

111TH CONGRESS  
1ST SESSION

# H. R. 1135

To amend title 49, United States Code, to provide for enhanced motorcoach safety, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2009

Mr. SHUSTER (for himself and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 49, United States Code, to provide for enhanced motorcoach safety, 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 “Bus Uniform Standards and Enhanced Safety Act of  
6 2009” or the “BUSES Act of 2009”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

## TITLE I—MOTORCOACH SAFETY

- Sec. 101. Improved oversight of providers of motorcoach services and other motor carriers of passengers.
- Sec. 102. Motorcoach driver training.
- Sec. 103. Review of requirements for commercial driver’s license passenger endorsement.
- Sec. 104. Improved physical fitness oversight and commercial driver medical certificates.
- Sec. 105. Commercial motor vehicle safety inspection programs.
- Sec. 106. Registration of motor carriers.
- Sec. 107. Effective periods of registration.
- Sec. 108. Duties of employers and employees.
- Sec. 109. Required safety standards for motorcoaches.

## TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

- Sec. 201. Credit for costs of motorcoaches complying with Federal safety requirements.

## TITLE III—OTHER PROVISIONS

- Sec. 301. Department of Transportation grants.
- Sec. 302. Small business administration loans and loan guarantees.
- Sec. 303. Authorization of appropriations.

1 **TITLE I—MOTORCOACH SAFETY**2 **SEC. 101. IMPROVED OVERSIGHT OF PROVIDERS OF MO-**  
3 **TORCOACH SERVICES AND OTHER MOTOR**  
4 **CARRIERS OF PASSENGERS.**

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

8 “(h) SUSTAINED MONITORING OF OWNERS AND OP-  
9 ERATORS OF COMMERCIAL MOTOR VEHICLES DESIGNED  
10 OR USED TO TRANSPORT PASSENGERS.—

11 “(1) SAFETY MONITORING.—Not later than 3  
12 years after the date of enactment of this subsection,  
13 the Secretary shall require monitoring on a regular  
14 basis, through a comprehensive safety analysis, of

1 the safety performance of each owner or operator of  
2 a commercial motor vehicle designed or used to  
3 transport passengers.

4 “(2) ELEMENTS OF MONITORING AND SAFETY  
5 ENFORCEMENT.—Regulations issued under para-  
6 graph (1) shall provide for the following:

7 “(A) Monitoring of the safety performance  
8 of an owner or operator of a commercial motor  
9 vehicle designed or used to transport passengers  
10 in critical safety categories, as defined in the  
11 regulation. Monitoring activities shall include  
12 activities that can be conducted either on-site at  
13 the offices of the owner or operator or off-site.

14 “(B) Progressive interventions designed to  
15 correct unsafe practices of an owner or operator  
16 of a commercial motor vehicle designed or used  
17 to transport passengers. In the event such prac-  
18 tices are not corrected, the interventions shall  
19 result in an enforcement action and, if nec-  
20 essary, a final determination that the owner or  
21 operator is not fit and prohibited from oper-  
22 ating as provided in subsection (c)(2).

23 “(3) ENFORCEMENT STRIKE FORCES.—In addi-  
24 tion to the enhanced monitoring and enforcement ac-  
25 tions required by paragraph (2), the Secretary may

1 organize special enforcement strike forces targeting  
2 owners or operators of commercial motor vehicles de-  
3 signed or used to transport passengers, when and  
4 where the Secretary considers appropriate.”.

5 (b) REVISION OF SAFETY FITNESS DETERMINATION  
6 METHODOLOGY.—Not later than 2 years after the date  
7 of enactment of this Act, the Secretary of Transportation  
8 shall revise the safety fitness determination methodology  
9 of the Department of Transportation established pursuant  
10 to section 31144 of title 49, United States Code, to ensure  
11 that such methodology meets the goals of Safety Rec-  
12 ommendation H-99-6 of the National Transportation  
13 Safety Board, issued February 26, 1999.

