplish each
6 activity. Such estimates shall also include the staff
7 skills and training needed for timely and effective
8 accomplishment of each goal.

9 (3) SAVINGS CLAUSE.—In developing and as-
10 sessing progress toward meeting the measurable
11 goals set forth in this subsection, the Secretary and
12 the Administrator shall not take any action that
13 would impinge on the due process rights of motor
14 carriers and drivers.

15 (c) SUBMISSION WITH THE PRESIDENT’S BUDG-
16 ET.—Beginning with fiscal year 2001 and each fiscal year
17 thereafter, the Secretary shall submit to Congress the
18 strategy and annual plan at the same time as the Presi-
19 dent’s budget submission.

20 (d) ANNUAL PERFORMANCE.—

21 (1) ANNUAL PERFORMANCE AGREEMENT.—For
22 each of fiscal years 2001 through 2003, the fol-
23 lowing officials shall enter into annual performance
24 agreements:

1 (A) The Secretary and the National Motor
2 Carrier Safety Administrator.

3 (B) The Administrator and the Deputy
4 National Motor Carrier Safety Administrator.

5 (C) The Administrator and the Chief Safe-
6 ty Officer of the National Motor Carrier Safety
7 Administration.

8 (D) The Administrator and the Regulatory
9 Ombudsman of the Administration.

10 (2) GOALS.—

11 (A) IN GENERAL.—Each annual perform-
12 ance agreement shall set forth measurable orga-
13 nization and individual goals for each lower
14 ranking official referred to in paragraph (1).

15 (B) ADMINISTRATOR, DEPUTY ADMINIS-
16 TRATOR, AND CHIEF SAFETY OFFICER.—The
17 performance agreements entered into under
18 paragraphs (1)(A), (1)(B), and (1)(C) shall in-
19 clude the numeric or measurable goals of sub-
20 section (b).

21 (C) REGULATORY OMBUDSMAN.—The per-
22 formance agreement entered into under para-
23 graph (1)(D) shall include goals in key oper-
24 ational areas, including promptly completing

1 rulemaking proceedings and complying with
2 statutory and internal departmental deadlines.

3 (3) PROGRESS ASSESSMENT.—No less fre-
4 quently than semiannually, the Secretary shall as-
5 sess the progress of each lower ranking official re-
6 ferred to in paragraph (1) toward achieving the
7 goals in his or her performance agreement. The Sec-
8 retary shall convey the assessment to such official,
9 including identification of any deficiencies that
10 should be remediated before the next progress as-
11 sessment.

12 (4) REVIEW AND RENEGOTIATION.—Each
13 agreement entered into under paragraph (1) shall be
14 subject to review and renegotiation on an annual
15 basis.

16 (5) PERFORMANCE DIVIDENDS.—

17 (A) GENERAL AUTHORITY.—The Secretary
18 may award to the Administrator, and the Ad-
19 ministrator may award to each of the Deputy
20 Administrator, Chief Safety Officer, and Regu-
21 latory Ombudsman, an annual performance div-
22 idend of not to exceed \$15,000.

23 (B) CRITERIA FOR AWARD.—If the Sec-
24 retary finds that the Administrator has, and if
25 the Administrator finds that one or more of the

1 Deputy Administrator, Chief Safety Officer,
2 and Regulatory Ombudsman have, made sub-
3 stantial progress toward meeting the goals of
4 his or her performance agreement, the Sec-
5 retary or Administrator, as the case may be,
6 may award a performance dividend under this
7 paragraph commensurate with such progress.

8 (C) LIMITATION.—Notwithstanding sub-
9 paragraph (A), no performance dividend may be
10 awarded to an official under this paragraph
11 until the Administrator has submitted to the
12 Office of Management and Budget regulations
13 issued, after the date of enactment of this Act,
14 to implement the safety fitness requirements of
15 section 31144 of title 49, United States Code.
16 The Secretary may waive the applicability of
17 the preceding sentence: (i) upon a finding of ex-
18 traordinary circumstances; or (ii) for an official
19 who has served in his or her position for less
20 than 365 days.

21 (e) ACHIEVEMENT OF GOALS.—

22 (1) PROGRESS ASSESSMENT.—No less fre-
23 quently than semiannually, the Secretary and the
24 Administrator shall assess the progress of the Ad-
25 ministration toward achieving the strategic goals of

1 subsection (a). The Secretary and the Administrator
2 shall convey their assessment to the employees of the
3 Administration and shall identify any deficiencies
4 that should be remediated before the next progress
5 assessment.

6 (2) BONUS DISTRIBUTION.—In conjunction
7 with the existing performance appraisal process, the
8 Secretary and the Administrator shall award bo-
9 nuses to all employees and officials of the Adminis-
10 tration (other than officials to which subsection (d)
11 applies) if the Secretary and the Administrator de-
12 termine that the performance of the Administration
13 merits the awarding of such bonuses. The Secretary
14 and the Administrator shall determine the size of bo-
15 nuses to be awarded under this paragraph based
16 solely on the performance of the Administration in
17 its entirety and not on the performance of any indi-
18 vidual employee or official.

19 (f) MISCELLANEOUS PROVISIONS.—

20 (1) FUNDING.—The Secretary may use
21 amounts deducted under section 104(a)(1)(B) of
22 title 23, United States Code, to make awards of per-
23 formance dividends and bonuses under this section.

24 (2) RELATIONSHIP TO OTHER LAWS.—The au-
25 thority to award performance dividends and bonuses

1 under this section shall be in addition to any author-
2 ity providing for bonuses or other incentives under
3 title 5, United States Code.

