

111TH CONGRESS
1ST SESSION

H. R. 1396

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2009

Mr. LEWIS of Georgia (for himself and Mr. FILNER) 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

A BILL

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, 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.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Motorcoach Enhanced Safety Act of 2009”.

1 **TITLE I—MOTORCOACH SAFETY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

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

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

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

17 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**
18 **TEM.**—The term “direct tire pressure monitoring
19 system” means a tire pressure monitoring system, as
20 that term is defined in section 571.138 of title 49,
21 Code of Federal Regulations, that is capable of di-
22 rectly detecting when the air pressure level in any
23 tire is significantly under-inflated and of imme-
24 diately providing the driver a low tire pressure warn-

1 ing as to which specific tire is significantly under-in-
2 flated.

3 (5) ELECTRONIC ON-BOARD RECORDER.—The
4 term “electronic on-board recorder” means an elec-
5 tronic device that acquires and stores data showing
6 the record of duty status of the vehicle operator and
7 performs the functions required of an automatic on-
8 board recording device in section 395.15(b) of title
9 49, Code of Federal Regulations.

10 (6) EVENT DATA RECORDER.—The term “event
11 data recorder” has the meaning given that term in
12 section 563.5 of title 49, Code of Federal Regula-
13 tions.

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

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

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

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

3 (B) School buses, including multifunction
4 school activity buses.

5 (10) MOTORCOACH MANUFACTURER.—The
6 term “motorcoach manufacturer” means a manufac-
7 turer that manufactures, assembles, or imports
8 motorcoaches for resale in the United States.

9 (11) MOTORCOACH SERVICES.—The term “mo-
10 torcoach services” means passenger transportation
11 by motorcoach for compensation.

12 (12) MULTIFUNCTION SCHOOL ACTIVITY
13 BUSES.—The term “multifunction school activity
14 buses” has the meaning given such term in section
15 571.3(b) of title 49, Code of Federal Regulations (as
16 in effect on the day before the date of the enactment
17 of this Act).

18 (13) PORTAL.—The term “portal” means any
19 opening on the front, sides, rear, or roof of a motor-
20 coach that could, in the event of a crash involving
21 the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including
22 a young child.

24 (14) PROVIDER OF MOTORCOACH SERVICES.—
25 The term “provider of motorcoach services” means

1 a motor carrier that provides passenger transpor-
2 tation services with a motorcoach for compensation,
3 including per-trip compensation and contracted or
4 chartered compensation.

5 (15) PUBLIC TRANSPORTATION.—The term
6 “public transportation” has the meaning given such
7 term in section 5302(a)(10) of title 49, United
8 States Code.

9 (16) SAFETY BELT.—The term “safety belt”
10 has the meaning given such term in section
11 153(i)(4)(B) of title 23, United States Code.

12 (17) SECRETARY.—The term “Secretary”
13 means the Secretary of Transportation.

14 **SEC. 102. REGULATIONS FOR IMPROVED OCCUPANT PRO-**
15 **TECTION AND MOTORCOACH CRASH AVOID-**
16 **ANCE.**

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

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

24 (2) ANTI-EJECTION SAFETY COUNTER-
25 MEASURES.—The Secretary shall require

1 motorcoaches have advanced glazing installed in
2 each motorcoach portal to prevent partial or com-
3 plete ejection of passengers of motorcoaches, includ-
4 ing such passengers that are children.

5 (3) FIREFIGHTING EQUIPMENT.—The Secretary
6 shall require installation in motorcoaches of im-
7 proved firefighting equipment for the purpose of ef-
8 fectively suppressing fires in motorcoaches to pre-
9 vent passenger deaths and injuries.

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

14 (1) COMPARTMENTALIZATION SAFETY COUN-
15 TERMEASURES.—The Secretary shall require en-
16 hanced compartmentalization safety counter-
17 measures for motorcoaches, including enhanced seat-
18 ing designs, to reduce substantially the risk of pas-
19 sengers being thrown from their seats and colliding
20 with other passengers, interior surfaces, or compo-
21 nents in the event of a crash involving a motorcoach.

