

111TH CONGRESS
2D SESSION

H. R. 6441

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2010

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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, 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 2010”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Regulations for improved occupant protection and collision avoidance.
- Sec. 4. Standards for improved fire safety.
- Sec. 5. Occupant protection and collision avoidance research.

- Sec. 6. New entrants.
- Sec. 7. Reincarnated carriers.
- Sec. 8. Improved oversight of motorcoach service providers.
- Sec. 9. Motorcoach driver training.
- Sec. 10. Improved testing for the commercial driver's license passenger endorsement.
- Sec. 11. Improved physical fitness oversight and commercial driver medical certificates.
- Sec. 12. Safety and enforcement technology for motorcoaches.
- Sec. 13. Safety inspection program for commercial motor vehicles of passengers.
- Sec. 14. Distracted driving.
- Sec. 15. Motorcoach rental or leasing companies.
- Sec. 16. Registration of brokers for motor carriers of passengers.
- Sec. 17. 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 enactment of this Act).

12 (3) **COMMERCIAL MOTOR VEHICLE.**—Except as
13 otherwise specified, the term “commercial motor ve-
14 hicle” has the meaning given such term in section
15 31132(1) of title 49, United States Code.

16 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**
17 **TEM.**—The term “direct tire pressure monitoring
18 system” means a tire pressure monitoring system

1 that is capable of directly detecting when the air
2 pressure level in any tire is significantly under-in-
3 flated and providing the driver a low tire pressure
4 warning as to which specific tire is significantly
5 under-inflated.

6 (5) ELECTRONIC ON-BOARD RECORDER.—The
7 term “electronic on-board recorder” means an elec-
8 tronic device that acquires and stores data showing
9 the record of duty status of the vehicle operator and
10 performs the functions required of an automatic on-
11 board recording device in section 395.15(b) of title
12 49, Code of Federal Regulations.

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

17 (7) MOTOR CARRIER.—The term “motor car-
18 rier” means—

19 (A) a motor carrier, as defined in section
20 13102(14) of title 49, United States Code; or

21 (B) a motor private carrier, as defined in
22 section 13102(15) of such title.

23 (8) MOTORCOACH.—The term “motorcoach”
24 means a bus with a gross vehicle weight rating of
25 26,000 pounds or greater, 16 or more designated

1 seating positions (including the driver), and at least
2 2 rows of passenger seats rearward of the driver’s
3 seating position that are forward-facing or can be
4 converted to forward-facing without the use of tools,
5 but does not include—

6 (A) a bus used in transit service provided
7 by a State or local government; or

8 (B) a school bus, including a multifunction
9 school activity bus.

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

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

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

1 (12) PROVIDER OF MOTORCOACH SERVICES.—

2 The term “provider of motorcoach services” means
3 a motor carrier that provides passenger transpor-
4 tation services with a motorcoach, including per-trip
5 compensation and contracted or chartered com-
6 pensation.

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

10 (14) SECRETARY.—The term “Secretary”
11 means the Secretary of Transportation.

12 (15) TRANSIT SERVICE.—The term “transit
13 service” means motorcoach service characterized by
14 operating speeds of less than 45 miles per hour and
15 frequent stops.

16 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**
17 **TION AND COLLISION AVOIDANCE.**

18 (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not
19 later than 1 year after the date of the enactment of this
20 Act, the Secretary shall prescribe regulations as follows:

21 (1) SAFETY BELTS.—The Secretary shall issue
22 a final rule in Docket No. NHTSA 2010–0112: Fed-
23 eral Motor Vehicle Standards; Motorcoach Defini-
24 tion; Occupant Crash Protection, to require safety

1 belts to be installed in motorcoaches at each des-
2 ignated seating position.

3 (2) FIREFIGHTING EQUIPMENT.—The Secretary
4 shall require the installation in motorcoaches of im-
5 proved fire extinguishers or other readily available
6 firefighting equipment for the purpose of effectively
7 extinguishing fires in motorcoaches to prevent pas-
8 senger deaths and injuries.