4 (g) REPORT TO CONGRESS.—The Secretary shall re-
5 port annually to Congress the contents of each perform-
6 ance agreement entered into under subsection (d), the offi-
7 cial’s performance relative to the goals of the performance
8 agreement, and the performance dividends awarded or not
9 awarded based on the performance of the official. In addi-
10 tion, the Secretary shall report to Congress on the per-
11 formance of the Administration relative to the goals of the
12 motor carrier safety strategy and annual plan under sub-
13 section (a) and the bonuses awarded or not awarded based
14 on the performance of the Administration. The fiscal year
15 2002 annual report shall include an assessment of the ef-
16 fectiveness of the performance dividends and agencywide
17 bonuses in improving the Administration’s performance.

18 **SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.**

19 (a) IN GENERAL.—Chapter 1 of title 23, United
20 States Code, is amended—

21 (1) by redesignating the first section 110, relat-
22 ing to uniform transferability of Federal-aid highway
23 funds, as section 126 and moving and inserting such
24 section after section 125 of such chapter; and

1 (2) in the remaining section 110, relating to
2 revenue aligned budget authority—

3 (A) in subsection (a)(2) by inserting “and
4 the motor carrier safety grant program” after
5 “relief”); and

6 (B) in subsection (b)(1)(A)—

7 (i) by inserting “and the motor carrier
8 safety grant program” after “program”);

9 (ii) by striking “title and” and insert-
10 ing “title,”; and

11 (iii) by inserting “, and subchapter I
12 of chapter 311 of title 49” after “21st
13 Century”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 such chapter is amended—

16 (1) by striking

“110. Uniform transferability of Federal-aid highway funds.”;

17 (2) by inserting after the item relating to sec-
18 tion 125 the following:

“126. Uniform transferability of Federal-aid highway funds.”;

19 and

20 (3) in the item relating to section 163 by strik-
21 ing “Sec.”.

1 **SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER**
2 **SAFETY GRANT PROGRAM.**

3 (a) IN GENERAL.—There are authorized to be appro-
4 priated out of the Highway Trust Fund (other than the
5 Mass Transit Account) for the Secretary of Transpor-
6 tation to carry out section 31102 of title 49, United States
7 Code, \$75,000,000 for each of fiscal years 2001 through
8 2003.

9 (b) INCREASED AUTHORIZATIONS FOR MOTOR CAR-
10 RIER SAFETY GRANTS.—

11 (1) IN GENERAL.—Section 4003 of the Trans-
12 portation Equity Act for the 21st Century (112
13 Stat. 395–398) is amended by adding at the end the
14 following:

15 “(i) INCREASED AUTHORIZATIONS FOR MOTOR CAR-
16 RIER SAFETY GRANTS.—The amount made available to
17 incur obligations to carry out section 31102 of title 49,
18 United States Code, by section 31104(a) of such title for
19 each of fiscal years 2001 through 2003 shall be increased
20 by \$65,000,000.”.

21 (2) CORRESPONDING REDUCTION TO OBLIGA-
22 TION CEILING.—Section 1102 of such Act (23
23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended
24 by adding at the end the following:

25 “(j) REDUCTION IN OBLIGATION CEILING.—The lim-
26 itation on obligations imposed by subsection (a) for each

1 of fiscal years 2001 through 2003 shall be reduced by
2 \$65,000,000.”.

3 (c) MAINTENANCE OF EFFORT.—The Secretary may
4 not make, from funds made available by or under this sec-
5 tion (including any amendment made by this section), a
6 grant to a State unless the State first enters into a bind-
7 ing agreement with the Secretary that provides that the
8 total expenditures of amounts of the State and its political
9 subdivisions (not including amounts of the United States)
10 for the development or implementation of programs for
11 improving motor carrier safety and enforcement of regula-
12 tions, standards, and orders of the United States on com-
13 mercial motor vehicle safety, hazardous materials trans-
14 portation safety, and compatible State regulations, stand-
15 ards, and orders will be maintained at a level at least equal
16 to the average level of such expenditures for fiscal years
17 1997, 1998, and 1999.

18 (d) STATE COMPLIANCE WITH CDL REQUIRE-
19 MENTS.—

20 (1) WITHHOLDING OF ALLOCATION FOR NON-
21 COMPLIANCE.—If a State is not in substantial com-
22 pliance with each requirement of section 31311 of
23 title 49, United States Code, the Secretary shall
24 withhold all amounts that would be allocated, but for
25 this paragraph, to the State from funds made avail-

1 able by or under this section (including any amend-
2 ment made by this section).

3 (2) PERIOD OF AVAILABILITY OF WITHHELD
4 FUNDS.—Any funds withheld under paragraph (1)
5 from any State shall remain available until June 30
6 of the fiscal year for which the funds are authorized
7 to be appropriated.

8 (3) ALLOCATION OF WITHHELD FUNDS AFTER
9 COMPLIANCE.—If, before the last day of the period
10 for which funds are withheld under paragraph (1)
11 from allocation are to remain available for allocation
12 to a State under paragraph (2), the Secretary deter-
13 mines that the State is in substantial compliance
14 with each requirement of section 31311 of title 49,
15 United States Code, the Secretary shall allocate to
16 the State the withheld funds.

17 (4) PERIOD OF AVAILABILITY OF SUBSE-
18 QUENTLY ALLOCATED FUNDS.—Any funds allocated
19 pursuant to paragraph (3) shall remain available for
20 expenditure until the last day of the first fiscal year
21 following the fiscal year in which the funds are so
22 allocated. Sums not expended at the end of such pe-
23 riod are released to the Secretary for reallocation.

24 (5) EFFECT OF NONCOMPLIANCE.—If, on June
25 30 of the fiscal year in which funds are withheld

1 from allocation under paragraph (1), the State is
2 not substantially complying with each requirement of
3 section 31311 of title 49, United States Code, the
4 funds are released to the Secretary for reallocation.