22 (2) INTERIOR IMPACT PROTECTION.—The Sec-
23 retary shall establish enhanced occupant impact pro-
24 tection standards for motorcoach interiors to reduce

1 substantially serious injuries for all passengers of
2 motorcoaches.

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

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

15 (5) ENHANCED CONSPICUITY.—The Secretary
16 shall require enhanced conspicuity of motorcoaches
17 to enable other motor vehicle operators, cyclists, and
18 pedestrians to better detect motorcoaches in order to
19 reduce the risk of collisions involving motorcoaches.

20 (6) SMOKE SUPPRESSION.—The Secretary shall
21 amend Federal motor vehicle safety standard num-
22 ber 302 (49 C.F.R. 571.302; relating to flamma-
23 bility of interior materials) to require realistic tests
24 to improve the resistance of motorcoach interiors
25 and components to burning, prevent inhalation by

1 passengers of toxic smoke and vapors, and permit
2 sufficient time for the safe evacuation of passengers
3 from motorcoaches.

4 (7) RESISTANCE TO FUEL SYSTEM FIRES.—The
5 Secretary shall amend Federal motor vehicle safety
6 standard number 301 (49 C.F.R. 571.301; relating
7 to fuel system integrity) to require that motor-
8 coaches have improved fuel systems in order to sup-
9 press fuel-fed fires and substantially reduce occu-
10 pant deaths and injuries from fuel fires.

11 (8) PASSENGER EVACUATION.—The Secretary
12 shall require motorcoaches be equipped with the fol-
13 lowing:

14 (A) IMPROVED EMERGENCY EVACUATION
15 DESIGNS.—Improved emergency exit window,
16 door, and roof hatch designs to expedite access
17 and use by passengers of motorcoaches to en-
18 sure rapid evacuation from a motorcoach under
19 all emergency circumstances, including crashes
20 and fires.

21 (B) EMERGENCY INTERIOR LIGHTING.—
22 Emergency interior lighting systems, including
23 luminescent or retro-reflectorized delineation of
24 evacuation paths and exits, that are triggered
25 by a crash or other emergency incidents to ac-

1 comply more rapid and effective evacuation of
2 passengers.

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

7 (1) ADAPTIVE CRUISE CONTROL.—Require
8 motorcoaches be equipped with adaptive cruise con-
9 trol for maintaining safe trailing distances when un-
10 derway and a collision warning system that provides
11 sufficient advance notice to the operator of a motor-
12 coach of any imminent impact.

13 (2) AUTOMATIC FIRE SUPPRESSION.—Require
14 motorcoaches be equipped with highly effective fire
15 suppression systems that automatically respond to
16 and suppress all fires in such motorcoaches.

17 (d) APPLICATION OF REGULATIONS.—

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

23 (2) RETROFIT SAFETY REQUIREMENTS FOR EX-
24 ISTING MOTORCOACHES.—

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

6 (ii) Except as provided in subparagraph
7 (B), a regulation prescribed in accordance with
8 subsection (a)(3) shall apply to all motor-
9 coaches used for motorcoach services on or
10 after the effective date of such regulation.

11 (iii) Except as provided in subparagraph
12 (B), a regulation prescribed in accordance with
13 subsection (b)(5) shall apply to all motor-
14 coaches used for motorcoach services on or
15 after the effective date of such regulation.

16 (B) EXCEPTION.—In the case of a motor-
17 coach that was used for motorcoach services be-
18 fore the effective date of a regulation described
19 in subparagraph (A), such regulation shall not
20 apply to such motorcoach until—

21 (i) 2 years after the effective date of
22 such regulation; or

23 (ii) if the Secretary determines that
24 the application date described in clause (i)

1 would cause undue hardship, 5 years after
2 the effective date of such regulation.