9 (b) REGULATIONS REQUIRED WITHIN 18
10 MONTHS.—Not later than 18 months after the date of the
11 enactment of this Act, the Secretary shall prescribe regu-
12 lations—

13 (1) establishing improved roof standards for
14 motorcoaches that substantially improve the resist-
15 ance of motorcoach roofs to deformation and intru-
16 sion to prevent serious occupant injury in rollover
17 crashes involving motorcoaches; and

18 (2) requiring advanced glazing to be installed in
19 each motorcoach portal to prevent partial or com-
20 plete ejection of passengers of motorcoaches, includ-
21 ing such passengers that are children.

22 (c) REGULATIONS REQUIRED WITHIN 2 YEARS.—
23 Not later than 2 years after the date of enactment of this
24 Act, the Secretary shall prescribe commercial motor vehi-
25 cle regulations as follows:

1 (1) ROLLOVER CRASH AVOIDANCE.—The Sec-
2 retary shall require motorcoaches to be equipped
3 with stability enhancing technology, such as elec-
4 tronic stability control, or torque vectoring, to re-
5 duce the number and frequency of rollover crashes
6 among motorcoaches.

7 (2) COMMERCIAL MOTOR VEHICLE TIRE PRES-
8 SURE MONITORING SYSTEMS.—

9 (A) The Secretary shall issue regulations
10 that require motorcoaches to be equipped with
11 direct tire pressure monitoring systems that
12 warn the operator of a commercial motor vehi-
13 cle when any tire exhibits a level of air pressure
14 that is below a specified level of air pressure es-
15 tablished by the Secretary.

16 (B) The regulations prescribed by the Sec-
17 retary under this section shall include perform-
18 ance requirements to ensure that direct tire
19 pressure monitoring systems are capable of—

20 (i) providing a warning to the driver
21 when 1 or more tires are underinflated;

22 (ii) activating in a specified time pe-
23 riod after the under-inflation is detected;
24 and

1 (iii) operating at different vehicle
2 speeds.

3 (3) TIRE PERFORMANCE STANDARD.—The Sec-
4 retary shall upgrade performance standards for tires
5 used on motorcoaches, including an enhanced endur-
6 ance test and a new high-speed performance test.

7 (d) APPLICATION OF REGULATIONS.—

8 (1) NEW MOTORCOACHES.—A regulation pre-
9 scribed in accordance with subsection (a), (b), or (c)
10 shall apply to all motorcoaches manufactured more
11 than 2 years after the date on which the regulation
12 is published as a final rule.

13 (2) RETROFIT REQUIREMENTS FOR EXISTING
14 MOTORCOACHES.—The Secretary may, by regula-
15 tion, provide for the application of any requirement
16 established under this section to motorcoaches man-
17 ufactured before the date on which the requirement
18 applies to new motorcoaches under paragraph (1)
19 based on an assessment of the feasibility, benefits,
20 and costs of retrofitting such motorcoaches. The
21 Secretary shall complete an assessment with respect
22 to safety belt retrofits no later than 2 years after
23 the date of enactment of this Act.

1 **SEC. 4. STANDARDS FOR IMPROVED FIRE SAFETY.**

2 (a) EVALUATIONS.—Within 18 months after the date
3 of enactment of this Act, the Secretary shall complete an
4 evaluation of the following:

5 (1) FLAMMABILITY STANDARD FOR EXTERIOR
6 COMPONENTS.—The Secretary shall examine the
7 feasibility of establishing requirements for fire hard-
8 ening or fire resistance of motorcoach exterior com-
9 ponents to prevent fire and smoke inhalation injuries
10 to occupants.

11 (2) SMOKE SUPPRESSION.—The Secretary shall
12 review Federal motor vehicle safety standard num-
13 ber 302 (49 CFR 571.302; relating to flammability
14 of interior materials) to consider more realistic tests
15 to improve the resistance of motorcoach interiors
16 and components to burning and permit sufficient
17 time for the safe evacuation of passengers from
18 motorcoaches.

19 (3) PREVENTION OF, AND RESISTANCE TO,
20 WHEEL WELL FIRES.—The Secretary shall assess
21 technologies to prevent and mitigate the propagation
22 of wheel well fires into the passenger compartment
23 and substantially reduce occupant deaths and inju-
24 ries from such fires.