14 **SEC. 102. MOTORCOACH DRIVER TRAINING.**

15 The Secretary of Transportation shall prescribe regu-  
16 lations establishing minimum training requirements for  
17 drivers seeking a commercial driver’s license passenger en-  
18 dorsement. The training shall include certification that a  
19 driver has met the requirements established by the Sec-  
20 retary. The training may be provided by an owner or oper-  
21 ator of a commercial motor vehicle designed or used to  
22 transport passengers if the owner or operator has in effect  
23 a training program that meets or exceeds the minimum  
24 training requirements established by the Secretary.

1 **SEC. 103. REVIEW OF REQUIREMENTS FOR COMMERCIAL**  
2 **DRIVER'S LICENSE PASSENGER ENDORSE-**  
3 **MENT.**

4 (a) IN GENERAL.—Not later than 3 years after the  
5 date of enactment of this Act, the Secretary of Transpor-  
6 tation shall review and assess the current knowledge and  
7 skill testing requirements for a commercial driver's license  
8 passenger endorsement to determine if improvements are  
9 needed to ensure the safe operation of commercial motor  
10 vehicles designed or used to transport passengers.

11 (b) REPORT.—Not later than 120 days after comple-  
12 tion of the review and assessment under subsection (a),  
13 the Secretary shall submit to the Committee on Transpor-  
14 tation and Infrastructure of the House of Representatives  
15 and the Committee on Commerce, Science, and Transpor-  
16 tation of the Senate a report on the review and assessment  
17 conducted under subsection (a), together with a descrip-  
18 tion of plans to implement improvements.

19 **SEC. 104. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**  
20 **COMMERCIAL DRIVER MEDICAL CERTIFI-**  
21 **CATES.**

22 (a) EXAMINATION REQUIREMENT FOR NATIONAL  
23 REGISTRY OF MEDICAL EXAMINERS.—Section  
24 31149(c)(1)(D) of title 49, United States Code, is amend-  
25 ed to read as follows:

1 “(D) develop requirements applicable to a  
2 medical examiner seeking to be listed in the na-  
3 tional registry established under this section, in-  
4 cluding—

5 “(i) as appropriate, specific courses  
6 and materials that must be completed;

7 “(ii) a rigorous examination for which  
8 a passing grade must be achieved; and

9 “(iii) at a minimum, self-certification  
10 requirements to verify that the medical ex-  
11 aminer has completed specific training, in-  
12 cluding refresher courses;”.

13 (b) ADDITIONAL OVERSIGHT OF LICENSING AU-  
14 THORITIES.—

15 (1) IN GENERAL.—Section 31149(c)(1) of title  
16 49, United States Code, is amended—

17 (A) in subparagraph (E) by striking “and”  
18 at the end;

19 (B) in subparagraph (F) by striking the  
20 period at the end and inserting “; and”; and

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

22 “(G) each year, review the implementation  
23 of commercial driver’s license requirements of a  
24 minimum of 10 States to assess the accuracy  
25 and validity of physical examination reports and

1           medical certificates submitted by certified med-  
2           ical examiners.”.

3           (2) INTERNAL OVERSIGHT POLICY.—

4                   (A) IN GENERAL.—Not later than 2 years  
5           after the date of enactment of this Act, the Sec-  
6           retary of Transportation shall establish an over-  
7           sight policy and process within the Department  
8           of Transportation for the purposes of carrying  
9           out the requirement of section 31149(c)(1)(G)  
10          of title 49, United States Code, as added by  
11          paragraph (1).

12                   (B) EFFECTIVE DATE.—The requirement  
13          of section 31149(c)(1)(G) of such title, as  
14          added by paragraph (1), shall take effect on the  
15          date that the oversight policies and processes  
16          are established pursuant to subparagraph (A).

17          (c) DEADLINE FOR ESTABLISHMENT OF NATIONAL  
18          REGISTRY OF MEDICAL EXAMINERS.—Not later than 2  
19          years after the date of enactment of this Act, the Sec-  
20          retary shall establish the national registry of medical ex-  
21          aminers required by section 31149(d)(1) of such title.