3 **SEC. 103. STUDY AND REPORT ON IMPROVED BUS CRASH**
4 **WORTHINESS AND CRASH AVOIDANCE.**

5 (a) STUDY.—The Secretary shall complete a study of
6 the following, with respect to buses that are more than
7 10,000 pounds gross vehicle weigh rating (GVWR):

8 (1) Bus safety design improvements and coun-
9 termeasures for improving bus crash worthiness to
10 achieve substantial improvements in occupant pro-
11 tection in all types of crashes, including the fol-
12 lowing:

13 (A) Active and passive restraint systems.

14 (B) Enhanced passenger compartmental-
15 ization.

16 (C) Upper and lower interior occupant im-
17 pact protection.

18 (D) Improved resistance to roof failures
19 leading to deformation and intrusion that result
20 in occupant injury.

21 (E) Improved resistance to occupant par-
22 tial and complete ejection.

23 (F) Improved crash compatibility with
24 other types and weights of motor vehicles in
25 order to reduce both the number and severity of

1 crashes and the number and severity of occu-
2 pant injuries both in buses and in the other ve-
3 hicles.

4 (2) Crash avoidance improvements to reduce
5 the number and severity of bus crashes, including
6 the following:

7 (A) Collision warning systems.

8 (B) Improved braking capabilities.

9 (C) Enhanced bus conspicuity.

10 (D) Increased resistance to loss-of-control
11 crashes.

12 (E) Improved resistance to rollover crash-
13 es.

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

16 (A) Effective emergency exit design.

17 (B) Effective emergency evacuation of pas-
18 sengers.

19 (C) Effective manual and automated fire
20 suppression systems.

21 (D) Increased vehicle resistance to fire
22 propagation, including both exterior and inte-
23 rior resistance to burning.

24 (E) Suppression of toxic smoke and vapors
25 in bus fires.

1 (F) Resistance to bus fuel system fires.

2 (G) Training of bus operators in the use of
3 firefighting equipment and the safe evacuation
4 of passengers.

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

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Commerce, Science, and Transportation
10 of the Senate and the Committee on Energy and Com-
11 merce of the House of Representatives a report setting
12 forth the findings of the Secretary with respect to the
13 study required by subsection (a) and recommendations for
14 legislative and regulatory changes.

15 **SEC. 104. IMPROVED OVERSIGHT OF PROVIDERS OF MO-**
16 **TORCOACH SERVICES AND OF OTHER MOTOR**
17 **CARRIERS OF PASSENGERS.**

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

21 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF
22 MOTORCOACH SERVICES.—

23 “(1) SAFETY REVIEW.—Not later than 3 years
24 after the date of the enactment of this subsection,
25 the Secretary shall require, by regulation, each pro-

1 vider of motorcoach services registered with the Fed-
2 eral Motor Carrier Safety Administration on or after
3 the date of the enactment of this subsection to un-
4 dergo a periodic safety review.

5 “(2) ELEMENTS OF REVIEW.—In the regula-
6 tions prescribed pursuant to paragraph (1), the Sec-
7 retary shall establish the elements of the periodic
8 safety review, including basic safety management
9 controls.

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

15 “(4) MOTORCOACH SERVICES DEFINED.—In
16 this subsection, the term ‘provider of motorcoach
17 services’ has the meaning provided such term in sec-
18 tion 101 of the Motorcoach Enhanced Safety Act of
19 2009.”

20 (b) REVISION OF SAFETY AUDIT SYSTEM.—Not later
21 than 1 year after the date of enactment of this Act, the
22 Secretary shall revise the safety fitness audit system of
23 the Department of Transportation established pursuant to
24 section 31144 of title 49, United States Code, to conform

1 with safety recommendation H-99-6 of the National
2 Transportation Safety Board issued February 26, 1999.