5 **SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

6 (a) ESTABLISHMENT.—The Secretary of Transpor-
7 tation shall establish in the National Motor Carrier Safety
8 Administration a motor carrier safety advisory committee
9 to advise, consult with, and make recommendations to the
10 National Motor Carrier Safety Administrator on matters
11 relating to activities and functions of the Administration.

12 (b) COMPOSITION.—The advisory committee shall be
13 composed of representatives of the motor carrier industry,
14 drivers and manufacturers of commercial motor vehicles,
15 employee and safety organizations, enforcement agencies,
16 insurance industry, representatives from law enforcement
17 agencies of border States, and the public.

18 (c) TERMINATION DATE.—The advisory committee
19 shall remain in effect until September 30, 2003.

20 **SEC. 106. EFFECTIVE DATE.**

21 (a) IN GENERAL.—This title shall take effect on the
22 date of enactment of this Act; except that the amendments
23 made by section 101 shall take effect on October 1, 2000.

24 (b) IMPLEMENTATION.—

1 (1) AUTHORITY OF SECRETARY.—The Sec-
 2 retary of Transportation may take such action as
 3 may be necessary before October 1, 2000, to ensure
 4 the orderly transfer of duties and powers related to
 5 motor carrier safety, and employees carrying out
 6 such duties and powers, from the Federal Highway
 7 Administration to the National Motor Carrier Safety
 8 Administration.

9 (2) BUDGET SUBMISSIONS.—The President’s
 10 budget submission for fiscal year 2001 and each fis-
 11 cal year thereafter shall reflect the establishment of
 12 the National Motor Carrier Safety Administration in
 13 accordance with this Act.

14 **TITLE II—COMMERCIAL MOTOR** 15 **VEHICLE AND DRIVER SAFETY**

16 **SEC. 201. DISQUALIFICATIONS.**

17 (a) DRIVING WHILE DISQUALIFIED AND CAUSING A
 18 FATALITY.—

19 (1) FIRST VIOLATION.—Section 31310(b)(1) of
 20 title 49, United States Code, is amended—

21 (A) by striking “or” at the end of subpara-
 22 graph (B);

23 (B) by striking the period at the end of
 24 subparagraph (C) and inserting a semicolon;
 25 and

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

2 “(D) committing a first violation of driving a
3 commercial motor vehicle when the individual’s com-
4 mercial driver’s license is revoked, suspended, or
5 canceled based on the individual’s operation of a
6 commercial motor vehicle or when the individual is
7 disqualified from operating a commercial motor vehi-
8 cle based on the individual’s operation of a commer-
9 cial motor vehicle; or

10 “(E) convicted of causing a fatality through
11 negligent or criminal operation of a commercial
12 motor vehicle.”.

13 (2) SECOND AND MULTIPLE VIOLATIONS.—Sec-
14 tion 31310(c)(1) of such title is amended—

15 (A) by striking “or” at the end of subpara-
16 graph (C);

17 (B) by redesignating subparagraph (D) as
18 subparagraph (F);

19 (C) by inserting after subparagraph (C)
20 the following:

21 “(D) committing more than one violation of
22 driving a commercial motor vehicle when the individ-
23 ual’s commercial driver’s license is revoked, sus-
24 pended, or canceled based on the individual’s oper-
25 ation of a commercial motor vehicle or when the in-

1 dividual is disqualified from operating a commercial
 2 motor vehicle based on the individual’s operation of
 3 a commercial motor vehicle;

4 “(E) convicted of more than one offense of
 5 causing a fatality through negligent or criminal op-
 6 eration of a commercial motor vehicle; or”; and

7 (D) in subparagraph (F) (as redesignated
 8 by subparagraph (B) of this paragraph) by
 9 striking “clauses (A)–(C) of this paragraph”
 10 and inserting “subparagraphs (A) through
 11 (E)”.

12 (3) CONFORMING AMENDMENT.—Section
 13 31301(12)(C) of such title is amended by inserting
 14 “, other than a violation to which section
 15 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a
 16 fatality”.

17 (b) EMERGENCY DISQUALIFICATION AND NON-
 18 COMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section
 19 31310 of such title is amended—

20 (1) by redesignating subsections (f), (g), and
 21 (h) as subsections (h), (i), and (j), respectively;

22 (2) by inserting after subsection (e) the fol-
 23 lowing:

24 “(f) EMERGENCY DISQUALIFICATION.—

1 “(1) LIMITED DURATION.—The Secretary shall
2 disqualify an individual from operating a commercial
3 motor vehicle for not to exceed 30 days if the Sec-
4 retary determines that allowing the individual to
5 continue to operate a commercial motor vehicle
6 would create an imminent hazard (as such term is
7 defined in section 5102).

8 “(2) AFTER NOTICE AND HEARING.—The Sec-
9 retary shall disqualify an individual from operating
10 a commercial motor vehicle for more than 30 days
11 if the Secretary determines, after notice and an op-
12 portunity for a hearing, that allowing the individual
13 to continue to operate a commercial motor vehicle
14 would create an imminent hazard (as such term is
15 defined in section 5102).

16 “(g) NONCOMMERCIAL MOTOR VEHICLE CONVIC-
17 TIONS.—Not later than 1 year after the date of enactment
18 of this Act, the Secretary shall issue regulations providing
19 for the disqualification by the Secretary from operating
20 a commercial motor vehicle of an individual who holds a
21 commercial driver’s license and who has been convicted of
22 serious offenses involving a motor vehicle other than a
23 commercial motor vehicle. Such regulations shall establish
24 the offenses and minimum periods for which such disquali-
25 fications shall be in effect, but in no case shall the types

1 of disqualifying noncommercial motor vehicle offenses or
2 the time periods for disqualification for noncommercial
3 motor vehicle violations be more stringent than those for
4 offenses or violations involving a commercial motor vehi-
5 cle. The Secretary shall determine such periods based on
6 the seriousness of the offenses on which the convictions
7 are based.”; and

8 (3) in subsection (h) (as redesignated by para-
9 graph (1) of this subsection) by striking “(b)–(e)”
10 each place it appears and inserting “(b) through
11 (g)”.