22          (d) ADDITIONAL FUNCTION OF MEDICAL REVIEW  
23          BOARD.—Section 31149(a)(1) of title 49, United States  
24          Code, is amended to read as follows:

1           “(1) ESTABLISHMENT AND FUNCTION.—The  
2           Secretary shall establish a Medical Review Board  
3           with the following functions:

4                   “(A) Providing the Federal Motor Carrier  
5                   Safety Administration with medical advice and  
6                   recommendations on medical standards and  
7                   guidelines for—

8                           “(i) the physical qualifications of op-  
9                           erators of commercial motor vehicles;

10                           “(ii) medical examiner education; and

11                           “(iii) medical research.

12                   “(B) Providing the Secretary with advice  
13                   and recommendations concerning the criteria to  
14                   be used for evaluating medical examiners for  
15                   admission to the national registry established  
16                   under this section.”.

17 **SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**  
18 **TION PROGRAMS.**

19           (a) STUDY.—The Secretary of Transportation shall  
20           conduct a study to review the regulations prescribed pur-  
21           suant to section 31142(b) of title 49, United States Code,  
22           relating to commercial motor vehicle safety inspections.

23           (b) CONTENTS.—The study shall include—

24                   (1) an assessment of the risks associated with  
25                   improperly maintained or inspected commercial

1 motor vehicles designed or used to transport pas-  
2 sengers;

3 (2) an assessment of the effectiveness of the  
4 Government standards for inspection of commercial  
5 motor vehicles designed or used to transport pas-  
6 sengers to mitigate the risks identified in paragraph  
7 (1) and to ensure the safe and proper operating con-  
8 dition of commercial motor vehicles subject to sec-  
9 tion 31142 of title 49, United States Code;

10 (3) an assessment of the effectiveness of at  
11 least 2 alternatives to the current standards pre-  
12 scribed pursuant to section 31142 of title 49, United  
13 States Code; and

14 (4) a comparison of the costs and benefits of  
15 the alternatives and the current standards pre-  
16 scribed pursuant to section 31142 of title 49, United  
17 States Code.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than one year  
20 after the date of enactment of this Act, the Sec-  
21 retary shall submit to the Committee on Transpor-  
22 tation and Infrastructure of the House of Represent-  
23 atives and the Committee on Commerce, Science,  
24 and Transportation of the Senate a report on the re-  
25 sults of the study.

1 (2) CONTENTS.—The report shall include—

2 (A) the findings and conclusions of the  
3 Secretary with respect to the study;

4 (B) any recommendation of the Secretary  
5 for improving the commercial motor vehicle  
6 safety inspection standards; and

7 (C) any recommendations of the Secretary  
8 for additional authority to improve commercial  
9 motor vehicle safety inspections.

10 **SEC. 106. REGISTRATION OF MOTOR CARRIERS.**

11 Section 13902(b) of title 49, United States Code, is  
12 amended—

13 (1) by redesignating paragraphs (2) through  
14 (8) as paragraphs (3) through (9), respectively; and

15 (2) by inserting after paragraph (1) the fol-  
16 lowing:

17 “(2) REVIEW OF PASSENGER CARRIER APPLICA-  
18 TIONS.—The Secretary shall not register a motor  
19 carrier of passengers under subsection (a)(1) until  
20 the application for registration filed under that sub-  
21 section is reviewed to ensure that the applicant is  
22 willing and able to comply with the requirements of  
23 that subsection. This review process shall include a  
24 determination of whether the applicant is or has  
25 been related, through common ownership, common

1 management, or common familial relationship to any  
2 other motor carrier of passengers within 3 years of  
3 the filing of the application for registration. If fol-  
4 lowing this review it is determined that the applicant  
5 has failed to disclose such relationships with other  
6 such carriers, the Secretary may withhold the reg-  
7 istration.”.

