

110TH CONGRESS
1ST SESSION

S. 2326

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2007

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

A BILL

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

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Motorcoach Enhanced Safety Act of 2007”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Regulations for improved occupant protection and motorcoach crash
avoidance.

Sec. 4. Study and report on improved bus crashworthiness and crash avoidance.

Sec. 5. Improved oversight of providers of motorcoach services and of other
motor carriers of passengers.

Sec. 6. Motorcoach driver training.

Sec. 7. Improved commercial driver's license testing.

Sec. 8. Improved physical fitness oversight and commercial driver medical certificates.

Sec. 9. Safety enforcement technology to reduce driver fatigue.

Sec. 10. Commercial motor vehicle safety inspection programs.

Sec. 11. Regulations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

12 (3) **COMMERCIAL MOTOR VEHICLE.**—The term
13 “commercial motor vehicle” has the meaning given
14 such term in section 31132(1) of title 49, United
15 States Code.

16 (4) **MANUFACTURER.**—The term “manufac-
17 turer” has the meaning given such term in section
18 30102(a) of title 49, United States Code.

19 (5) **MOTOR CARRIER.**—The term “motor car-
20 rier” has the meaning given such term in section
21 13102(14) of title 49, United States Code.

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

7 (A) Buses used in public transportation
 8 provided by a State or local government.

9 (B) School buses, including multifunction
 10 school activity buses.

11 (7) MOTORCOACH MANUFACTURER.—The term
 12 “motorcoach manufacturer” means a manufacturer
 13 that manufactures, assembles, or imports
 14 motorcoaches for resale in the United States.

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

18 (9) MULTIFUNCTION SCHOOL ACTIVITY
 19 BUSES.—The term “multifunction school activity
 20 buses” has the meaning given such term in section
 21 571.3(b) of title 49, Code of Federal Regulations (as
 22 in effect on the day before the date of the enactment
 23 of this Act).

24 (10) PORTAL.—The term “portal” means any
 25 opening on the front, sides, rear, or roof of a motor-

1 coach that could, in the event of a crash involving
 2 the motorcoach, permit the partial or complete ejection
 3 of any occupant from the motorcoach, including
 4 a young child.

5 (11) PROVIDER OF MOTORCOACH SERVICES.—

6 The term “provider of motorcoach services” means
 7 a motor carrier that provides passenger transportation
 8 services with a motorcoach for compensation,
 9 including per-trip compensation and contracted or
 10 chartered compensation.

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

15 (13) SAFETY BELT.—The term “safety belt”
 16 has the meaning given such term in section
 17 153(i)(4)(B) of title 23, United States Code.

18 (14) SECRETARY.—The term “Secretary”
 19 means the Secretary of Transportation.

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

22 (a) REGULATIONS REQUIRED 1 YEAR AFTER THE
 23 DATE OF THE ENACTMENT OF THIS ACT.—Not later
 24 than 1 year after the date of the enactment of this Act,
 25 the Secretary shall prescribe regulations as follows:

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

4 (2) ANTI-EJECTION SAFETY COUNTER-
5 MEASURES.—The Secretary shall require
6 motorcoaches have advanced glazing installed in
7 each motorcoach portal to prevent partial or com-
8 plete ejection of passengers of motorcoaches, includ-
9 ing such passengers that are children.

10 (3) FIREFIGHTING EQUIPMENT.—The Secretary
11 shall require installation in motorcoaches of im-
12 proved firefighting equipment for the purpose of ef-
13 fectively suppressing fires in motorcoaches to pre-
14 vent passenger deaths and injuries.

15 (b) REGULATIONS REQUIRED 2 YEARS AFTER THE
16 DATE OF THE ENACTMENT OF THIS ACT.—Not later
17 than 2 years after the date of the enactment of this Act,
18 the Secretary shall prescribe regulations as follows:

19 (1) COMPARTMENTALIZATION SAFETY COUN-
20 TERMEASURES.—The Secretary shall require en-
21 hanced compartmentalization safety counter-
22 measures for motorcoaches, including enhanced seat-
23 ing designs, to reduce substantially the risk of pas-
24 sengers being thrown from their seats and colliding

1 with other passengers, interior surfaces, or compo-
2 nents in the event of a crash involving a motorcoach.