12 (c) SERIOUS TRAFFIC VIOLATIONS.—Section
13 31301(12) of such title is amended—

14 (1) by striking “and” at the end of subpara-
15 graph (C);

16 (2) by redesignating subparagraph (D) as sub-
17 paragraph (G); and

18 (3) by inserting after subparagraph (C) the fol-
19 lowing:

20 “(D) driving a commercial motor vehicle when
21 the individual has not obtained a commercial driver’s
22 license;

23 “(E) driving a commercial motor vehicle when
24 the individual does not have in his or her possession
25 a commercial driver’s license unless the individual

1 provides, by the date that the individual must ap-
 2 pear in court or pay any fine with respect to the ci-
 3 tation, to the enforcement authority that issued the
 4 citation proof that the individual held a valid com-
 5 mercial driver’s license on the date of the citation;

6 “(F) driving a commercial motor vehicle when
 7 the individual has not met the minimum testing
 8 standards—

9 “(i) under section 31305(a)(3) for the spe-
 10 cific class of vehicle the individual is operating;

11 or

12 “(ii) under section 31305(a)(5) for the
 13 type of cargo the vehicle is carrying; and”.

14 (d) CONFORMING AMENDMENTS.—Section
 15 31305(b)(1) of such title is amended—

16 (1) by striking “to operate the vehicle”; and

17 (2) by inserting before the period at the end “to
 18 operate the vehicle and has a commercial driver’s li-
 19 cense to operate the vehicle”.

20 **SEC. 202. CDL SCHOOL BUS ENDORSEMENT.**

21 Section 31305(a) of title 49, United States Code, is
 22 amended—

23 (1) by striking “and” at the end of paragraph

24 (7);

1 (2) by striking the period at the end of para-
2 graph (8)(B) and inserting “; and”; and

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

4 “(9) shall prescribe minimum testing standards
5 for the operation of a school bus (that is a vehicle
6 described in section 31301(4)(B)) in a State that
7 elects to issue a commercial driver’s license school
8 bus endorsement and may prescribe different min-
9 imum testing standards for different classes of
10 school buses.”.

11 **SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.**

12 (a) NOTIFICATION OF STATE OFFICIALS.—Section
13 31311(a)(9) of title 49, United States Code, is amended—

14 (1) by striking “operating a commercial motor
15 vehicle”; and

16 (2) by inserting “commercial” before “driver’s
17 license”.

18 (b) PROVISIONAL LICENSES.—Section 31311(a)(10)
19 of such title is amended by inserting after “commercial
20 driver’s license” the following: “(including a provisional or
21 temporary commercial driver’s license)”.

22 (c) RECORDKEEPING.—Section 31311(a) of such title
23 is amended by striking paragraph (13) and inserting the
24 following:

1 “(13) The State shall (A) record in the driving
2 record of an individual who has a commercial driv-
3 er’s license issued by the State, and (B) make avail-
4 able to all authorized persons and governmental en-
5 tities having access to such record, all information
6 the State receives under paragraph (9) with respect
7 to the individual and every conviction by the State
8 of the individual for a violation involving a motor ve-
9 hicle (including a commercial motor vehicle) of a
10 State or local law on traffic control (except a park-
11 ing violation), not later than 10 days after the date
12 of receipt of such information or the date of such
13 conviction.”.

14 (d) NONCOMMERCIAL MOTOR VEHICLE CONVIC-
15 TIONS.—Section 31311(a) of title 49, United States Code,
16 is amended by adding at the end the following:

17 “(18) The State shall revoke, suspend, or can-
18 cel, for a period determined in accordance with regu-
19 lations issued by the Secretary under section
20 31310(g), the commercial driver’s license of an indi-
21 vidual who has been convicted of serious offenses in-
22 volving a motor vehicle other than a commercial
23 motor vehicle.”.

1 (e) CONFORMING AMENDMENT.—Section
 2 31311(a)(15) of such title is amended by striking “sub-
 3 sections (b)–(e), (g)(1)(A), and (g)(2) of”.

4 **SEC. 204. STATE NONCOMPLIANCE.**

5 (a) IN GENERAL.—Section 31314 of title 49, United
 6 States Code, is amended—

7 (1) in the section heading by striking “**With-**
 8 **holding amounts for**”; and

9 (2) by adding at the end the following:

10 “(d) COMMERCIAL DRIVER’S LICENSES.—

11 “(1) STATE NOT IN SUBSTANTIAL COMPLI-
 12 ANCE.—If the Secretary determines that a State is
 13 not in substantial compliance with a requirement of
 14 section 31311(a), the Secretary shall issue an order
 15 declaring that all commercial driver’s licenses issued
 16 by the State after the date of the order are not valid
 17 and the State may not issue any commercial driver’s
 18 licenses after the date of such order.

19 “(2) PREVIOUSLY ISSUED LICENSES.—Nothing
 20 in this subsection shall be construed as invalidating
 21 or otherwise affecting commercial driver’s licenses
 22 issued by a State before the date of issuance of an
 23 order under paragraph (1) with respect to the State.

24 “(3) STATE IN SUBSTANTIAL COMPLIANCE.—A
 25 State subject to an order under paragraph (1) may

1 not resume issuing commercial driver’s licenses until
 2 the Secretary determines that the State is in sub-
 3 stantial compliance with all of the requirements of
 4 subsection 31311(a).