8 **SEC. 107. EFFECTIVE PERIODS OF REGISTRATION.**

9 Section 13905 of title 49, United States Code, is  
10 amended—

11 (1) by striking subsection (d)(1) and inserting  
12 the following:

13 “(1) IN GENERAL.—On application of the reg-  
14 istrant, the Secretary may amend or revoke a reg-  
15 istration. On complaint or on the Secretary’s own  
16 initiative and after notice and an opportunity for a  
17 proceeding, the Secretary may—

18 (A) suspend, amend, or revoke any part  
19 of the registration of a motor carrier, broker, or  
20 freight forwarder for willful failure to comply  
21 with this part, an applicable regulation or order  
22 of the Secretary or of the Board (including the  
23 accessibility requirements established by the  
24 Secretary under subpart H of part 37 of title  
25 49, Code of Federal Regulations, or such suc-

1           cessor regulations to those accessibility require-  
2           ments as the Secretary may issue, for transpor-  
3           tation provided by an over-the-road bus), or a  
4           condition of its registration;

5           “(B) suspend, amend, or revoke any part  
6           of the registration of a motor carrier, broker, or  
7           freight forwarder—

8                   “(i) for failure to pay a civil penalty  
9                   imposed under chapter 5, 51, 149, or 311  
10                  of this title; or

11                   “(ii) for failure to arrange and abide  
12                   by an acceptable payment plan for such  
13                   civil penalty, within 90 days of the time  
14                   specified by order of the Secretary for the  
15                   payment of such penalty; and

16           “(C) deny, suspend, amend, or revoke any  
17           part of a registration of a motor carrier of pas-  
18           sengers for failure to disclose in its application  
19           for registration a material fact relevant to its  
20           willingness and ability to comply with this part,  
21           an applicable regulation or order of the Sec-  
22           retary or of the Board, or a condition of its reg-  
23           istration.

24           Subparagraph (B) shall not apply to any person who  
25           is unable to pay a civil penalty because such person

1 is a debtor in a case under chapter 11 of title 11.”;  
2 and

3 (2) in subsection (e) by inserting “or if the Sec-  
4 retary determines that the registrant has failed to  
5 disclose a material fact in its application for reg-  
6 istration in accordance with subsection (d)(1)(C),”  
7 after “registrant.”

8 **SEC. 108. DUTIES OF EMPLOYERS AND EMPLOYEES.**

9 Section 31135 of title 49, United States Code, is  
10 amended—

11 (1) by redesignating subsection (d) as sub-  
12 section (e); and

13 (2) by inserting after subsection (c) the fol-  
14 lowing:

15 “(d) MOTOR CARRIERS OF PASSENGERS.—If the  
16 Secretary finds that common ownership, common manage-  
17 ment, or common familial relationship between 2 or more  
18 motor carriers of passengers is being used to enable any  
19 or all such motor carriers of passengers to avoid compli-  
20 ance, or mask or otherwise conceal noncompliance, with  
21 regulations on commercial motor vehicle safety prescribed  
22 under this subchapter, or an order of the Secretary issued  
23 under authority of such regulations, the Secretary may  
24 deny, suspend, amend, or revoke all or part of any such  
25 motor carrier’s registration under section 13905.”

1 **SEC. 109. REQUIRED SAFETY STANDARDS FOR**  
2 **MOTORCOACHES.**

3 (a) SAFETY STANDARDS FOR NEW  
4 MOTORCOACHES.—

5 (1) OCCUPANT PROTECTION SYSTEMS.—

6 (A) IN GENERAL.—Not later than 3 years  
7 after the date of enactment of this Act, the Sec-  
8 retary of Transportation shall prescribe stand-  
9 ards for motorcoach occupant protection sys-  
10 tems that account for frontal impact collisions,  
11 side impact collisions, rear impact collisions,  
12 and rollovers. Such standards shall not elimi-  
13 nate or lessen the occupant protection stand-  
14 ards currently in effect and shall—

15 (i) be based on sound scientific re-  
16 search, extensive testing, and analysis by  
17 the National Highway Traffic Safety Ad-  
18 ministration, consistent with the rec-  
19 ommendations of the National Transpor-  
20 tation Safety Board regarding motorcoach  
21 occupant protection; and

22 (ii) take into consideration the various  
23 types of motorcoaches and the various uses  
24 and configurations of the occupant com-  
25 partment as well as local, State, and Fed-  
26 eral size and weight limits and restrictions.

1 (B) CONTENTS.—Such standards may in-  
2 clude seatbelts or other occupant protection sys-  
3 tems, passive or otherwise, for passengers, in-  
4 cluding those in child safety restraint systems.