3 (2) INTERIOR IMPACT PROTECTION.—The Sec-
4 retary shall establish enhanced occupant impact pro-
5 tection standards for motorcoach interiors to reduce
6 substantially serious injuries for all passengers of
7 motorcoaches.

8 (3) REDUCED ROLLOVER CRASHES.—The Sec-
9 retary shall require motorcoaches be equipped with
10 stability enhancing technologies, such as electronic
11 stability control, roll stability control, and torque
12 vectoring, to reduce substantially the number and
13 frequency of rollover crashes among motorcoaches.

14 (4) ROOF STRENGTH AND CRUSH RESIST-
15 ANCE.—The Secretary shall establish improved roof
16 standards for motorcoaches that substantially im-
17 prove the resistance of motorcoach roofs to deforma-
18 tion and intrusion to prevent serious occupant injury
19 in rollover crashes involving motorcoaches.

20 (5) ENHANCED CONSPICUITY.—The Secretary
21 shall require enhanced conspicuity of motorcoaches
22 to enable other motor vehicle operators, cyclists, and
23 pedestrians to better detect motorcoaches in order to
24 reduce the risk of collisions involving motorcoaches.

1 (6) SMOKE SUPPRESSION.—The Secretary shall
2 amend Federal motor vehicle safety standard num-
3 ber 302 (49 CFR 571.302; relating to flammability
4 of interior materials) to require realistic tests to im-
5 prove the resistance of motorcoach interiors and
6 components to burning, prevent inhalation by pas-
7 sengers of toxic smoke and vapors, and permit suffi-
8 cient time for the safe evacuation of passengers from
9 the motorcoach.

10 (7) RESISTANCE TO FUEL SYSTEM FIRES.—The
11 Secretary shall amend Federal motor vehicle safety
12 standard number 301 (49 CFR 571.301; relating to
13 fuel system integrity) to require that motorcoaches
14 have improved fuel systems in order to suppress
15 fuel-fed fires and substantially reduce occupant
16 deaths and injuries from fuel fires.

17 (8) PASSENGER EVACUATION.—The Secretary
18 shall require motorcoaches be equipped with the fol-
19 lowing:

20 (A) IMPROVED EMERGENCY EVACUATION
21 DESIGNS.—Improved emergency exit window,
22 door, and roof hatch designs to expedite access
23 and use by passengers of motorcoaches to en-
24 sure rapid evacuation from a motorcoach under

1 all emergency circumstances, including crashes
 2 and fires.

3 (B) EMERGENCY INTERIOR LIGHTING.—

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

10 (c) REGULATIONS REQUIRED 3 YEARS AFTER THE
 11 DATE OF THE ENACTMENT OF THIS ACT.—Not later
 12 than 3 years after the date of the enactment of this Act,
 13 the Secretary shall prescribe regulations as follows:

14 (1) ADAPTIVE CRUISE CONTROL.—Require
 15 motorcoaches be equipped with adaptive cruise con-
 16 trol for maintaining safe trailing distances when un-
 17 derway and a collision warning system that provides
 18 sufficient advance notice to the operator of a motor-
 19 coach of any imminent impact.

20 (2) AUTOMATIC FIRE SUPPRESSION.—Require
 21 motorcoaches be equipped with highly effective fire
 22 suppression systems that automatically respond to
 23 and suppress all fires in such motorcoaches.

24 (d) APPLICATION OF REGULATIONS.—

(1) PROSPECTIVE APPLICATION.—Except as provided in paragraph (2), a regulation prescribed in accordance with subsection (a), (b), or (c) shall apply to all motorcoaches that are manufactured on or after the effective date of such regulation.

(2) RETROFIT SAFETY REQUIREMENTS FOR IN-SERVICE MOTORCOACHES.—

(A) IN GENERAL.—(i) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(1) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(ii) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (a)(3) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(iii) Except as provided in subparagraph (B), a regulation prescribed in accordance with subsection (b)(5) shall apply to all motorcoaches used for motorcoach services on or after the effective date of such regulation.

(B) EXCEPTION.—In the case of a motorcoach that was used for motorcoach services before the effective date of a regulation described

1 in subparagraph (A), such regulation shall not
 2 apply to such motorcoach until—

3 (i) 2 years after the effective date of
 4 such regulation; or

5 (ii) if the Secretary determines that
 6 the application date described in clause (i)
 7 would cause undue hardship, 5 years after
 8 the effective date of such regulation.