3 **SEC. 105. MOTORCOACH DRIVER TRAINING.**

4 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

5 (1) IN GENERAL.—Not later than 2 years after
6 the date of the enactment of this Act, the Secretary
7 shall establish, by regulation, a training curriculum
8 for drivers of motorcoaches to be adopted by public
9 and private schools and motor carriers that provide
10 training for drivers of motorcoaches.

11 (2) CURRICULUM REQUIREMENTS.—The train-
12 ing curriculum required by paragraph (1) shall in-
13 clude the following:

14 (A) Classroom and behind-the-wheel in-
15 struction that is adequate for all new drivers of
16 motorcoaches to operate safely motorcoaches
17 and respond effectively to emergency situations.

18 (B) Instruction in advanced knowledge and
19 skills that are necessary to operate motor-
20 coaches safely, including the knowledge and
21 skills necessary—

22 (i) to suppress motorcoach fires; and

23 (ii) to evacuate passengers from mo-
24 torcoaches safely.

25 (b) TRAINING REQUIRED.—

1 (1) IN GENERAL.—The Secretary shall require
2 each motorcoach driver seeking a commercial driv-
3 er’s license (CDL) passenger endorsement to under-
4 go a training program that includes the training cur-
5 riculum established pursuant to subsection (a) be-
6 fore taking a test for a commercial driver’s license
7 passenger endorsement.

8 (2) CERTIFICATE OF COMPLETION RE-
9 QUIRED.—The Secretary shall require that each
10 driver seeking to take the test for the commercial
11 driver’s license passenger endorsement shall present
12 a certificate to a State licensing authority certifying
13 that the driver has—

14 (A) successfully completed a motorcoach
15 driver training course that includes the cur-
16 riculum established in accordance with sub-
17 section (a); and

18 (B) received a passing grade for an exam-
19 ination at the culmination of such training
20 course.

21 (c) REPORT ON FEASIBILITY OF ESTABLISHING A
22 SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—
23 Not later than 1 year after the date of enactment of this
24 Act, the Secretary shall submit to the Committee on Com-
25 merce, Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives a report on the feasibility of es-
3 tablishing a system of certification of public and private
4 schools and of motor carriers that provide motorcoach
5 driver training in accordance with the curriculum estab-
6 lished by the Secretary pursuant to subsection (a).

7 **SEC. 106. IMPROVED COMMERCIAL DRIVER'S LICENSE**
8 **TESTING.**

9 (a) INCREASED STRINGENCY OF EXAMINATION FOR
10 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
11 ENDORSEMENT.—

12 (1) IN GENERAL.—The Secretary shall pre-
13 scribe standards that improve the quality and strin-
14 gency of the examination for the commercial driver's
15 license passenger-carrying endorsement. Such stand-
16 ards shall require—

17 (A) a more stringent knowledge test than
18 the test in effect on the day before the date of
19 the enactment of this Act; and

20 (B) a more stringent examination of the
21 driving skills necessary to operate safely a for-
22 hire passenger-carrying commercial motor vehi-
23 cle than the examination of such skills in effect
24 on the day before the date of the enactment of
25 this Act.

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

5 (b) MODIFICATION OF REQUIREMENTS FOR COM-
 6 MERCIAL DRIVER’S LICENSE PASSENGER-CARRYING EN-
 7 DORSEMENT.—The Secretary shall establish by regulation
 8 a requirement that a driver shall have a commercial driv-
 9 er’s license passenger-carrying endorsement in order to
 10 operate a commercial motor vehicle and transport not less
 11 than 9 and not more than 15 passengers (including a driv-
 12 er) in interstate commerce for compensation.

13 **SEC. 107. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
 14 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
 15 **CATES.**

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

20 “(D) develop, as appropriate, specific
 21 courses and materials for medical examiners
 22 who wish to be listed in the national registry es-
 23 tablished under this section and develop a rig-
 24 orous examination for which a passing grade

1 must be achieved to be listed in such national
2 registry;”.