5 (C) CONSULTATION.—Prior to promul-  
6 gating such standards, the Secretary shall con-  
7 sult with affected parties, as appropriate, on  
8 the proceedings leading to the promulgation of  
9 the standards required by this subparagraph.  
10 Any communications concerning such consulta-  
11 tion shall be included in the public record of the  
12 proceedings leading to the promulgation of such  
13 standards and shall be subject to public com-  
14 ment.

15 (2) ROOF STRENGTH.—

16 (A) RESEARCH AND TESTING.—The Sec-  
17 retary shall conduct research and testing on  
18 roof strength to determine the method or meth-  
19 ods that provide adequate survival space for all  
20 seating positions.

21 (B) STANDARDS.—Not later than 3 years  
22 after the date of enactment of this Act, the Sec-  
23 retary shall prescribe roof strength standards  
24 for motorcoaches based on the results of such  
25 research and testing and taking into account all

1 motorcoach window dimensions and highway  
2 size and weight restrictions.

3 (3) WINDOW GLAZING.—

4 (A) RESEARCH AND TESTING.—The Sec-  
5 retary shall conduct research and testing on ad-  
6 vanced window glazing and securement to de-  
7 termine the best method or methods for window  
8 glazing to prevent motorcoach occupant protec-  
9 tion ejection.

10 (B) STANDARDS.—Not later than 3 years  
11 after the date of enactment of this Act, the Sec-  
12 retary shall revise window glazing standards for  
13 motorcoaches based on the results of such re-  
14 search and testing and taking into account all  
15 motorcoach window dimensions and highway  
16 height and weight restrictions.

17 (4) FIRE PREVENTION AND MITIGATION.—

18 (A) RESEARCH AND TESTING.—The Sec-  
19 retary shall conduct research and testing to de-  
20 termine the most prevalent causes of motor-  
21 coach fires and the best methods to prevent  
22 such fires and to mitigate the effect of such  
23 fires, both inside and outside the motorcoach.

24 (B) STANDARDS.—Not later than 3 years  
25 after the date of enactment of this Act, the Sec-

1           retary shall promulgate fire prevention and  
2           mitigation standards for motorcoaches, based  
3           on the results of the Secretary's research and  
4           testing, taking into account motorcoach high-  
5           way size and weight restrictions.

6           (5) EMERGENCY EVACUATION DESIGN.—

7                   (A) RESEARCH AND TESTING.—The Sec-  
8           retary shall conduct research and testing to de-  
9           termine any necessary changes in motorcoach  
10          design standards, including windows and doors,  
11          to improve motorcoach emergency evacuation.

12                   (B) STANDARDS.—Not later than 3 years  
13          after the date of enactment of this Act, the Sec-  
14          retary shall promulgate motorcoach emergency  
15          evacuation design standards, including—

16                           (i) window standards that enhance the  
17                           use of windows for emergency evacuation  
18                           to the maximum extent feasible, while not  
19                           detracting from the window glazing stand-  
20                           ards to be promulgated under this sub-  
21                           section; and

22                           (ii) door standards, including design  
23                           of the wheelchair lift door for emergency  
24                           evacuation use. Such standards shall take

1           into account motorcoach highway size and  
2           weight restrictions.

3           (6) GENERAL PROVISIONS.—

4           (A) EFFECT ON STATE AND LOCAL  
5           LAWS.—Notwithstanding any provision of chap-  
6           ter 301 of title 49, United States Code, a State  
7           or a political subdivision of a State may not  
8           adopt or enforce a law or regulation related to  
9           a motorcoach crash avoidance and occupant  
10          protection system prior to the effective date of  
11          the regulations promulgated pursuant to this  
12          subsection.

13          (B) APPLICABILITY OF STANDARDS.—The  
14          standards prescribed under paragraphs (1)  
15          through (5) shall require motorcoaches manu-  
16          factured after the last day of 3-year period be-  
17          ginning on the date on which such standards  
18          are prescribed to be engineered and equipped to  
19          meet such standards.