9 **SEC. 4. STUDY AND REPORT ON IMPROVED BUS CRASH-**
 10 **WORTHINESS AND CRASH AVOIDANCE.**

11 (a) STUDY.—Not later than September 30, 2008, the
 12 Secretary shall complete a study of the following, with re-
 13 spect to buses that are more than 10,000 pounds gross
 14 vehicle weigh rating (GVWR):

15 (1) Bus safety design improvements and coun-
 16 termeasures for improving bus crashworthiness to
 17 achieve substantial improvements in occupant pro-
 18 tection in all types of crashes, including the fol-
 19 lowing:

20 (A) Active and passive restraint systems.

21 (B) Enhanced passenger
 22 compartmentalization.

23 (C) Upper and lower interior occupant im-
 24 pact protection.

1 (D) Improved resistance to roof failures
2 leading to deformation and intrusion that result
3 in occupant injury.

4 (E) Improved resistance to occupant par-
5 tial and complete ejection.

6 (F) Improved crash compatibility with
7 other types and weights of motor vehicles in
8 order to reduce both the number and severity of
9 crashes and the number and severity of occu-
10 pant injuries both in buses and in the other ve-
11 hicles.

12 (2) Crash avoidance improvements to reduce
13 the number and severity of bus crashes, including
14 the following:

15 (A) Collision warning systems.

16 (B) Improved braking capabilities.

17 (C) Enhanced bus conspicuity.

18 (D) Increased resistance to loss-of-control
19 crashes.

20 (E) Improved resistance to rollover crash-
21 es.

22 (3) Bus fire protection and passenger evacu-
23 ation improvements, including the following:

24 (A) Effective emergency exit design.

1 (B) Effective emergency evacuation of pas-
2 sengers.

3 (C) Effective manual and automated fire
4 suppression systems.

5 (D) Increased vehicle resistance to fire
6 propagation, including both exterior and inte-
7 rior resistance to burning.

8 (E) Suppression of toxic smoke and vapors
9 in bus fires.

10 (F) Resistance to bus fuel system fires.

11 (G) Training of bus operators in the use of
12 firefighting equipment and the safe evacuation
13 of passengers.

14 (4) Such other occupant protection safety coun-
15 termeasures as the Secretary considers appropriate.

16 (b) REPORT.—Not later than September 30, 2008,
17 the Secretary shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate and the
19 Committee on Energy and Commerce of the House of
20 Representatives a report setting forth the findings of the
21 Secretary with respect to the study required by subsection
22 (a) and recommendations for legislative and regulatory
23 changes.

1 **SEC. 5. IMPROVED OVERSIGHT OF PROVIDERS OF MOTOR-**
2 **COACH SERVICES AND OF OTHER MOTOR**
3 **CARRIERS OF PASSENGERS.**

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

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

9 “(1) SAFETY REVIEW.—Not later than 3 years
10 after the date of the enactment of this subsection,
11 the Secretary shall require, by regulation, each pro-
12 vider of motorcoach services registered with the Fed-
13 eral Motor Carrier Safety Administration on or after
14 the date of the enactment of this subsection to un-
15 dergo a periodic safety review.

16 “(2) ELEMENTS OF REVIEW.—In the regula-
17 tions prescribed pursuant to paragraph (1), the Sec-
18 retary shall establish the elements of the periodic
19 safety review, including basic safety management
20 controls.

21 “(3) SAFETY FITNESS RATINGS.—As part of
22 the safety review required by this subsection, the
23 Secretary shall assign a safety fitness rating to each
24 provider of motorcoach services and shall reassess
25 such rating not less frequently than every 3 years.

1 “(4) MOTORCOACH SERVICES DEFINED.—In
 2 this subsection, the term ‘provider of motorcoach
 3 services’ has the meaning provided such term in sec-
 4 tion 2 of the Motorcoach Enhanced Safety Act of
 5 2007.”

6 (b) REVISION OF SAFETY AUDIT SYSTEM.—Not later
 7 than September 30, 2008, the Secretary shall revise the
 8 safety fitness audit system of the Department of Trans-
 9 portation established pursuant to section 31144 of title
 10 49, United States Code, to conform with safety rec-
 11 ommendation H-99-6 of the National Transportation
 12 Safety Board issued February 26, 1999.