1 (4) PASSENGER EVACUATION.—The Secretary
2 shall evaluate requirements for motorcoaches to be
3 equipped with the following:

4 (A) IMPROVED EMERGENCY EVACUATION
5 DESIGNS.—Improved emergency exit window,
6 door, roof hatch, and wheelchair lift door de-
7 signs to expedite access and use by passengers
8 of motorcoaches under all emergency cir-
9 cumstances, including crashes and fires.

10 (B) EMERGENCY INTERIOR LIGHTING.—
11 Emergency interior lighting systems, including
12 luminescent or retroreflectorized delineation of
13 evacuation paths and exits, that are triggered
14 by a crash or other emergency incidents to ac-
15 complish more rapid and effective evacuation of
16 passengers.

17 (5) AUTOMATIC FIRE SUPPRESSION.—The Sec-
18 retary shall evaluate requirements for motorcoaches
19 to be equipped with highly effective fire suppression
20 systems that automatically respond to and suppress
21 all fires in such motorcoaches.

22 (b) PERFORMANCE REQUIREMENTS.—Not later than
23 3 years after the date of enactment of this Act, the Sec-
24 retary shall issue performance requirements for improved

1 fire safety and passenger evacuation based on the results
2 of the evaluations conducted under subsection (a).

3 **SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOID-**
4 **ANCE RESEARCH.**

5 (a) SAFETY RESEARCH INITIATIVES.—Not later than
6 2 years after the date of enactment of this Act, the Sec-
7 retary shall complete research on the following:

8 (1) COMPARTMENTALIZATION SAFETY COUN-
9 TERMEASURES.—Enhanced compartmentalization
10 safety countermeasures for motorcoaches, including
11 enhanced seating designs, to reduce substantially the
12 risk of passengers being thrown from their seats and
13 colliding with other passengers, interior surfaces,
14 and components in the event of a crash involving a
15 motorcoach.

16 (2) INTERIOR IMPACT PROTECTION.—Enhanced
17 occupant impact protection standards for motor-
18 coach interiors to reduce substantially serious inju-
19 ries for all passengers of motorcoaches.

20 (3) COLLISION AVOIDANCE SYSTEMS.—Forward
21 and lateral crash warning systems applications for
22 motorcoaches.

23 (b) STANDARDS AND REGULATIONS.—Not later than
24 2 years after the completion of each research initiative re-

1 quired by subsection (a), the Secretary shall issue a stand-
 2 ard or regulation based on the results of that research.

3 **SEC. 6. NEW ENTRANTS.**

4 (a) REGISTRATION REQUIREMENTS.—Section
 5 13902(b) of title 49, United States Code, is amended by
 6 redesignating paragraphs (1) through (8) as paragraphs
 7 (3) through (10), respectively, and inserting before para-
 8 graph (3), as redesignated, the following:

9 “(1) ADDITIONAL REGISTRATION REQUIRE-
 10 MENTS FOR PROVIDERS OR MOTORCOACH SERV-
 11 ICES.—In addition to meeting the requirements of
 12 subsection (a)(1), the Secretary may register a per-
 13 son to provide motorcoach services only after that
 14 person—

15 “(A) undergoes a pre-authorization safety
 16 audit, including verification, in a manner suffi-
 17 cient to demonstrate the ability to comply with
 18 Federal rules and regulations, of—

19 “(i) a drug and alcohol testing pro-
 20 gram consistent with part 40 of title 49,
 21 Code of Federal Regulations;

22 “(ii) the carrier’s system of compli-
 23 ance with hours-of-service rules, including
 24 hours-of-service records;

1 “(iii) the ability to obtain required in-
2 surance;

3 “(iv) driver qualifications, including
4 the validity of the commercial driver’s li-
5 cense of each driver who will be operating
6 under such authority;

7 “(v) disclosure of common ownership,
8 common control, common management,
9 common familial relationship, or other cor-
10 porate relationship with another motor car-
11 rier or applicant for motor carrier author-
12 ity over the past 3 years;

13 “(vi) records of the State inspections,
14 or of a Level I or V Commercial Vehicle
15 Safety Alliance Inspection, for all vehicles
16 that will be operated by the carrier;

17 “(vii) safety management programs,
18 including vehicle maintenance and repair
19 programs; and

20 “(viii) the ability to comply with the
21 Americans with Disabilities Act of 1990
22 (42 U.S.C. 12101 et seq.) and the Over-
23 the-Road Bus Transportation Accessibility
24 Act of 2007 (49 U.S.C. 10101 note);

1 “(B) has been interviewed to review safety
2 management controls and the carrier’s written
3 safety oversight policies and practices; and

4 “(C) has demonstrated, through the suc-
5 cessful completion of a written examination de-
6 veloped by the Secretary, proficiency to comply
7 with and carry out the requirements and regu-
8 lations described in subsection (a)(1).