20          (C) LIMITATION ON STATUTORY CON-  
21          STRUCTION.—Nothing in this subsection or in  
22          the regulations prescribed pursuant to this sub-  
23          section shall be construed as indicating an in-  
24          tention by Congress to affect, change, or modify  
25          in any way the liability, if any, of a motorcoach

1 manufacturer or motorcoach owner or operator  
2 under applicable law to buses or motorcoaches,  
3 manufactured and operated with or without  
4 passenger seat belts or other passenger re-  
5 straint systems, prior to the effective date of  
6 the regulations promulgated pursuant to this  
7 subsection.

8 (b) SAFETY STANDARDS FOR EXISTING  
9 MOTORCOACHES.—

10 (1) IN GENERAL.—Not later than 3 years after  
11 the date of enactment of this subsection, the Sec-  
12 retary shall prescribe standards for motorcoaches  
13 that are manufactured before the date that is 3  
14 years after the date on which the standards required  
15 under subsection (a) are prescribed, taking into ac-  
16 count the limitations posed by the need to retrofit  
17 existing motorcoaches. Such standards shall have the  
18 same objectives as the standards required under  
19 paragraphs (1) through (5) of subsection (a), but  
20 may differ from such standards based on what is  
21 technically feasible for existing motorcoaches.

22 (2) STANDARDS FOR COMPONENT PARTS AND  
23 EQUIPMENT.—In lieu of promulgating comprehen-  
24 sive standards for motorcoaches under paragraph  
25 (1), the Secretary may develop standards for various

1 component parts and equipment of motorcoaches  
2 that would increase occupant protection.

3 (3) EFFECTIVE DATE.—The effective date for  
4 the standards prescribed pursuant to this subsection  
5 shall be the same as the effective date for the stand-  
6 ards prescribed pursuant to subsection (a).

7 (4) CERTIFICATION.—The Secretary shall es-  
8 tablish, by regulation, a system whereby the  
9 motorcoaches to which the standards prescribed  
10 under paragraph (1) apply shall be certified as in  
11 compliance with such standards. Such certification  
12 shall be carried out by the Secretary or by private  
13 parties at the discretion and authorization of the  
14 Secretary.

15 (c) COMPLIANCE TIMETABLES.—

16 (1) EFFECTIVE DATE.—The effective date of  
17 the standards prescribed under subsections (a) and  
18 (b) shall be 3 years after the date on which such  
19 final standards are promulgated. All motorcoaches  
20 manufactured after such date shall comply with such  
21 standards.

22 (2) PHASED IN REQUIREMENTS.—

23 (A) FIRST PHASE.—Not later than 6 years  
24 after the effective date of the standards pre-  
25 scribed under subsections (a) and (b), a motor-

1 coach owner or operator shall ensure that at  
2 least 50 percent of the motorcoaches used by  
3 the owner or operator comply with either the  
4 standards prescribed under subsection (a) or  
5 the standards prescribed under subsection (b),  
6 as appropriate.

7 (B) SECOND PHASE.—Not later than 12  
8 years after the effective date of the standards  
9 prescribed under subsections (a) and (b), a mo-  
10 torcoach owner or operator shall ensure that  
11 100 percent of the motorcoaches used by the  
12 owner or operator comply with either of such  
13 standards.

14 (3) STATE AND LOCAL LAWS.—

15 (A) LIABILITY OF MOTORCOACH MANUFAC-  
16 TURERS AND OWNERS AND OPERATORS.—Noth-  
17 ing in this section shall be construed to affect,  
18 change, or modify in any way the liability, if  
19 any, of a motorcoach manufacturer or motor-  
20 coach owner or operator under applicable law to  
21 buses or motorcoaches unless such manufac-  
22 turer or owner or operator is shown not to be  
23 in compliance with the timetables set forth in  
24 paragraphs (1) and (2).

1           (B) PREEMPTION.—Notwithstanding any  
2           provision of chapter 301 of title 49, United  
3           States Code, a State or a political subdivision  
4           of a State may not adopt or enforce a law or  
5           regulation related to any of the standards re-  
6           quired by subsections (a) and (b) during the  
7           time periods set forth in paragraphs (1) and  
8           (2).