13 **SEC. 6. MOTORCOACH DRIVER TRAINING.**

14 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

15 (1) IN GENERAL.—Not later than 2 years after
 16 the date of the enactment of this Act, the Secretary
 17 shall establish, by regulation, a training curriculum
 18 for drivers of motorcoaches to be adopted by public
 19 and private schools and motor carriers that provide
 20 training for drivers of motorcoaches.

21 (2) CURRICULUM REQUIREMENTS.—The train-
 22 ing curriculum required by paragraph (1) shall in-
 23 clude the following:

24 (A) Classroom and behind-the-wheel in-
 25 struction that is adequate for all new drivers of

1 motorcoaches to operate safely motorcoaches
2 and respond effectively to emergency situations.

3 (B) Instruction in advanced knowledge and
4 skills that are necessary to operate
5 motorcoaches safely, including the knowledge
6 and skills necessary—

7 (i) to suppress motorcoach fires; and
8 (ii) to evacuate passengers from
9 motorcoaches safely.

10 (b) TRAINING REQUIRED.—

11 (1) IN GENERAL.—The Secretary shall require
12 each motorcoach driver seeking a commercial driv-
13 er's license (CDL) passenger endorsement to under-
14 go a training program that includes the training cur-
15 riculum established pursuant to subsection (a) be-
16 fore taking a test for a commercial driver's license
17 passenger endorsement.

18 (2) CERTIFICATE OF COMPLETION RE-
19 QUIRED.—The Secretary shall require that each
20 driver seeking to take the test for the commercial
21 driver's license passenger endorsement shall present
22 a certificate to a State licensing authority certifying
23 that the driver has—

24 (A) successfully completed a motorcoach
25 driver training course that includes the cur-

1 riculum established in accordance with sub-
2 section (a); and

3 (B) received a passing grade for an exam-
4 ination at the culmination of such training
5 course.

6 (c) REPORT ON FEASIBILITY OF ESTABLISHING A
7 SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—
8 Not later than September 30, 2008, the Secretary shall
9 submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives a report on the feasibility of establishing a
13 system of certification of public and private schools and
14 of motor carriers that provide motorcoach driver training
15 in accordance with the curriculum established by the Sec-
16 retary pursuant to subsection (a).

17 **SEC. 7. IMPROVED COMMERCIAL DRIVER'S LICENSE TEST-**
18 **ING.**

19 (a) INCREASED STRINGENCY OF EXAMINATION FOR
20 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
21 ENDORSEMENT.—

22 (1) IN GENERAL.—The Secretary shall pre-
23 scribe standards that improve the quality and strin-
24 gency of the examination for the commercial driver's

1 license passenger-carrying endorsement. Such stand-
2 ards shall require—

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

6 (B) a more stringent examination of the
7 driving skills necessary to operate safely a com-
8 mercial motor vehicle with passengers than the
9 examination of such skills in effect on the day
10 before the date of the enactment of this Act.

11 (2) COOPERATION.—In prescribing the stand-
12 ards required by paragraph (1), the Secretary shall
13 cooperate with the American Association of Motor
14 Vehicle Administrators.

15 (b) MODIFICATION OF REQUIREMENTS FOR COM-
16 Mercial DRIVER'S LICENSE PASSENGER-CARRYING EN-
17 DORSEMENT.—The Secretary shall establish by regulation
18 a requirement that a driver shall have a commercial driv-
19 er's license passenger-carrying endorsement in order to
20 operate a commercial motor vehicle and transport not less
21 than 9 and not more than 15 passengers (including a driv-
22 er) in interstate commerce for compensation.

1 **SEC. 8. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
2 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
3 **CATES.**

4 (a) REQUIRE PASSAGE OF RIGOROUS EXAMINATION
5 TO BE LISTED IN NATIONAL REGISTRY OF MEDICAL EX-
6 AMINERS.—Section 31149(c)(1)(D) of title 49, United
7 States Code, is amended to read as follows:

8 “(D) develop, as appropriate, specific
9 courses and materials for medical examiners
10 who wish to be listed in the national registry es-
11 tablished under this section and develop a rig-
12 orous examination for which a passing grade
13 must be achieved to be listed in such national
14 registry;”.

