

110TH CONGRESS  
1ST SESSION

# S. 2326

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

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## 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

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# 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:

See. 1. Short title; table of contents.

See. 2. Definitions.

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

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

See. 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.

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

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

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 ejec-  
3 tion 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 transpor-  
8 tation 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 PROTEC-**  
21 **TION 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:

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:

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

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

8 (3) REDUCED ROLLOVER CRASHES.—The Secretary  
9 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.

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.—

23 (B) EXCEPTION.—In the case of a motor-  
24 coach that was used for motorcoach services be-  
25 fore the effective date of a regulation described

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.

(E) Improved resistance to occupant partial and complete ejection.

(F) Improved crash compatibility with other types and weights of motor vehicles in order to reduce both the number and severity of crashes and the number and severity of occupant injuries both in buses and in the other vehicles.

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 evac-  
23 uation improvements, including the following:

## 24 (A) Effective emergency exit design.

(B) Effective emergency evacuation of passengers.

(C) Effective manual and automated fire suppression systems.

(D) Increased vehicle resistance to fire propagation, including both exterior and interior resistance to burning.

(E) Suppression of toxic smoke and vapors  
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 provider 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-  
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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.

10 (b) TRAINING REQUIRED.—

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

1 curriculum 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.—

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.

○