9           (d) DEFINITION OF MOTORCOACH.—In this section,  
10          the term “motorcoach” means an over-the-road bus, char-  
11          acterized by an elevated passenger deck located over a  
12          baggage compartment.

13       **TITLE II—CREDIT FOR COST OF**  
14       **MOTORCOACHES COMPLYING**  
15       **WITH FEDERAL SAFETY RE-**  
16       **QUIREMENTS**

17       **SEC. 201. CREDIT FOR COSTS OF MOTORCOACHES COM-**  
18                       **PLYING WITH FEDERAL SAFETY REQUIRE-**  
19                       **MENTS.**

20           (a) IN GENERAL.—Subpart D of part IV of sub-  
21          chapter 1 of the Internal Revenue Code of 1986 is amend-  
22          ed by inserting after section 45Q the following new sec-  
23          tion:

1 **“SEC. 45R. CREDIT FOR COSTS OF MOTORCOACHES COM-**  
2 **PLYING WITH FEDERAL SAFETY REQUIRE-**  
3 **MENTS.**

4 “(a) IN GENERAL.—For purposes of section 38, the  
5 qualified motorcoach safety credit determined under this  
6 subsection for any taxable year is an amount equal to 10  
7 percent of the aggregate amount paid or incurred by the  
8 taxpayer during the taxable year for—

9 “(1) qualified new motorcoaches, and

10 “(2) such improvements to any existing motor-  
11 coach which is used by the taxpayer as are necessary  
12 for such motorcoach to satisfy the requirements pre-  
13 scribed under section 109(b) of the Bus Uniform  
14 Standards and Enhanced Safety Act of 2009.

15 “(b) LIMITATION.—The credit determined under sub-  
16 section (a) with respect to any motorcoach shall not exceed  
17 \$45,000.

18 “(c) QUALIFIED NEW AND EXISTING  
19 MOTORCOACHES.—For purposes of this section—

20 “(1) QUALIFIED MOTORCOACH.—The term  
21 ‘qualified new motorcoach’ means any motorcoach—

22 “(A) the original use of which commences  
23 with the taxpayer,

24 “(B) which is acquired for use or lease by  
25 the taxpayer and not for resale,

1           “(C) which is property of a character sub-  
2           ject to an allowance for depreciation,

3           “(D) which is made by a manufacturer,

4           “(E) which is manufactured after the spec-  
5           ified effective date, and

6           “(F) which meets the requirements pre-  
7           scribed under section 109(a) of the Bus Uni-  
8           form Standards and Enhanced Safety Act of  
9           2009.

10          “(2) EXISTING MOTORCOACH.—The term ‘exist-  
11          ing motorcoach’ means any motorcoach—

12           “(A) which is property of a character sub-  
13           ject to an allowance for depreciation, and

14           “(B) which is manufactured on or before  
15           the specified effective date.

16          “(d) OTHER DEFINITIONS AND SPECIAL RULES.—  
17          For purposes of this section—

18           “(1) MOTORCOACH.—The term ‘motorcoach’  
19           means any vehicle to which the requirements pre-  
20           scribed under section 109(a) of the Bus Uniform  
21           Standards and Enhanced Safety Act of 2009, apply,  
22           or would apply if such vehicle were manufactured  
23           after the specified effective date.

24           “(2) SPECIFIED EFFECTIVE DATE.—The term  
25           ‘specified effective date’ means the effective date de-

1 scribed in section 109(c)(1) of the Bus Uniform  
2 Standards and Enhanced Safety Act of 2009.

3 “(3) BASIS REDUCTION.—The basis of any  
4 property for which a credit is determined under sub-  
5 section (a) shall be reduced by the amount of the  
6 credit so determined.

7 “(4) RECAPTURE.—The Secretary shall, by reg-  
8 ulations, provide for recapturing the benefit of any  
9 credit determined under subsection (a) with respect  
10 to any property which ceases to be property eligible  
11 for such credit.