9 “(2) PRE-AUTHORIZATION SAFETY AUDIT.—
10 The pre-authorization safety audit required by para-
11 graph (1)(A) shall be completed on-site no later than
12 90 days following the submission of an application
13 for operating authority.

14 “(3) FEE.—The Secretary may establish, under
15 section 9701 of title 31, a fee of not more than
16 \$1,200 for new registrants that as nearly as possible
17 covers the costs of performing a preauthorization
18 safety audit. An amount collected under this sub-
19 section shall be deposited in the Highway Trust
20 Fund (other than the Mass Transit Account).”.

21 (b) SAFETY REVIEWS OF NEW OPERATORS.—Section
22 31144(g)(1) of title 49, United States Code, is amended
23 by inserting “transporting property” after “each oper-
24 ator”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 1 year after the date of enact-
3 ment of this Act.

4 **SEC. 7. REINCARNATED CARRIERS.**

5 (a) REGISTRATION REQUIREMENTS.—Section
6 13902(b) of title 49, United States Code, is amended by
7 redesignating paragraphs (1) through (8) as paragraphs
8 (2) through (9), respectively, and inserting before para-
9 graph (2), as redesignated, the following:

10 “(1) DISCLOSURE OF PRIOR RELATIONSHIPS.—

11 In addition to meeting the requirements under sub-
12 section (a)(1), the Secretary shall require applicants
13 for authority to transport passengers to disclose any
14 relationship involving common ownership, common
15 management, or common familial relationship be-
16 tween that person and any other motor carrier, if
17 the relationship occurred in the 3-year period pre-
18 ceding the date of the filing of the application for
19 registration.”.

20 (b) DENIAL, SUSPENSION, AMENDMENT, OR REV-
21 OCATION OF REGISTRATION.—Section 13905(d)(1) of title
22 49, United States Code, is amended—

23 (1) by striking “registration; and” and insert-
24 ing “registration;”;

(2) by striking “penalty.” and inserting “penalty; and (C) deny, suspend, amend, or revoke all or part of a registration of a motor carrier following a determination by the Secretary that the motor carrier failed to disclose in its application for registration a material fact relevant to its willingness and ability to comply with—

“(i) this part;

“(ii) an applicable regulation or order of the Secretary or the Board; or

“(iii) a condition of its registration.”.

(c) PROCEDURE.—Section 13905(e)(1) of such title is amended by striking “registrant” and inserting “registrant, or if the Secretary determines that the registrant has failed to disclose a material fact in its application for registration in accordance with subsection (d)(1)(C),”.

(d) DUTIES OF EMPLOYERS AND EMPLOYEES.—Section 31135 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) AVOIDING COMPLIANCE.—Two or more employers shall not use common ownership, common management, common control, or common familial relationship to

1 enable any or all such employers to avoid compliance, or
 2 mask or otherwise conceal noncompliance, or a history of
 3 noncompliance, with commercial motor vehicle safety regu-
 4 lations issued under this subchapter, chapter 315, or an
 5 order of the Secretary issued under this subchapter, chap-
 6 ter 315, or such regulations. If the Secretary determines
 7 that actions described in the preceding sentence have oc-
 8 curred, the Secretary shall deny, suspend, amend, or re-
 9 voke all or part of any such employer’s registration under
 10 section 13905, and shall take into account such non-
 11 compliance for purposes of determining civil penalty
 12 amount under section 521(b)(2)(D).”.

13 **SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE**
 14 **PROVIDERS.**

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

18 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF
 19 MOTORCOACH SERVICES.—

20 “(1) SAFETY REVIEW.—

21 “(A) IN GENERAL.—The Secretary shall
 22 determine the safety fitness of all providers of
 23 motorcoach services registered with the Federal
 24 Motor Carrier Safety Administration and assign
 25 a safety fitness rating to each such provider.

