

106TH CONGRESS
1ST SESSION

S. 1524

To amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialists and certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. BREAUX introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to provide for the creation of a certification program for Motor Carrier Safety Specialists and certain informational requirements in order to promote highway safety through a comprehensive review of motor carriers.

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.**

4 This Act may be cited as the “Motor Carrier Safety
5 Specialist Certification Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) The Transportation Equity Act for the 21st
2 Century provides for the Secretary of Transpor-
3 tation to work in partnership with States and other
4 political jurisdictions to establish programs to im-
5 prove motor carrier, commercial motor vehicle, and
6 driver safety, to support a safe and efficient trans-
7 portation system by focusing resources on strategic
8 safety investments, to promote safe for-hire and
9 private transportation, including transportation of
10 passengers and hazardous materials, to identify
11 high-risk carriers and drivers, and to invest in activi-
12 ties likely to generate maximum reductions in the
13 number and severity of commercial motor vehicle
14 crashes.

15 (2) The Department of Transportation’s Office
16 of Inspector General Report on the Federal Highway
17 Administration’s Motor Carrier Safety Program
18 found that established policies and procedures do
19 not ensure that motor carrier safety regulations are
20 enforced.

21 (3) The Report also found that the Safety Sta-
22 tus Measurement System (known as “SafeStat”),
23 which was implemented to identify and target motor
24 carriers with high-risk safety records, cannot target
25 all carriers with the worst records because its data-

1 base is incomplete and inaccurate, and data input is
2 not timely.

3 (4) Testimony by the General Accounting Office
4 before the House of Representatives' Subcommittee
5 on Transportation and Related Agencies indicated
6 that SafeStat's ability to target high-risk carriers is
7 also limited by out-of-date census data.

8 (5) There are no procedures in place to certify
9 Federal, State, and private motor carrier safety spe-
10 cialists and no standards to ensure consistent carrier
11 compliance reviews.

12 (6) There are no established protocols for ac-
13 ceptance of data from third-party or non-Federal or
14 non-State motor carrier safety specialists, which de-
15 tail the safety factors of motor carriers.

16 (b) PURPOSE.—The purpose of this Act is to provide
17 for the creation of a certification program for Motor Car-
18 rier Safety Specialists and to establish certain informa-
19 tional requirements in order to promote highway safety
20 through a comprehensive review of motor carriers.

21 **SEC. 3. CREATION OF A CERTIFICATION PROGRAM FOR**
22 **MOTOR CARRIER SAFETY SPECIALISTS.**

23 (a) IN GENERAL.—Chapter 311 of title 49, United
24 States Code, is amended by adding at the end thereof the
25 following:

1 **“§ 31148. Certified motor carrier safety specialists**

2 “(a) IN GENERAL.—The Secretary of Transpor-
 3 tation, in consultation with the Motor Carrier Safety Spe-
 4 cialist Certification Board, shall establish a program for
 5 the training and certification of Federal, State and local
 6 government, and nongovernmental motor carrier safety
 7 specialists by an organization described in section
 8 501(c)(3) of the Internal Revenue Code of 1986 that is—

9 “(1) exempt from taxation under section
 10 501(c)(1) of such Code established for the exclusive
 11 purpose of developing and administering training,
 12 testing, and certification procedures for motor car-
 13 rier safety specialists; and

14 “(2) designated by the Secretary as the entity
 15 for carrying out the requirements of this section.

16 “(b) CERTIFIED COMPLIANCE REVIEW REQUIRED.—
 17 No safety compliance review under this chapter, or re-
 18 quired by this chapter, chapter 315, or the regulations in
 19 part 390 of title 49, Code of Federal Regulations, more
 20 than 3 years after the date of enactment of the Motor
 21 Carrier Safety Specialist Certification Act is valid unless
 22 it is conducted by a motor carrier safety specialist certified
 23 under the program established under subsection (a).”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 311 of title 49, United States Code, is
 3 amended by adding at the end thereof the following:

“31148. Certified motor carrier safety specialists.”.

4 **SEC. 4. PHASE-IN OF CERTIFICATION REQUIREMENT.**

5 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
 6 of Transportation shall establish the program required by
 7 section 31148(a) of title 49, United States Code, within
 8 12 months after the date of enactment of this Act.

9 (b) CERTIFICATION OF FEDERAL MOTOR CARRIER
 10 SAFETY SPECIALISTS.—The Secretary shall ensure that—

11 (1) within 24 months after the date of enact-
 12 ment of this Act—

13 (A) at least 50 percent of the employees of
 14 the Department of Transportation who perform
 15 reviews to determine compliance of carriers in
 16 accordance with regulations promulgated by the
 17 Secretary of Transportation, and

18 (B) all State and local government employ-
 19 ees who perform such compliance reviews, are
 20 certified under the program established under
 21 section 31148 of title 49, United States Code;
 22 and

23 (2) within 36 months after such date, all Fed-
 24 eral, State and local employees, and all non-govern-

1 mental personnel, performing such compliance re-
 2 views are so certified.

3 **SEC. 5. CLEARINGHOUSE FUNCTION.**

4 (a) VERIFICATION OF INFORMATION.—Section
 5 31106(a) of title 49, United States Code, is amended by
 6 adding at the end of the following:

7 “(5) In carrying out the provisions of this sec-
 8 tion and section 31309, the Secretary shall accept
 9 and include information, subject to verification by a
 10 clearinghouse designated by the Motor Carrier Safe-
 11 ty Specialist Certification Board, obtained from non-
 12 governmental motor carrier safety specialists cer-
 13 tified under section 31148. The Secretary of Trans-
 14 portation shall work with the Motor Carrier Safety
 15 Specialist Certification Board and State Govern-
 16 ments to establish by January 1, 2001 data ex-
 17 change protocols that will enable the Secretary of
 18 Transportation to process data received from motor
 19 carrier safety specialists certified under section
 20 31148.”.

21 (b) INFORMATION AVAILABLE TO PUBLIC.—Section
 22 31106(e) of title 49, United States Code, is amended by
 23 adding at the end the following: “The Secretary of Trans-
 24 portation shall ensure that information obtained from
 25 motor carrier safety specialists certified under section

1 31148 of title 49, United States Code, is made available
2 to the public, in accordance with such policy, in an easily
3 accessible and understandable manner through the clear-
4 inghouse designated by the Motor Carrier Safety Spe-
5 cialist Certification Board no later than January 1,
6 2002.”.

7 **SEC. 6. PUBLIC EDUCATION FUNCTION.**

8 The Secretary of Transportation shall work with the
9 Motor Carrier Safety Specialist Certification Board to es-
10 tablish and carry out a public education campaign to pro-
11 mote the use of safety performance information available
12 under chapter 311 of title 49, United States Code, for the
13 purpose of encouraging the use of such information in the
14 decision-making process for hiring motor carriers.

15 **SEC. 7. DEFINITIONS.**

16 MOTOR CARRIER SAFETY SPECIALIST.—A Motor
17 Carrier Safety Specialist is an individual who:

- 18 (1) is responsible for conducting regulatory
19 compliance reviews and safety inspections of com-
20 mercial motor carriers,

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