5 “(4) NONRESIDENT CDLS.—Any State other
 6 than a State subject to an order under paragraph
 7 (1) shall issue a nonresident commercial driver’s li-
 8 cense to any individual domiciled in a State subject
 9 to such an order who meets all of the requirements
 10 of this chapter and any applicable State licensing re-
 11 quirements.”.

12 (b) CONFORMING AMENDMENT.—The analysis for
 13 chapter 313 of such title is amended by striking the item
 14 relating to section 31314 and inserting the following:

“31314. State noncompliance.”.

15 **SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.**

16 Section 4017 of the Transportation Equity Act for
 17 the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413)
 18 is amended—

19 (1) by redesignating subsections (c) and (d) as
 20 subsections (d) and (e), respectively;

21 (2) by inserting after subsection (b) the fol-
 22 lowing:

23 “(c) STAFFING.—The toll-free telephone system shall
 24 be staffed 24 hours a day 7 days a week by individuals

1 knowledgeable about Federal motor carrier safety regula-
 2 tions and procedures.”; and

3 (3) in subsection (e) (as redesignated by para-
 4 graph (1) of this section) by striking “for each of
 5 fiscal years 1999” and inserting “for fiscal year
 6 1999 and \$375,000 for each of fiscal years 2000”.

7 **SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER’S LI-**
 8 **CENSES.**

9 Section 30304 of title 49, United States Code, is
 10 amended by adding at the end the following:

11 “(e) DRIVER RECORD INQUIRY.—Before issuing or
 12 renewing a motor vehicle operator’s license to an indi-
 13 vidual, a State shall request from the Secretary informa-
 14 tion from the National Driver Register under section
 15 30302 and the commercial driver’s license information
 16 system under section 31309 on the individual’s driving
 17 record.”.

18 **SEC. 207. BORDER STAFFING STANDARDS.**

19 (a) DEVELOPMENT AND IMPLEMENTATION.—Not
 20 later than 1 year after the date of the enactment of this
 21 Act, the Secretary of Transportation shall develop and im-
 22 plement appropriate staffing standards for Federal and
 23 State motor carrier safety inspectors in international bor-
 24 der areas.

1 (b) FACTORS TO BE CONSIDERED.—In developing
2 standards under subsection (a), the Secretary shall con-
3 sider volume of traffic, hours of operation of the border
4 facility, types of commercial motor vehicles, types of cargo,
5 delineation of responsibility between Federal and State in-
6 spectors, and such other factors as the Secretary deter-
7 mines appropriate.

8 (c) MAINTENANCE OF EFFORT.—The standards de-
9 veloped and implemented under subsection (a) shall ensure
10 that the United States and each State will not reduce its
11 respective level of staffing of motor carrier safety inspec-
12 tors in international border areas from its average level
13 staffing for fiscal year 2000.

14 (d) BORDER COMMERCIAL MOTOR VEHICLE AND
15 SAFETY ENFORCEMENT PROGRAMS.—

16 (1) ENFORCEMENT.—If, on October 1, 2001,
17 and October 1 of each fiscal year thereafter, the
18 Secretary has not ensured that the levels of staffing
19 required by the standards developed under sub-
20 section (a) are deployed, the Secretary shall des-
21 ignate the amount made available for allocation
22 under section 31104(f)(2)(B) of title 49, United
23 States Code, for such fiscal year for States, local
24 governments, and other persons for carrying out

1 border commercial motor vehicle safety programs
2 and enforcement activities and projects.

3 (2) ALLOCATION.—The amounts designated
4 pursuant to this subsection shall be allocated by the
5 Secretary to State agencies, local governments, and
6 other persons that use and train qualified officers
7 and employees in coordination with State motor ve-
8 hicle safety agencies.

9 (3) LIMITATION.—If the Secretary makes a
10 designation pursuant to paragraph (1) for a fiscal
11 year, the Secretary may not make a designation
12 under section 31104(f)(2)(B) of title 49, United
13 States Code, for such fiscal year.

14 **SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.**

15 (a) IN GENERAL.—The Secretary of Transportation
16 should ensure that motor carriers operate safely by impos-
17 ing civil penalties at a level calculated to ensure prompt
18 and sustained compliance with Federal motor carrier safe-
19 ty and commercial driver’s license laws.

20 (b) ESTABLISHMENT.—The Secretary—

21 (1) should establish and assess minimum civil
22 penalties for each violation of a law referred to in
23 subsection (a); and

24 (2) shall assess the maximum civil penalty for
25 each violation of a law referred to in subsection (a)

1 by any person who is found to have committed a
2 pattern of violations of critical or acute regulations
3 issued to carry out such a law or to have previously
4 committed the same or a related violation of critical
5 or acute regulations issued to carry out such a law.

6 (c) EXTRAORDINARY CIRCUMSTANCES.—If the Sec-
7 retary determines and documents that extraordinary cir-
8 cumstances exist which merit the assessment of any civil
9 penalty lower than any level established under subsection
10 (b), the Secretary may assess such lower penalty. In cases
11 where a person has been found to have previously com-
12 mitted the same or a related violation of critical or acute
13 regulations issued to carry out a law referred to in sub-
14 section (a), extraordinary circumstances may be found to
15 exist when the Secretary determines that repetition of
16 such violation does not demonstrate a failure to take ap-
17 propriate remedial action.

18 (d) REPORT TO CONGRESS.—

19 (1) IN GENERAL.—The Secretary shall conduct
20 a study of the effectiveness of the revised civil pen-
21 alties established in the Transportation Equity Act
22 for the 21st Century and this Act in ensuring
23 prompt and sustained compliance with Federal
24 motor carrier safety and commercial driver's license
25 laws.