15 (b) INTEGRATION OF FEDERAL MEDICAL QUALI-
16 FICATION CERTIFICATE AND COMMERCIAL DRIVER’S LI-
17 CENSE.—Not later than 2 years after the date of the en-
18 actment of this Act, the Secretary shall prescribe the regu-
19 lations required by section 215 of the Motor Carrier Safe-
20 ty Improvement Act of 1999 (49 U.S.C. 31305 note).

21 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
22 Not later than 2 years after the date of the enactment
23 of this Act, the Secretary shall require by regulation
24 that—

25 (1) each time a medical examiner performs a
26 medical examination to certify an applicant for a

1 commercial driver’s license under section 391.43 of
 2 title 49, Code of Federal Regulations, such medical
 3 examiner shall submit to the appropriate State li-
 4 censing agency the form for such examination re-
 5 quired by section 391.43(f) of such title (as in effect
 6 on the day before the date of the enactment of this
 7 Act); and

8 (2) as a condition of approval of a State plan
 9 under section 31102(d) of title 49, United States
 10 Code (as added by section 10(b)), State licensing au-
 11 thorities compare the forms they receive pursuant to
 12 paragraph (1) with the medical examiner’s certifi-
 13 cate required by section 391.43(g) of title 49, Code
 14 of Federal Regulations (as in effect on the day be-
 15 fore the date of the enactment of this Act) to deter-
 16 mine the accuracy and validity of the information
 17 contained in such forms and certificates.

18 (d) ADDITIONAL OVERSIGHT OF LICENSING AU-
 19 THORITIES.—

20 (1) IN GENERAL.—Section 31149(c)(1) of title
 21 49, United States Code, is amended—

22 (A) in subparagraph (E), by striking
 23 “basis; and” and inserting “basis;”;

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

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

2 “(G) each year, review the licensing au-
3 thorities of 10 States to assess the accuracy
4 and validity of physical examination reports and
5 medical certificates submitted by certified med-
6 ical examiners to such State licensing agen-
7 cies.”.

8 (2) INTERNAL OVERSIGHT POLICY.—

9 (A) IN GENERAL.—Not later than 2 years
10 after the date of the enactment of this Act, the
11 Secretary shall establish an oversight policy and
12 process within the Department of Transpor-
13 tation for purposes of carrying out the require-
14 ment of subparagraph (G) of such section
15 31149(c)(1), as added by paragraph (1).

16 (B) EFFECTIVE DATE.—The requirement
17 of subparagraph (G) of section 31149(c)(1) of
18 title 49, United States Code, shall take effect
19 on the date that the oversight policies and proc-
20 esses are established pursuant to subparagraph
21 (A).

22 (e) DEADLINE FOR ESTABLISHMENT OF NATIONAL
23 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1
24 year after the date of the enactment of this Act, the Sec-
25 retary shall establish the national registry of medical ex-

1 aminers required by section 31149(d)(1) of title 49,
2 United States Code.

3 (f) ADDITIONAL FUNCTION OF MEDICAL REVIEW
4 BOARD.—Section 31149(a)(1) of title 49, United States
5 Code, is amended to read as follows:

6 “(1) ESTABLISHMENT AND FUNCTION.—The
7 Secretary of Transportation shall establish a Medical
8 Review Board with the following functions:

9 “(A) Providing the Federal Motor Carrier
10 Safety Administration with medical advice and
11 recommendations on medical standards and
12 guidelines for the following:

13 “(i) The physical qualifications of op-
14 erators of commercial motor vehicles.

15 “(ii) Medical examiner education.

16 “(iii) Medical research.

17 “(B) Providing the Secretary with advice
18 and recommendations concerning the criteria to
19 be used for evaluating medical examiners for
20 admission to the national registry established
21 under this section.”.

22 **SEC. 9. SAFETY ENFORCEMENT TECHNOLOGY TO REDUCE**
23 **DRIVER FATIGUE.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of the enactment of this Act, the Secretary shall pre-

1 scribe regulations requiring that all commercial motor ve-
 2 hicles used by a motor carrier in interstate commerce be
 3 equipped with electronic on-board recorders linked with
 4 vehicle engine functions and electronic control modules
 5 that accurately record commercial driver hours of service
 6 and provide real-time tracking of driver and vehicle loca-
 7 tion.