1 “(B) APPLICABILITY.—Subparagraph (A)
2 shall apply—

3 “(i) to any provider of motorcoach
4 services registered with the Administration
5 after the date of enactment of the Motor-
6 coach Enhanced Safety Act of 2010, not
7 later than 2 years after the date of reg-
8 istration; and

9 “(ii) to any provider of motorcoach
10 services registered with the Administration
11 on or before the date of enactment of that
12 Act, not later than 3 years after the date
13 of enactment of that Act.

14 “(2) PERIODIC REVIEW.—The Secretary shall
15 establish a process, by regulation, for monitoring the
16 safety performance of each provider of motorcoach
17 services on a regular basis following the assignment
18 of a safety fitness rating, including progressive inter-
19 vention to correct unsafe practices.

20 “(3) ENFORCEMENT STRIKE FORCES.—In addi-
21 tion to the enhanced monitoring and enforcement ac-
22 tions required under paragraph (2), the Secretary
23 may organize special enforcement strike forces tar-
24 geting providers of motorcoach services, when and
25 where the Secretary considers appropriate.

1 “(4) PERIODIC UPDATE OF SAFETY FITNESS
2 RATING.—As part of the safety review required by
3 this subsection, the Secretary shall reassess such
4 rating no less frequently than every 3 years.

5 “(5) MOTORCOACH SERVICES DEFINED.—In
6 this subsection, the term ‘provider of motorcoach
7 services’ has the meaning provided such term in sec-
8 tion 2 of the Motorcoach Enhanced Safety Act of
9 2010.”

10 (b) REVISION OF SAFETY FITNESS RATING METH-
11 ODOLOGY.—Not later than one year after the date of en-
12 actment of this Act, the Secretary shall revise the safety
13 fitness rating methodology of the Department of Trans-
14 portation established pursuant to section 31144 of title
15 49, United States Code, to meet the goals of the safety
16 recommendation H–99–6 of the National Transportation
17 Safety Board issued February 26, 1999.

18 (c) HIGH RISK CARRIER COMPLIANCE REVIEWS.—
19 The second sentence of section 4138 of Public law 109–
20 59 (49 U.S.C. 31144 note) is amended by striking “is
21 rated as category A or B for 2 consecutive months.” and
22 inserting “meets the Safety Measurement System criteria
23 for being a high risk motor carrier for 2 consecutive
24 months.”.

1 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

2 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

3 (1) IN GENERAL.—Not later than 6 months
4 after the date of enactment of this Act, the Sec-
5 retary shall establish, by regulation, minimum cur-
6 ricular requirements for entry-level drivers of
7 motorcoaches and drivers upgrading from one class
8 of commercial driver’s license to another, to be
9 adopted by public and private schools and motor
10 carriers and motorcoach operators that provide
11 training for such drivers.

12 (2) CURRICULAR REQUIREMENTS.—The cur-
13 ricular requirements under paragraph (1) shall in-
14 clude the following:

15 (A) Classroom and behind-the-wheel in-
16 struction that is adequate for training entry-
17 level drivers of motorcoaches and drivers up-
18 grading from one class of commercial driver’s
19 license to another to safely operate
20 motorcoaches and respond effectively to emer-
21 gency situations.

22 (B) Instruction in advanced knowledge and
23 skills that are necessary to operate
24 motorcoaches safely, including knowledge and
25 skills necessary—

26 (i) to suppress motorcoach fires; and

1 (ii) to evacuate passengers from
2 motorcoaches safely.

3 (b) TRAINING REQUIRED.—

4 (1) IN GENERAL.—The Secretary shall require
5 each motorcoach driver seeking a commercial driv-
6 er's license passenger endorsement to undergo a
7 training program that includes the minimum cur-
8 ricular requirements established under subsection (a)
9 before taking a test for a commercial driver's license
10 passenger endorsement.

11 (2) VERIFICATION REQUIRED.—The Secretary
12 shall require that—

13 (A) each trainer of a driver seeking a com-
14 mercial driver's license passenger endorsement
15 shall submit to the appropriate State licensing
16 authority information on any driver that has
17 successfully completed a motorcoach driver
18 training course that includes the curricular re-
19 quirements established under subsection (a);
20 and

21 (B) the State licensing authority may not
22 administer the skills test for the passenger en-
23 dorsement nor issue a passenger endorsement
24 to a driver unless the State licensing authority
25 verifies that the driver has successfully com-

1 pleted a motorcoach driver training course as
2 required by subparagraph (A).

