

111TH CONGRESS
2D SESSION

S. 3884

To require the use of electronic on-board recording devices in motor carriers
to improve compliance with hours of service regulations.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

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

A BILL

To require the use of electronic on-board recording devices
in motor carriers to improve compliance with hours of
service regulations.

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 This Act may be cited as the “Commercial Driver
5 Compliance Improvement Act”.

6 **SEC. 2. ELECTRONIC ON-BOARD RECORDING DEVICES.**

7 (a) AMENDMENTS.—Subchapter III of chapter 311
8 of title 49, United States Code, is amended—

9 (1) in section 31132—

1 (A) by redesignating paragraphs (2)
 2 through (11) as paragraphs (4) through (13),
 3 respectively; and

4 (B) by inserting after paragraph (1) the
 5 following:

6 “(2) ‘driving time’ has the meaning given such
 7 term under section 395.2 of title 49, Code of Fed-
 8 eral Regulations.

9 “(3) ‘electronic on-board recording device’
 10 means an electronic device that—

11 “(A) is capable of recording a driver’s duty
 12 hours of service and duty status accurately and
 13 automatically; and

14 “(B) meets the requirements under section
 15 395.16(b) of title 49, Code of Federal Regula-
 16 tions.”; and

17 (2) in section 31137—

18 (A) in the section heading by striking
 19 “**Monitoring device**” and inserting “**Elec-**
 20 **tronic on-board recording devices**”;
 21 and

22 (B) by amending subsection (a) to read as
 23 follows:

24 “(a) ELECTRONIC ON-BOARD RECORDING DE-
 25 VICES.—

1 “(1) REQUIREMENT.—All commercial motor ve-
2 hicles involved in interstate commerce and subject to
3 both the hours of service and the record of duty sta-
4 tus requirements under part 395 of title 49, Code of
5 Federal Regulations, shall be equipped with an elec-
6 tronic on-board recording device to improve compli-
7 ance with hours of service regulations under such
8 part.

9 “(2) LIMITATIONS OF INFORMATION RE-
10 TRIEVAL.—

11 “(A) IN GENERAL.—Data recorded by an
12 electronic on-board recording device that meets
13 the requirements under part 395 of title 49,
14 Code of Federal Regulations, is not admissible
15 in any civil, criminal, or administrative pro-
16 ceeding for any purpose other than establishing
17 compliance or noncompliance with the applica-
18 ble Federal hours-of-service rules governing the
19 maximum driving time and minimum off-duty
20 time applicable to motor carriers and drivers.

21 “(B) APPLICABILITY TO CIVIL AND CRIMI-
22 NAL PROCEEDINGS.—The prohibition under
23 subparagraph (A) shall apply to any civil or
24 criminal action or proceeding, whether in Fed-
25 eral or State court, and to any administrative

1 action, whether by Federal or State authorities,
2 unless—

3 “(i) the owner consents to the re-
4 trieval of the information; or

5 “(ii) the information—

6 “(I) is retrieved by a government
7 motor vehicle safety agency or law en-
8 forcement agency to determine compli-
9 ance with hours of service regulations
10 under part 395 of title 49, Code of
11 Federal Regulations, and enforcing
12 penalties for violating hours of service
13 regulations under such part; and

14 “(II) is not used by any person
15 or entity other than a government
16 motor vehicle agency for the purposes
17 set forth in subclause (I) without
18 owner consent.

19 “(C) DEFINED TERM.—In this paragraph,
20 the term ‘owner’ means a person or entity—

21 “(i) in whose name the motor vehicle,
22 which is equipped with the device from
23 which the data is retrieved, is registered or
24 titled; or

1 “(ii) entitled to possession of the
2 motor vehicle as lessee pursuant to a writ-
3 ten lease or rental agreement.”.

4 (b) EFFECTIVE DATE.—The amendments made
5 under subsection (a) shall take effect on the effective date
6 of the final regulations prescribed by the Secretary of
7 Transportation pursuant to section 3.

8 **SEC. 3. RULEMAKING.**

9 (a) IN GENERAL.—Not later than 18 months after
10 the date of the enactment of this Act, the Secretary of
11 Transportation shall prescribe final regulations to carry
12 out section 31137 of title 49, United States Code, as
13 amended by section 2.

14 (b) PERFORMANCE AND DESIGN STANDARDS.—The
15 regulations prescribed by the Secretary under this section
16 shall establish performance and design standards that re-
17 quire each electronic on-board recording device—

18 (1) to be integrally linked or communicate with
19 the vehicle’s engine control module;

20 (2) to identify each individual who operates the
21 vehicle;

22 (3) to accurately record driving time;

23 (4) to provide real-time tracking of the vehicle’s
24 location;

1 (5) to enable law enforcement personnel to ac-
2 cess the information contained in the device during
3 roadside inspections; and

4 (6) to be tamper resistant.

5 (c) ADDITIONAL REQUIREMENTS.—The regulations
6 prescribed by the Secretary under this section shall—

7 (1) define a standardized user interface to aid
8 vehicle operator compliance and law enforcement re-
9 views;

10 (2) establish a secure process for standardized
11 and unique vehicle operator identification, data ac-
12 cess, data transfer for vehicle operators between
13 motor vehicles, data storage for motor carriers, and
14 data transfer and transportability for law enforce-
15 ment;

16 (3) establish a standard security level for elec-
17 tronic on-board recording devices to be tamper re-
18 sistant; and

19 (4) establish a process for approving eligible
20 electronic on-board recorder systems.

21 (d) EFFECTIVE DATE; APPLICABILITY.—The regula-
22 tions prescribed under this section shall apply to all motor
23 carriers, commercial motor vehicles, and vehicle operators
24 subject to both the hours of service and the record of duty
25 status requirements under part 395 of title 49, Code of

- 1 Federal Regulations, beginning on the date that is 3 years
- 2 after the date of the enactment of this Act.