3 (b) INTEGRATION OF FEDERAL MEDICAL QUALI-
4 FICATION CERTIFICATE AND COMMERCIAL DRIVER’S LI-
5 CENSE.—Not later than 2 years after the date of the en-
6 actment of this Act, the Secretary shall prescribe the regu-
7 lations to prevent the submission and use of invalid or
8 fraudulent medical certificates.

9 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
10 Not later than 2 years after the date of the enactment
11 of this Act, the Secretary shall require by regulation
12 that—

13 (1) each time a medical examiner performs a
14 medical examination to certify an applicant for a
15 commercial driver’s license under section 391.43 of
16 title 49, Code of Federal Regulations, such medical
17 examiner shall submit to the appropriate State li-
18 censing agency the form for such examination re-
19 quired by section 391.43(f) of such title (as in effect
20 on the day before the date of the enactment of this
21 Act); and

22 (2) as a condition of approval of a State plan
23 under section 31102(d) of title 49, United States
24 Code (as added by section 109(b)), State licensing
25 authorities compare the forms they receive pursuant

to paragraph (1) with the medical examiner’s certificate required by section 391.43(g) of title 49, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act) to determine the accuracy and validity of the information contained in such forms and certificates.

(d) ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.—

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

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

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

(C) by adding at the end the following:

“(G) each year, review the licensing authorities of 10 States to assess the accuracy and validity of physical examination reports and medical certificates submitted by certified medical examiners to such State licensing agencies.”.

(2) INTERNAL OVERSIGHT POLICY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall establish an oversight policy and

1 process within the Department of Transpor-
 2 tation for purposes of carrying out the require-
 3 ment of subparagraph (G) of such section
 4 31149(c)(1), as added by paragraph (1).

5 (B) EFFECTIVE DATE.—The requirement
 6 of subparagraph (G) of section 31149(c)(1) of
 7 title 49, United States Code, shall take effect
 8 on the date that the oversight policies and proc-
 9 esses are established pursuant to subparagraph
 10 (A).

11 (e) DEADLINE FOR ESTABLISHMENT OF NATIONAL
 12 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1
 13 year after the date of the enactment of this Act, the Sec-
 14 retary shall establish a national registry of medical exam-
 15 iners as required by section 31149(d)(1) of title 49,
 16 United States Code.

17 **SEC. 108. SAFETY, ENFORCEMENT, AND RESEARCH TECH-**
 18 **NOLOGY FOR COMMERCIAL MOTOR VEHI-**
 19 **CLES.**

20 (a) ELECTRONIC ON-BOARD RECORDERS.—

21 (1) IN GENERAL.—Not later than 1 year after
 22 the date of enactment of this Act, the Secretary
 23 shall prescribe regulations requiring that all com-
 24 mercial motor vehicles used by a motor carrier in
 25 interstate commerce be equipped with electronic on-

1 board recorders. Such regulations shall include per-
2 formance requirements to ensure that electronic on-
3 board recorders—

4 (A) are linked with vehicle engine and
5 transmission functions and electronic control
6 modules;

7 (B) accurately record commercial driver
8 hours of service;

9 (C) provide real-time tracking of driver
10 and vehicle location; and

11 (D) are tamper-proof.

12 (2) APPLICABILITY.—The regulations pre-
13 scribed under paragraph (1) shall apply to all com-
14 mercial motor vehicles used by motor carriers in
15 interstate commerce beginning on the date that is 3
16 years after the date of the enactment of this Act.

17 (b) EVENT DATA RECORDERS.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary
20 shall prescribe performance requirements for event
21 data recorders, including requirements regarding
22 specific types of vehicle operations, events and inci-
23 dents, and vehicle systems information to be re-
24 corded, for event data recorders to be used on com-
25 mercial motor vehicles. For this purpose, the Sec-

1 retary shall consider the performance requirements
2 for event data recorders for passenger vehicles in
3 part 563 of title 49, Code of Federal Regulation, as
4 a baseline specification but shall require additional
5 information or other performance requirements as
6 appropriate for commercial motor vehicles.