3 (c) REPORT ON FEASIBILITY, BENEFITS, AND COSTS
4 OF ESTABLISHING A SYSTEM OF CERTIFICATION OF
5 TRAINING PROGRAMS.—Not later than 2 years after the
6 date of enactment of this Act, the Secretary shall submit
7 a report to the Senate Committee on Commerce, Science,
8 and Transportation and the House of Representatives
9 Committee on Energy and Commerce on the feasibility,
10 benefits, and costs of establishing a system of certification
11 of public and private schools and of motor carriers and
12 motorcoach operators that provide motorcoach driver
13 training in accordance with the curricular requirements
14 established by the Secretary under subsection (a).

15 (d) NONPREEMPTION OF STATE PROGRAMS.—The
16 minimum curricular requirements required by this section
17 do not preempt any State or local law or regulation impos-
18 ing additional or more stringent requirements unless the
19 Secretary determines that—

20 (1) the law or regulation is incompatible with
21 the regulation prescribed by the Secretary; or

22 (2) enforcement of the State law or the local
23 law or regulation would impose an unreasonable bur-
24 den on interstate commerce.

1 **SEC. 10. IMPROVED TESTING FOR THE COMMERCIAL DRIV-**
2 **ER'S LICENSE PASSENGER ENDORSEMENT.**

3 (a) INCREASED STRINGENCY OF EXAMINATION FOR
4 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
5 ENDORSEMENT.—

6 (1) FINAL RULE.—Not later than 6 months
7 after the date of enactment of this Act, the Sec-
8 retary shall issue a final rule in Docket No. FMCSA
9 2007–27659: Commercial Driver's License Testing
10 and Commercial Learner's Permit Standards that
11 improves the quality and stringency of the examina-
12 tion for the commercial driver's license passenger-
13 carrying endorsement. The final rule shall require—

14 (A) a more stringent knowledge test than
15 the test in effect on the day before the date of
16 enactment of this Act; and

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

23 (2) CONSULTATION.—The Secretary shall con-
24 sult with the American Association of Motor Vehicle
25 Administrators in carrying out paragraph (1).

(b) REPORT ON DRIVER’S LICENSE REQUIREMENTS FOR 9- TO 15-PASSENGER VANS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure for requiring that all or certain classes of drivers—

(1) have a commercial driver’s license passenger-carrying endorsement in order to operate a commercial motor vehicle (as defined in section 31301(4) of title 49, United States Code) and transport not less than 9 and not more than 15 passengers (including a driver) in interstate commerce; and

(2) be tested in accordance with a drug and alcohol testing program consistent with part 40 of title 49, Code of Federal Regulations.

SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND COMMERCIAL DRIVER MEDICAL CERTIFICATES.

(a) MEDICAL REVIEW BOARD FUNCTIONS.—Section 31149(a)(1) of title 49, United States Code, is amended—

(1) by inserting “(A)” after “recommendations on”;

1 (2) by striking “research.” and inserting “re-
2 search and (B) advice and recommendations con-
3 cerning the criteria to be used for evaluating medical
4 examiners for admission to the national registry es-
5 tablished under this section.”.

6 (b) EXAMINATION REQUIREMENTS FOR LISTING IN
7 THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.—
8 Section 31149(c)(1)(D) of title 49, United States Code,
9 is amended to read as follows:

10 “(D) develop requirements applicable to a
11 medical examiner seeking to be listed in the na-
12 tional registry, including—

13 “(i) specific courses and materials
14 that must be completed to be listed in the
15 national registry;

16 “(ii) a rigorous written examination
17 for which a passing grade must be
18 achieved to be listed in the national reg-
19 istry;

20 “(iii) certification (including self-cer-
21 tification), as appropriate, to verify that
22 the medical examiner has completed train-
23 ing, including refresher courses, that the
24 Secretary determines are necessary to be
25 listed in the national registry; and

1 “(iv) demonstration of the willingness
2 and ability of a medical examiner to com-
3 ply with any reporting requirements estab-
4 lished by the Secretary;”.