1 (2) SUBMISSION TO CONGRESS.—The Secretary
2 shall transmit the results of such study and any rec-
3 ommendations to Congress by September 30, 2002.

4 (e) SEMIANNUAL AUDIT BY INSPECTOR GENERAL.—
5 The Inspector General of the Department of Transpor-
6 tation shall conduct a semiannual audit of the National
7 Motor Carrier Safety Administration’s enforcement activi-
8 ties, including an analysis of the number of violations cited
9 by safety inspectors and the level of fines assessed and
10 collected for such violations, and of the number of cases
11 in which there are findings of extraordinary circumstances
12 under subsection (c) and the circumstances in which these
13 findings are made and shall promptly submit the results
14 of each such audit to Congress.

15 **SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH**
16 **CAUSATION AND DATA IMPROVEMENT.**

17 (a) OBJECTIVES.—The Secretary of Transportation
18 shall conduct a comprehensive study to determine the
19 causes of, and contributing factors to, crashes that involve
20 commercial motor vehicles. The study shall also identify
21 data requirements and collection procedures, reports, and
22 other measures that will improve the Department of
23 Transportation’s and States’ ability to—

24 (1) evaluate future crashes involving commer-
25 cial motor vehicles;

1 (2) monitor crash trends and identify causes
2 and contributing factors; and

3 (3) develop effective safety improvement policies
4 and programs.

5 (b) DESIGN.—The study shall be designed to yield
6 information that will help the Department and the States
7 identify activities and other measures likely to lead to sig-
8 nificant reductions in the frequency, severity, and rate per
9 mile traveled of crashes involving commercial motor vehi-
10 cles. As practicable, the study shall rank such activities
11 and measures by the reductions each would likely achieve,
12 if implemented.

13 (c) CONSULTATION.—In designing and conducting
14 the study, the Secretary shall consult with persons with
15 expertise on—

16 (1) crash causation and prevention;

17 (2) commercial motor vehicles, drivers, and car-
18 riers;

19 (3) highways and noncommercial motor vehicles
20 and drivers;

21 (4) Federal and State highway and motor car-
22 rier safety programs;

23 (5) research methods and statistical analysis;
24 and

25 (6) other relevant topics.

1 (d) PUBLIC COMMENT.—The Secretary shall make
2 available for public comment information about the objec-
3 tives, methodology, implementation, findings, and other
4 aspects of the study.

5 (e) REPORT.—The Secretary shall promptly transmit
6 the results of the study, together with any legislative rec-
7 ommendations, to Congress. The Secretary shall review
8 the study at least once every 5 years and update the study
9 and report as necessary.

10 (f) DATA IMPROVEMENTS.—Based on the findings of
11 the study, the Secretary shall work with the States, and
12 other appropriate entities, to standardize crash data re-
13 quirements, collection procedures, and reports.

14 (g) ELIGIBILITY.—Notwithstanding section
15 104(a)(4) of title 23, United States Code, activities under
16 this section shall be eligible for funding under section
17 104(a) of such title and may be carried out by any entity
18 within the Department that the Secretary designates.

19 **SEC. 210. REGISTRATION ENFORCEMENT.**

20 Section 13902 of title 49, United States Code, is
21 amended—

22 (1) by redesignating subsection (e) as sub-
23 section (f); and

24 (2) by inserting after subsection (d) the fol-
25 lowing:

1 “(e) PENALTIES FOR FAILURE TO COMPLY WITH
2 REGISTRATION REQUIREMENTS.—In addition to other
3 penalties available under law, motor carriers that fail to
4 register their operations as required by this section or that
5 operate beyond the scope of their registrations may be
6 subject to the following penalties:

7 “(1) OUT-OF-SERVICE ORDERS.—If, upon in-
8 spection or investigation, the Secretary determines
9 that a motor vehicle providing transportation requir-
10 ing registration under this section is operating with-
11 out a registration or beyond the scope of its registra-
12 tion, the Secretary may order the vehicle out-of-serv-
13 ice. Subsequent to the issuance of the out-of-service
14 order, the Secretary shall provide an opportunity for
15 review in accordance with section 554 of title 5; ex-
16 cept that such review shall occur not later than 10
17 days after issuance of such order.

18 “(2) PERMISSION FOR OPERATIONS.—A person
19 domiciled in a country contiguous to the United
20 States with respect to which an action under sub-
21 section (c)(1)(A) or (c)(1)(B) is in effect and pro-
22 viding transportation for which registration is re-
23 quired under this section shall maintain evidence of
24 such registration in the motor vehicle when the per-
25 son is providing the transportation. The Secretary

1 shall not permit the operation in interstate com-
2 merce in the United States of any motor vehicle in
3 which there is not a copy of the registration issued
4 pursuant to this section.”.

5 **SEC. 211. REVOCATION OF REGISTRATION.**

6 Section 13905(c) of title 49, United States Code is
7 amended—

8 (1) by inserting “(1) IN GENERAL.—” before
9 “On application”;

10 (2) by inserting “(A)” before “suspend”;

11 (3) by striking the period at the end of the sec-
12 ond sentence and inserting “; and (B) suspend,
13 amend, or revoke any part of the registration of a
14 motor carrier, broker, or freight forwarder (i) for
15 failure to pay a civil penalty imposed under chapter
16 5, 51, 149, or 311 of this title, or (ii) for failure to
17 arrange and abide by an acceptable payment plan
18 for such civil penalty, within 180 days of the time
19 specified by order of the Secretary for the payment
20 of such penalty. Subparagraph (B) shall not apply
21 to any person who is unable to pay a civil penalty
22 due to bankruptcy reorganization.