7 (2) APPLICABILITY.—The regulations pre-
8 scribed under paragraph (1) shall apply to all com-
9 mercial motor vehicles used by motor carriers in
10 interstate commerce beginning on the date that is 5
11 years after the date of the enactment of this Act.”

12 (c) COMBINED TECHNOLOGY.—Except as otherwise
13 required by the Secretary, the requirements of subsections
14 (a) and (b) may be combined in a single technology.

15 (d) COMMERCIAL MOTOR VEHICLE TIRES.—

16 (1) COMMERCIAL MOTOR VEHICLE TIRE PRES-
17 SURE MONITORING SYSTEMS.—Not later than 2
18 years after the date of enactment of this Act, the
19 Secretary shall issue regulations that require com-
20 mercial motor vehicles to be equipped with direct
21 tire pressure monitoring systems that warn the oper-
22 ator of a commercial motor vehicle when any tire ex-
23 hibits a level of air pressure that is below a specified
24 level of air pressure established by the Secretary.
25 Such regulations shall include performance require-

1 ments to ensure that direct tire pressure monitoring
2 systems are capable of performing—

3 (A) at all times when the ignition locking
4 system is in the “on” position;

5 (B) at all vehicle speeds;

6 (C) on all road surfaces;

7 (D) during all weather conditions;

8 (E) after a repair or other service is per-
9 formed on a tire; and

10 (F) on spare tires.

11 (2) COMMERCIAL MOTOR VEHICLE RETREADED
12 TIRES.—Not Later than 3 years after the enactment
13 of this Act, the Secretary shall establish a perform-
14 ance standard for retreaded, regrooved or otherwise
15 remanufactured commercial motor vehicle tires that
16 ensures that such tires achieve a level of safety per-
17 formance that is at least equivalent to the safety
18 performance of new commercial motor vehicle tires.

19 **SEC. 109. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**
20 **TION PROGRAMS.**

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

24 “(a) ANNUAL SAFETY INSPECTION PROGRAM.—

1 “(1) PROGRAM REQUIRED.—In order to receive
2 a grant pursuant to section 31102 of this title, a
3 State shall conduct an annual safety inspection pro-
4 gram for commercial motor vehicles, including motor
5 carriers transporting not less than 9 and not more
6 than 15 passengers (including a driver), that re-
7 ceives approval from the Secretary pursuant to para-
8 graph (3).

9 “(2) INSPECTION OF SAFETY EQUIPMENT.—A
10 commercial motor vehicle inspected under a program
11 established pursuant to paragraph (1) is required to
12 pass an inspection, conducted by the State in which
13 the vehicle is registered, of all safety equipment re-
14 quired under the regulations prescribed under sec-
15 tion 31136 of this title.

16 “(3) PERIODIC REVIEW OF STATE SAFETY IN-
17 SPECTION PROGRAMS.—Not less frequently than
18 once every 3 years, the Secretary shall review and
19 approve or disapprove each State’s safety inspection
20 program established pursuant to paragraph (1).

21 “(b) REGULATIONS FOR INSPECTION OF VEHICLES
22 AND RECORD RETENTION.—

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

1 “(A) inspection of commercial motor vehi-
2 cles under programs established pursuant to
3 subsection (a); and

4 “(B) retention by employers of records of
5 such an inspection.

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

9 (b) CONDITION ON STATE GRANTS.—Section
10 31102(d) of such title is amended to read as follows:

11 “(d) CONTINUOUS EVALUATION OF PLANS.—

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

23 “(2) APPROVAL OF ANNUAL COMMERCIAL
24 MOTOR VEHICLE INSPECTION PROGRAMS.—If, under
25 paragraph (3) of section 31142(a) of this title, the

1 Secretary disapproves of an annual safety inspection
2 program of a State established pursuant to para-
3 graph (1) of such section 31142(a), the Secretary
4 shall withdraw approval of the plan of such State
5 and notify the State.