8 (b) APPLICABILITY.—The regulations prescribed
 9 under subsection (a) shall apply to all commercial motor
 10 vehicles used by motor carriers in interstate commerce be-
 11 ginning on the date that is 3 years after the date of the
 12 enactment of this Act.

13 **SEC. 10. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**
 14 **TION PROGRAMS.**

15 (a) IN GENERAL.—Section 31142 of title 49, United
 16 States Code, is amended by striking subsections (a) and
 17 (b) and inserting the following:

18 “(a) ANNUAL SAFETY INSPECTION PROGRAM.—

19 “(1) PROGRAM REQUIRED.—In order to receive
 20 a grant pursuant to section 31102 of this title, a
 21 State shall carry out an annual safety inspection
 22 program for commercial motor vehicles, including
 23 motor carriers transporting not less than 9 and not
 24 more than 15 passengers (including a driver), that

1 receives approval from the Secretary pursuant to
2 paragraph (3).

3 “(2) INSPECTION OF SAFETY EQUIPMENT.—A
4 commercial motor vehicle inspected under a program
5 established pursuant to paragraph (1) is required to
6 pass an inspection of all safety equipment required
7 under the regulations prescribed under section
8 31136 of this title.

9 “(3) PERIODIC REVIEW OF STATE SAFETY IN-
10 SPECTION PROGRAMS.—Not less frequently than
11 once every 3 years, the Secretary shall review and
12 approve or disapprove each safety inspection pro-
13 gram established pursuant to paragraph (1).

14 “(b) REGULATIONS FOR INSPECTION OF VEHICLES
15 AND RECORD RETENTION.—

16 “(1) IN GENERAL.—The Secretary shall pre-
17 scribe regulations on Government standards for—

18 “(A) inspection of commercial motor vehi-
19 cles under programs established pursuant to
20 subsection (a); and

21 “(B) retention by employers of records of
22 such an inspection.

23 “(2) AUTHORITY.—Regulations prescribed
24 under this subsection are treated as regulations pre-
25 scribed under section 31136 of this title.”.

1 (b) CONDITION ON STATE GRANTS.—Section
 2 31102(d) of such title is amended to read as follows:

3 “(d) CONTINUOUS EVALUATION OF PLANS.—

4 “(1) IN GENERAL.—On the basis of reports
 5 submitted by a State motor vehicle safety agency of
 6 a State with a plan approved under this section and
 7 the Secretary’s own investigations, the Secretary
 8 shall make a continuing evaluation of the way the
 9 State is carrying out the plan. If the Secretary finds,
 10 after notice and opportunity for comment, the State
 11 plan previously approved is not being followed or has
 12 become inadequate to ensure enforcement of the reg-
 13 ulations, standards, or orders, the Secretary shall
 14 withdraw approval of the plan and notify the State.

15 “(2) APPROVAL OF ANNUAL COMMERCIAL
 16 MOTOR VEHICLE INSPECTION PROGRAMS.—If, under
 17 paragraph (3) of section 31142(a) of this title, the
 18 Secretary disapproves of an annual safety inspection
 19 program of a State established pursuant to para-
 20 graph (1) of such section 31142(a), the Secretary
 21 shall withdraw approval of the plan of such State
 22 and notify the State.

23 “(3) EFFECTIVE DATE OF PLAN DIS-
 24 APPROVAL.—A State plan stops being effective

1 under this subsection when notice is received by the
2 State under this subsection.

3 “(4) JUDICIAL REVIEW.—A State adversely af-
4 fected by a withdrawal of approval under this sub-
5 section may seek judicial review under chapter 7 of
6 title 5.

7 “(5) RETENTION OF JURISDICTION.—Notwith-
8 standing a withdrawal of approval under this sub-
9 section, the State may retain jurisdiction in adminis-
10 trative or judicial proceedings begun before the with-
11 drawal if the issues involved are not related directly
12 to the reasons for the withdrawal.”.

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

16 **SEC. 11. REGULATIONS.**

17 Any standard or regulation prescribed or modified
18 pursuant to this Act shall be done in accordance with sec-
19 tion 553 of title 5, United States Code.

○