23 “(2) REGULATIONS.—Not later than 12 months
24 after the date of the enactment of this paragraph,
25 the Secretary, after notice and opportunity for pub-

1 lic comment, shall issue regulations to provide for
 2 the suspension, amendment, or revocation of a reg-
 3 istration under this part for failure to pay a civil
 4 penalty as provided in paragraph (1)(B).”; and

5 (4) by indenting paragraph (1) (as designated
 6 by paragraph (1) of this section) and aligning such
 7 paragraph with paragraph (2) of such section (as
 8 added by paragraph (3) of this section).

9 **SEC. 212. STATE COOPERATION IN REGISTRATION EN-**
 10 **FORCEMENT.**

11 Section 31102(b)(1) of title 49, United States Code,
 12 is amended—

13 (1) by aligning subparagraph (A) with subpara-
 14 graph (B) of such section; and

15 (2) by striking subparagraph (R) and inserting
 16 the following:

17 “(R) ensures that the State will cooperate
 18 in the enforcement of registration requirements
 19 under section 13902 and financial responsibility
 20 requirements under sections 13906, 31138, and
 21 31139 and regulations issued thereunder;”

22 **SEC. 213. EXPIRATION OF APPROVALS.**

23 Section 13703 of title 49, United States Code, is
 24 amended—

25 (1) by striking subsection (d); and

1 (2) by redesignating subsections (e), (f), (g),
 2 and (h) as subsections (d), (e), (f), and (g) respec-
 3 tively.

4 **SEC. 214. IMMINENT HAZARD.**

5 Section 521(b)(5)(B) of title 49, United States Code,
 6 is amended by striking “is likely to result in” and insert-
 7 ing “substantially increases the likelihood of”.

8 **SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL**
 9 **MOTOR VEHICLE OPERATORS.**

10 Section 521(b) of title 49, United States Code, is
 11 amended—

12 (1) by redesignating paragraphs (8) through
 13 (13) as paragraphs (9) through (14), respectively;
 14 and

15 (2) by inserting after paragraph (7) the fol-
 16 lowing:

17 “(8) PROHIBITION OPERATION IN INTERSTATE
 18 COMMERCE AFTER NONPAYMENT OF PENALTIES.—

19 “(A) IN GENERAL.—An owner or operator
 20 of a commercial motor vehicle against whom a
 21 civil penalty is assessed under this chapter or
 22 chapters 51, 149, 311 of this title and who does
 23 not pay such penalty or fails to arrange and
 24 abide by an acceptable payment plan for such
 25 civil penalty may not operate in interstate com-

merce beginning on the 181st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

“(B) REGULATIONS.—Not later than 12 months after the date of the enactment of the Motor Carrier Safety Act of 1999, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.”.

SEC. 216. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking “, including” and all that follows through “dwelling,” and inserting “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;”.

1 (b) ARBITRATION REQUIREMENTS.—Section
 2 14708(b)(6) of such title is amended by striking “\$1,000”
 3 each place it appears and inserting “\$5,000”.

4 (c) STUDY OF ENFORCEMENT OF CONSUMER PRO-
 5 TECTION RULES IN THE HOUSEHOLD GOODS MOVING IN-
 6 DUSTRY.—The Comptroller General shall conduct a study
 7 of the effectiveness of the Department of Transportation’s
 8 enforcement of household goods consumer protection rules
 9 under title 49, United States Code. The study shall also
 10 include a review of other potential methods of enforcing
 11 such rules, including allowing States to enforce such rules.

12 **SEC. 217. REGISTRATION OF MOTOR CARRIERS.**

13 (a) REGISTRATION OF MOTOR CARRIERS BY A
 14 STATE.—

15 (1) INTERIM RULE.—Section 14504(b) of title
 16 49, United States Code, is amended—

17 (A) in the first sentence by striking “The”
 18 and inserting “Until January 1, 2002, the”;
 19 and

20 (B) in the second sentence by striking
 21 “When” and inserting “Until January 1, 2002,
 22 when”.

23 (2) REPEAL.—Effective January 1, 2002, sec-
 24 tion 14504 of such title and the item relating to

1 such section in the analysis for chapter 145 of such
2 title are repealed.

3 (b) COMPREHENSIVE REGISTRATION.—Section
4 13908 of such title is amended—

5 (1) in the first sentence of subsection (a) by in-
6 serting “the requirements of section 13304,” after
7 “this chapter,”;

8 (2) by striking the last sentence of subsection
9 (a);

10 (3) in subsection (b)—

11 (A) by striking paragraphs (1), (2), and
12 (3); and

13 (B) by redesignating paragraphs (4), (5),
14 and (6) as paragraphs (1), (2), and (3), respec-
15 tively;

16 (4) in subsection (c) by striking “cover” and in-
17 serting “equal as nearly as possible”; and

18 (5) by striking subsection (d) and inserting the
19 following:

20 “(d) STATE REGISTRATION PROGRAMS.—Effective
21 January 1, 2002, it shall be an unreasonable burden on
22 interstate commerce for any State or political subdivision
23 thereof, or any political authority of two or more States,
24 to require a motor carrier operating in interstate com-

1 merce and providing transportation in such State or
 2 States to, or to collect fees to—

3 “(1) register its interstate operating authority;

4 “(2) file information on its interstate Federal
 5 financial responsibility; or

6 “(3) designate its service of process agent.”.

7 (c) DEADLINE.—Section 13908(e) of such title is
 8 amended—

9 (1) by striking “Not later than 24 months after
 10 January 1, 1996,” and inserting “By January 1,
 11 2002,”;

12 (2) by inserting “and” after the semicolon at
 13 the end of paragraph (1);

14 (3) by striking paragraph (2); and

15 (4) by redesignating paragraph (3) as para-
 16 graph (2).