6 “(3) EFFECTIVE DATE OF PLAN DIS-
7 APPROVAL.—A State plan stops being effective
8 under this subsection when notice is received by the
9 State under this subsection.

10 “(4) JUDICIAL REVIEW.—A State adversely af-
11 fected by a withdrawal of approval under this sub-
12 section may seek judicial review under chapter 7 of
13 title 5, United States Code.

14 “(5) RETENTION OF JURISDICTION.—Notwith-
15 standing a withdrawal of approval under this sub-
16 section, the State may retain jurisdiction in adminis-
17 trative or judicial proceedings begun before the with-
18 drawal if the issues involved are not related directly
19 to the reasons for the withdrawal.”.

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

1 **SEC. 110. REGULATIONS.**

2 Any standard or regulation prescribed or modified
3 pursuant to this title shall be done in accordance with sec-
4 tion 553 of title 5, United States Code.

5 **TITLE II—CREDIT FOR COST OF**
6 **MOTORCOACHES COMPLYING**
7 **WITH FEDERAL SAFETY RE-**
8 **QUIREMENTS**

9 **SEC. 201. CREDIT FOR COST OF MOTORCOACHES COM-**
10 **PLYING WITH FEDERAL SAFETY REQUIRE-**
11 **MENTS.**

12 (a) IN GENERAL.—Subpart D of part IV of sub-
13 chapter 1 of the Internal Revenue Code of 1986 (relating
14 to business-related credits) is amended by inserting after
15 section 45Q the following new section:

16 **“SEC. 45R. CREDIT FOR COST OF MOTORCOACHES COM-**
17 **PLYING WITH FEDERAL SAFETY REQUIRE-**
18 **MENTS.**

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

24 “(1) qualified new motorcoaches, and

25 “(2) such improvements to any in-service mo-
26 torcoach which is used by the taxpayer as are nec-

1 essary for such motorcoach to satisfy the require-
2 ments prescribed under section 102 of the Motor-
3 coach Enhanced Safety Act of 2009.

4 “(b) LIMITATION.—The credit determined under sub-
5 section (a) with respect to any motorcoach shall not exceed
6 \$45,000.

7 “(c) QUALIFIED NEW AND IN-SERVICE
8 MOTORCOACHES.—For purposes of this section—

9 “(1) QUALIFIED NEW MOTORCOACH.—The term
10 ‘qualified new motorcoach’ means any motorcoach—

11 “(A) the original use of which commences
12 with the taxpayer,

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

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

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

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

20 “(F) which meets the requirements pre-
21 scribed under section 102 of the Motorcoach
22 Enhanced Safety Act of 2009.

23 “(2) IN-SERVICE MOTORCOACH.—The term ‘in-
24 service motorcoach’ means any motorcoach—

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

3 “(B) which is manufactured on or before
4 the specified effective date.

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

7 “(1) MOTORCOACH.—The term ‘motorcoach’
8 means any vehicle to which the requirements pre-
9 scribed under section 102 of the Motorcoach En-
10 hanced Safety Act of 2009 apply, or would apply if
11 such vehicle were manufactured after the specified
12 effective date.

13 “(2) SPECIFIED EFFECTIVE DATE.—The term
14 ‘specified effective date’ means the effective date of
15 the regulation prescribed under section 102(a)(1) of
16 the Motorcoach Enhanced Safety Act of 2009.

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

21 “(4) RECAPTURE.—The Secretary shall, by reg-
22 ulation, provide for recapturing the benefit of any
23 credit determined under subsection (a) with respect
24 to any property which ceases to be property eligible
25 for such credit.

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

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

6 “(B) any property referred to in section
7 50(b).