12 “(5) PROPERTY USED OUTSIDE UNITED  
13 STATES, ETC., NOT QUALIFIED.—No credit shall be  
14 determined under subsection (a) with respect to—

15 “(A) the portion of the cost of any prop-  
16 erty taken into account under section 179, or

17 “(B) any property referred to in section  
18 50(b).

19 “(6) ELECTION NOT TO TAKE CREDIT.—No  
20 credit shall be determined under subsection (a) for  
21 any vehicle if the taxpayer elects to not have this  
22 section apply to such vehicle.

23 “(e) TERMINATION.—No credit shall be determined  
24 under this subsection for any taxable year ending after  
25 December 31, 2026.”

1 (b) DENIAL OF DOUBLE BENEFIT.—Section 280C of  
2 the Internal Revenue Code of 1986 is amended by adding  
3 at the end the following new subsection:

4 “(g) CREDIT FOR COSTS OF MOTORCOACHES COM-  
5 PLYING WITH FEDERAL SAFETY REQUIREMENTS.—No  
6 deduction shall be allowed for that portion of the expenses  
7 otherwise allowable as a deduction for the taxable year  
8 which is equal to the amount of the credit determined for  
9 the taxable year under section 45R(a).”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) Section 38(b) of the Internal Revenue Code  
12 of 1986 is amended by striking “plus” at the end of  
13 paragraph (34), by striking the period at the end of  
14 paragraph (35) and inserting “, plus”, and by add-  
15 ing at the end the following:

16 “(36) the qualified motorcoach safety credit de-  
17 termined under section 45R(a).”.

18 (2) Section 1016(a) of such Code is amended  
19 by striking “and” at the end of paragraph (37), by  
20 striking the period at the end of paragraph (38) and  
21 inserting “, and”, and by adding at the end the fol-  
22 lowing new paragraph:

23 “(38) to the extent provided in section  
24 45R(d)(3).”.



1 (A) the owner or operator has been in  
2 business as an over-the-road charter bus owner  
3 or operator for not less than 3 consecutive  
4 years; and

5 (B) the owner or operator was unable to  
6 recover, through allowed tax credits established  
7 by section 45R of the Internal Revenue Code of  
8 1986, as added by section 201 of this Act, in  
9 a consecutive 2-year period, the full cost of ret-  
10 rofitting motorcoaches in order to comply with  
11 the applicable standards.

12 (c) GRANT REQUIREMENTS.—A grant under this sec-  
13 tion shall be subject to all of the terms and conditions  
14 applicable to subrecipients who provide intercity bus trans-  
15 portation under section 5311(f) of title 49, United States  
16 Code, and such other terms and conditions as the Sec-  
17 retary may prescribe.

18 **SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND**  
19 **LOAN GUARANTEES.**

20 Section 7(a) of the Small Business Act (15 U.S.C.  
21 636(a)) is amended—

22 (1) by redesignating the second paragraph (32),  
23 relating to the increased veteran participation pro-  
24 gram, as paragraph (33); and

1           (2) by adding after paragraph (33) (as so re-  
2 designated) the following:

3           “(34) BUSES AND MOTORCOACHES.—In car-  
4 rying out this subsection with respect to the over-  
5 the-road charter bus industry, the following shall  
6 apply:

7           “(A) The Administrator shall adopt under-  
8 writing criteria specific to that industry.

9           “(B) The Administrator shall make avail-  
10 able the assistance under this subsection to  
11 members of that industry to facilitate retro-  
12 fitting of buses and motorcoaches for occupant  
13 protection.

14           “(C) Multiple buses or motorcoaches shall  
15 be treated as a single source of collateral.

16           “(D) A member of that industry who owns  
17 a single bus or motorcoach shall be treated as  
18 eligible for such assistance, without regard to  
19 whether the member otherwise meets the appli-  
20 cable size standard for eligibility.

21           “(E) The Administrator shall provide any  
22 applicant who is a member of that industry  
23 with counseling and advice regarding the other  
24 assistance programs of the Administration that  
25 may be available to members of that industry.”.

1 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated to the Sec-  
3 retary of Transportation such sums as may be necessary  
4 to carry out the authorities of the Secretary under this  
5 Act, including the amendments made by this Act.

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