17 (d) CONFORMING AMENDMENT.—Section 13304(a)
 18 of such title is amended by striking “and each State” and
 19 all that follows through “filed with it”.

20 **SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DIS-**
 21 **QUALIFICATIONS.**

22 (a) GENERAL RULE.—Subject to subsections (b) and
 23 (c), a foreign motor carrier or foreign motor private car-
 24 rier (as such terms are defined under section 13102 of
 25 title 49, United States Code) that operates without au-

1 thority, before the implementation of the land transpor-
2 tation provisions of the North American Free Trade
3 Agreement, outside the boundaries of a commercial zone
4 along the United States-Mexico border (as such zones
5 were defined on December 31, 1995) shall be liable to the
6 United States for a civil penalty and shall be disqualified
7 from operating a commercial motor vehicle anywhere with-
8 in the United States as provided in subsections (b) and
9 (c).

10 (b) PENALTY FOR INTENTIONAL VIOLATION.—The
11 civil penalty for an intentional violation of subsection (a)
12 by a carrier shall not be more than \$10,000 and may in-
13 clude a disqualification from operating a commercial
14 motor vehicle anywhere within the United States for a pe-
15 riod of not more than 6 months.

16 (c) PENALTY FOR PATTERN OF INTENTIONAL VIOLA-
17 TIONS.—The civil penalty for a pattern of intentional vio-
18 lations of subsection (a) by a carrier shall not be more
19 than \$25,000 and the carrier shall be disqualified from
20 operating a commercial motor vehicle anywhere within the
21 United States and the disqualification may be permanent.

22 (d) SAVINGS CLAUSE.—No provision of this section
23 may be enforced if it is inconsistent with any international
24 agreement of the United States.

1 (e) ACTS OF EMPLOYEES.—The actions of any em-
2 ployee driver of a foreign motor carrier or foreign motor
3 private carrier committed without the knowledge of the
4 carrier or committed unintentionally shall not be grounds
5 for penalty or disqualification under this section.

6 **SEC. 219. TEST RESULTS STUDY.**

7 (a) IN GENERAL.—The Secretary of Transportation
8 shall conduct a study of the feasibility and merits of—

9 (1) requiring medical review officers to report
10 all verified positive controlled substances test results
11 on any driver subject to controlled substances test-
12 ing under part 382 of title 49, Code of Federal Reg-
13 ulations, including the identity of each person tested
14 and each controlled substance found, to the State
15 that issued the driver's commercial driver's license;
16 and

17 (2) requiring all prospective employers, before
18 hiring any driver, to query the State that issued the
19 driver's commercial driver's license on whether the
20 State has on record any verified positive controlled
21 substances test on such driver.

22 (b) STUDY FACTORS.—In carrying out the study
23 under this section, the Secretary shall assess—

24 (1) methods for safeguarding the confidentiality
25 of verified positive controlled substances test results;

1 (2) the costs, benefits, and safety impacts of re-
2 quiring States to maintain records of verified posi-
3 tive controlled substances test results; and

4 (3) whether a process should be established to
5 allow drivers—

6 (A) to correct errors in their records; and

7 (B) to expunge information from their
8 records after a reasonable period of time.

9 (c) REPORT.—Not later than 2 years after the date
10 of the enactment of this Act, the Secretary shall submit
11 to Congress a report on the study carried out under this
12 section, together with such recommendations as the Sec-
13 retary determines appropriate.

14 **SEC. 220. USE OF RECORDING DEVICES IN COMMERCIAL**
15 **MOTOR VEHICLES.**

16 (a) FINDING.—Congress finds that the use of elec-
17 tronic control modules in commercial motor vehicles may
18 prove useful to law enforcement officials investigating
19 crashes on the Nation’s highways and roads and may pre-
20 vent the future loss of life.

21 (b) STANDARDS.—

22 (1) IN GENERAL.—The Administrator of the
23 National Motor Carrier Safety Administration shall
24 work with interested parties to develop standards re-
25 garding access to, and the relevant data to be re-

1 corded by, electronic control modules in commercial
2 motor vehicles.

3 (2) PRIVACY.—In developing standards under
4 this section, the Administrator shall ensure that the
5 privacy of data recorded by electronic control mod-
6 ules is protected to the highest standard.

7 **SEC. 221. PASSENGER VAN SAFETY.**

8 (a) OBJECTIVES.—The Secretary of Transportation
9 shall conduct a comprehensive study to determine the
10 causes of, and contributing factors to, crashes occurring
11 in the State of New Jersey that involve vehicles designed
12 to carry nine or more passengers. The study shall also
13 identify data, requirements, collection procedures, reports,
14 and other measures that will help the Department of
15 Transportation's and States' develop effective safety im-
16 provement policies and programs and identify activities
17 and other measures likely to lead to significant reductions
18 in the frequency, severity, and rate-per-mile traveled of
19 crashes involving such vehicles.

20 (b) CONSULTATION.—In designing and conducting
21 the study, the Secretary shall consult with persons with
22 expertise on—

23 (1) crash causation and prevention;

24 (2) commercial motor vehicles, drivers and their
25 representatives, and carriers;

1 (3) highways and noncommercial motor vehicles
2 and drivers;

3 (4) Federal and State highway and motor car-
4 rier safety programs; and

5 (5) research methods and statistical analysis.

6 (c) PUBLIC COMMENT.—The Secretary shall make
7 available for public comment information about the objec-
8 tives, methodology, implementation, findings, and other
9 aspects of the study.

10 (d) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, the Secretary shall transmit
12 to Congress the results of the study, together with any
13 legislative recommendations.

 Passed the House of Representatives October 14,
1999.

Attest:

JEFF TRANDAHL,
Clerk.