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

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

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

18 “(g) CREDIT FOR COST OF MOTORCOACHES COM-
19 PLYING WITH FEDERAL SAFETY REQUIREMENTS.—No
20 deduction shall be allowed for that portion of the expenses
21 otherwise allowable as a deduction for the taxable year
22 which is equal to the amount of the credit determined for
23 the taxable year under section 45R(a).”.

24 (c) CONFORMING AMENDMENTS.—

1 (1) Section 38(b) of the Internal Revenue Code
 2 of 1986 is amended by striking “plus” at the end of
 3 paragraph (34), by striking the period at the end of
 4 paragraph (35) and inserting “, plus”, and by add-
 5 ing at the end the following:

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

8 (2) Section 1016(a) of such Code is amended
 9 by striking “and” at the end of paragraph (36), by
 10 striking the period at the end of paragraph (37) and
 11 inserting “, and”, and by adding at the end the fol-
 12 lowing new paragraph:

13 “(38) to the extent provided in section
 14 45R(d)(3).”.

15 (3) Section 6501(m) of such Code is amended
 16 by inserting “45Q(d)(6),” after “45H(g),”.

17 (4) The table of sections for subpart D of part
 18 IV of subchapter A of chapter 1 of such Code is
 19 amended by inserting after the item relating to sec-
 20 tion 45P the following new item:

“Sec. 45R. Credit for cost of motorcoaches complying with Federal safety re-
 quirements.”.

21 (d) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to taxable years ending after De-
 23 cember 31, 2008.

1 **TITLE III—OTHER PROVISIONS**

2 **SEC. 301. DEPARTMENT OF TRANSPORTATION GRANTS.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall develop and administer supplemental grants, not to
5 exceed \$20,000, for operators of motorcoaches in order to
6 assist with the cost of retrofitting motorcoaches in order
7 to comply with the Federal motor vehicle safety standards
8 prescribed under section 102 of the Motorcoach Enhanced
9 Safety Act of 2009.

10 (b) ELIGIBILITY.—To be eligible for a grant estab-
11 lished under subsection (a), a motorcoach operator shall—

12 (1) have a fleet of not more than 25 motor-
13 coaches;

14 (2) have total annual revenue of less than
15 \$5,000,000; and

16 (3) demonstrate to the Secretary that—

17 (A) the operator has been in business as
18 an over-the-road motorcoach operator for not
19 less than 3 consecutive years; and

20 (B) that the operator was unable to re-
21 cover, through allowed tax credits established
22 under section 201 in a consecutive 2 year pe-
23 riod, the full cost of retrofitting motorcoaches
24 in order to comply with the applicable Federal
25 motor vehicle safety standards.

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

7 **SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND**
 8 **LOAN GUARANTEES.**

9 Section 7(a) of the Small Business Act (15 U.S.C.
 10 636(a)) is amended—

11 (1) by redesignating the second paragraph (32),
 12 as added by section 208 of the Military Reservist
 13 and Veteran Small Business Reauthorization and
 14 Opportunity Act of 2008 (Public Law 110–186), as
 15 paragraph (33); and

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

17 “(34) MOTORCOACHES.—

18 “(A) IN GENERAL.—The Administration
 19 may make loans under this subsection to a
 20 small business concern that is a motorcoach
 21 manufacturer and to a small business concern
 22 that is a provider of motorcoach services, in-
 23 cluding to facilitate retrofitting of motorcoaches
 24 for occupant protection.

1 “(B) COUNSELING WITH RESPECT TO
2 AVAILABLE ASSISTANCE.—The Administrator
3 shall provide a small business concern described
4 in subparagraph (A) that is applying for a loan
5 under this subsection with counseling and ad-
6 vice with respect to other assistance programs
7 of the Administration that may be available to
8 such concern.

9 “(C) DEFINITIONS.—In this paragraph,
10 the terms ‘motorcoach’, ‘motorcoach manufac-
11 turer’, and ‘provider of motorcoach services’
12 have the meanings given those terms in section
13 101 of the Motorcoach Enhanced Safety Act of
14 2009.”.

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