5 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
6 Not later than 18 months after the date of enactment of
7 this Act, the Secretary shall require by regulation that
8 each time a medical examiner performs a medical exam-
9 ination to certify an applicant for a commercial driver’s
10 license under section 391.43 of title 49, Code of Federal
11 Regulations, such medical examiner shall submit to the
12 appropriate State licensing agency the form for such ex-
13 amination required by section 391.43(f) of such title (as
14 in effect on the day before the date of enactment of this
15 Act).

16 (d) STATE PLAN REQUIREMENT.—Section 31102(b)
17 of title 49, United States Code, is amended—

18 (1) by striking “and” after the semicolon in
19 subparagraph (W);

20 (2) by striking “stop.” in subparagraph (X)
21 and inserting “stop; and”; and

22 (3) by adding at the end the following:

23 “(Y) requires State licensing authorities to
24 compare the forms they receive pursuant to sec-
25 tion 11(c) of the Motorcoach Enhanced Safety

1 Act of 2010 with the medical examiner’s certifi-
2 cate required by section 391.43(g) of title 49,
3 Code of Federal Regulations (as in effect on the
4 day before the date of enactment of that Act),
5 to determine the accuracy and validity of the
6 information contained in such forms and certifi-
7 cates.”.

8 (e) ADDITIONAL OVERSIGHT OF LICENSING AU-
9 THORITIES.—

10 (1) IN GENERAL.—Section 31149(c)(1) of title
11 49, United States Code, is amended—

12 (A) by striking “basis; and” in subpara-
13 graph (E) and inserting “basis;”;

14 (B) by striking “certification.” in subpara-
15 graph (F) and inserting “certification; and”;
16 and

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

18 “(G) each year, review the licensing au-
19 thorities of 10 States to assess the accuracy,
20 validity, and timeliness of physical examination
21 reports and medical certificates submitted by
22 certified medical examiners to such State licens-
23 ing agencies and the processing of such submis-
24 sions by the licensing authorities.”.

25 (2) INTERNAL OVERSIGHT POLICY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish an oversight policy and process within the Department of Transportation for purposes of carrying out the requirement of subparagraph (G) of such section 31149(c)(1), as added by paragraph (1).

(B) EFFECTIVE DATE.—The requirement of subparagraph (G) of section 31149(c)(1) of title 49, United States Code, shall take effect on the date that the oversight policies and processes are established pursuant to subparagraph (A).

(f) DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners as required by section 31149(d)(1) of title 49, United States Code.

SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR MOTORCOACHES.

(a) ELECTRONIC ON-BOARD RECORDERS.—

(1) IN GENERAL.—

(A) Not later than 1 year after the date of enactment of this Act, the Secretary shall pre-

1 scribe regulations requiring that all
2 motorcoaches used by a motor carrier in inter-
3 state commerce be equipped with electronic on-
4 board recorders.

5 (B) The regulations prescribed by the Sec-
6 retary under this section shall include perform-
7 ance requirements to ensure that electronic on-
8 board recorders—

9 (i) accurately record commercial driv-
10 er hours of service;

11 (ii) allow tracking of driver and vehi-
12 cle location; and

13 (iii) are tamper resistant.

14 (2) APPLICABILITY.—The regulations pre-
15 scribed under paragraph (1) shall apply to all such
16 motorcoaches beginning on the date that is 2 years
17 after the date on which the regulation is published
18 as a final rule.

19 (b) EVENT DATA RECORDERS.—

20 (1) EVALUATION.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary
22 shall complete an evaluation of event data recorders,
23 including requirements regarding specific types of
24 vehicle operations, events and incidents, and systems
25 information to be recorded, for event data recorders

1 to be used on motorcoaches used by motor carriers
2 in interstate commerce. For this purpose, the Sec-
3 retary shall consider the performance requirements
4 for event data recorders for passenger vehicles under
5 part 563 of title 49, Code of Federal Regulations.

6 (2) STANDARDS AND REGULATIONS.—Within 2
7 years after completing the evaluation required by
8 paragraph (1), the Secretary shall issue standards
9 and regulations based on the results of that evalua-
10 tion.

11 **SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**
12 **MOTOR VEHICLES OF PASSENGERS.**

13 Not later than 3 years after the date of enactment
14 of this Act, the Secretary shall complete a rulemaking pro-
15 ceeding to consider requiring States to conduct annual in-
16 spections of commercial motor vehicles designed or used
17 to transport passengers, including—

18 (1) an assessment of the risks associated with
19 improperly maintained or inspected commercial
20 motor vehicles designed or used to transport pas-
21 sengers;

22 (2) an assessment of the effectiveness of cur-
23 rent Federal standards for the inspection of such ve-
24 hicles in mitigating the risks described in paragraph

1 (1) and to ensure the safe and proper operation con-
 2 dition of such vehicles; and

3 (3) an assessment of the costs and benefits of
 4 a mandatory State inspection program.

5 **SEC. 14. DISTRACTED DRIVING.**

6 (a) IN GENERAL.—Subchapter III of chapter 311 of
 7 title 49, United States Code, is amended by adding at the
 8 end the following:

9 **“§ 31152. Regulation of the use of distracting devices**
 10 **in motorcoaches**

11 “(a) IN GENERAL.—No later than 1 year after the
 12 enactment of the Motorcoach Enhanced Safety Act of
 13 2010, the Secretary of Transportation shall prescribe reg-
 14 ulations on the use of electronic or wireless devices, includ-
 15 ing cell phones and other distracting devices, by an indi-
 16 vidual employed as the operator of a motorcoach (as de-
 17 fined in section 2(8) of that Act).

18 “(b) BASIS FOR REGULATIONS.—The Secretary shall
 19 base the regulations required by subsection (a) on accident
 20 data analysis, the results of ongoing research, and other
 21 information, as appropriate.

22 “(c) PROHIBITED USE.—The Secretary shall prohibit
 23 the use of such devices in circumstances in which the Sec-
 24 retary determines that their use interferes with the driv-
 25 er’s safe operation of a motorcoach (as so defined).

1 “(d) PERMITTED USE.—Under the regulations, the
 2 Secretary may permit the use of a device, the use of which
 3 is prohibited under subsection (c), if the Secretary deter-
 4 mines that such use is necessary for the safety of the driv-
 5 er or the public in emergency circumstances.”.

6 (b) CONFORMING AMENDMENT.—The table of con-
 7 tents for chapter 311 of title 49, United States Code, is
 8 amended by inserting after the item relating to section
 9 31151 the following:

“31152. Regulation of the use of distracting devices in motorcoaches.”.

10 **SEC. 15. MOTORCOACH RENTAL OR LEASING COMPANIES.**

11 Paragraph (3) of section 31132 of title 49, United
 12 States Code, is amended to read as follows:

13 “(3) ‘employer’—

14 “(A) means a person engaged in a business
 15 affecting interstate commerce that—

16 “(i) owns or leases a commercial
 17 motor vehicle in connection with that busi-
 18 ness, or assigns and employee to operate
 19 it; or

20 “(ii) offers for rent or lease motor ve-
 21 hicles designed or used to transport more
 22 than 15 passengers, including the driver,
 23 and from the same location or as part of
 24 the same business provides names or con-
 25 tact information of drivers, arranges for a

1 driver of the rented or leased passenger-
 2 carrying motor vehicle, or holds itself out
 3 to the public as a provider of transpor-
 4 tation services; but

5 “(B) does not include an individual who is
 6 an employee of the United States Government,
 7 a State, or a political subdivision of a State act-
 8 ing in the course of that individual’s employ-
 9 ment as such an employee.”.

10 **SEC. 16. REGISTRATION OF BROKERS FOR MOTOR CAR-**
 11 **RIERS OF PASSENGERS.**

12 (a) IN GENERAL.—Section 13904(a) of title 49,
 13 United States Code, is amended by inserting “or pas-
 14 sengers” after “transportation of property”.

15 (b) REPEAL OF EXEMPTION.—Section 13506(a) of
 16 title 49, United States Code, is amended—

17 (1) by inserting “or” after the semicolon in
 18 paragraph (13);

19 (2) by striking paragraph (14); and

20 (3) by redesignating paragraph (15) as para-
 21 graph (14).

1 **SEC. 17. REGULATIONS.**

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

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