

Calendar No. 419

111TH CONGRESS
2^D SESSION**S. 554****[Report No. 111–202]**

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

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2009

Mr. BROWN OF OHIO (for himself, Mrs. HUTCHISON, Mrs. BOXER, and Mr. BURRIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JUNE 8, 2010

Reported by Mr. ROCKEFELLER, with an amendment

[Strike all after the enacting clause and insert the matter printed in *italic*]**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 2009~~”.

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

- Sec. 1: Short title; table of contents.
- Sec. 2: Definitions.
- Sec. 3: Study and report on improved bus crashworthiness and crash avoidance.
- Sec. 4: Regulations for improved occupant protection and motorcoach crash avoidance.
- Sec. 5: Improved oversight of providers of motorcoach services and of other motor carriers of passengers.
- Sec. 6: Motorcoach driver training.
- Sec. 7: Improved commercial driver's license testing.
- Sec. 8: Improved physical fitness oversight and commercial driver medical certificates.
- Sec. 9: Safety enforcement technology to reduce driver fatigue.
- Sec. 10: Commercial motor vehicle safety inspection programs.
- Sec. 11: Regulations.

3 **SEC. 2. DEFINITIONS**

4 In this Act:

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

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

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

18 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**
19 **TEM.**—The term “direct tire pressure monitoring

1 system” means a tire pressure monitoring system, as
 2 that term is defined in section 571.138 of title 49,
 3 Code of Federal Regulations, that is capable of di-
 4 rectly detecting when the air pressure level in any
 5 tire is significantly under-inflated and immediately
 6 providing the driver a low tire pressure warning as
 7 to which specific tire is significantly under-inflated.

8 (5) ~~ELECTRONIC ON-BOARD RECORDER.~~—The
 9 term “electronic on-board recorder” means an elec-
 10 tronic device that acquires and stores data showing
 11 the record of duty status of the vehicle operator and
 12 performs the functions required of an automatic on-
 13 board recording device in section 395.15(b) of title
 14 49, Code of Federal Regulations.

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

19 (7) ~~MANUFACTURER.~~—The term “manufac-
 20 turer” has the meaning given such term in section
 21 30102(a) of title 49, United States Code.

22 (8) ~~MOTOR CARRIER.~~—The term “motor car-
 23 rier” has the meaning given such term in section
 24 13102(14) of title 49, United States Code.

1 (9) ~~MOTORCOACH.~~—The term “motorcoach”
 2 has the meaning given the term “over-the-road bus”
 3 in ~~section 3038(a)(3)~~ of the Transportation Equity
 4 Act for the 21st Century (Public Law 105–78; 49
 5 U.S.C. 5310 note), but does not include the fol-
 6 lowing:

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

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

11 (10) ~~MOTORCOACH MANUFACTURER.~~—The
 12 term “motorcoach manufacturer” means a manufac-
 13 turer that manufactures, assembles, or imports
 14 motorcoaches for resale in the United States.

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

18 (12) ~~MULTIFUNCTION SCHOOL ACTIVITY~~
 19 ~~BUSES.~~—The term “multifunction school activity
 20 buses” has the meaning given such term in section
 21 571.3(b) of title 49, Code of Federal Regulations (as
 22 in effect on the day before the date of enactment of
 23 this Act).

24 (13) ~~PORTAL.~~—The term “portal” means any
 25 opening on the front, sides, rear, or roof of a motor-

1 coach that could, in the event of a crash involving
 2 the motorecoach, permit the partial or complete ejection
 3 of any occupant from the motorecoach, including
 4 a young child.

5 (14) PROVIDER OF MOTORCOACH SERVICES.—

6 The term “provider of motorecoach services” means
 7 a motor carrier that provides passenger transportation
 8 services with a motorecoach for compensation,
 9 including per-trip compensation and contracted or
 10 chartered compensation.

11 (15) PUBLIC TRANSPORTATION.—The term
 12 “public transportation” has the meaning given such
 13 term in section 5302(a)(10) of title 49, United
 14 States Code.

15 (16) SAFETY BELT.—The term “safety belt”
 16 has the meaning given such term in section
 17 153(i)(4)(B) of title 23, United States Code.

18 (17) SECRETARY.—The term “Secretary”
 19 means the Secretary of Transportation.

20 **SEC. 3. STUDY AND REPORT ON IMPROVED BUS CRASH-**
 21 **WORTHINESS AND CRASH AVOIDANCE.**

22 (a) STUDY.—Not later than one year after the date
 23 of enactment of this Act, the Secretary shall complete a
 24 study of the following, with respect to buses that are more
 25 than 10,000 pounds gross vehicle weight rating:

(1) Bus safety design improvements and countermeasures for improving bus crashworthiness to achieve substantial improvements in occupant protection in all types of crashes, including the following:

(A) Active and passive restraint systems.

(B) Enhanced passenger compartmentalization.

(C) Upper and lower interior occupant impact protection.

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

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

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

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

(A) Collision warning systems.

1 (B) Improved braking capabilities.

2 (C) Enhanced bus conspicuity.

3 (D) Increased resistance to loss-of-control
4 crashes.

5 (E) Improved resistance to rollover crash-
6 es.

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

9 (A) Effective emergency exit design.

10 (B) Effective emergency evacuation of pas-
11 sengers.

12 (C) Effective manual and automated fire
13 suppression systems.

14 (D) Increased vehicle resistance to fire
15 propagation, including both exterior and inte-
16 rior resistance to burning.

17 (E) Suppression of toxic smoke and vapors
18 in bus fires.

19 (F) Resistance to bus fuel system fires.

20 (G) Training of bus operators in the use of
21 firefighting equipment and the safe evacuation
22 of passengers.

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

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

9 **SEC. 4. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**
 10 **TION AND MOTORCOACH CRASH AVOIDANCE.**

11 (a) **REGULATIONS REQUIRED 1 YEAR AFTER THE**
 12 **DATE OF ENACTMENT OF THIS ACT.**—Not later than 1
 13 year after the date of the enactment of this Act, the Sec-
 14 retary shall prescribe regulations as follows:

15 (1) **SAFETY BELTS.**—The Secretary shall re-
 16 quire safety belts to be installed in motorcoaches at
 17 each designated seating position.

18 (2) **ANTI-EJECTION SAFETY COUNTER-**
 19 **MEASURES.**—The Secretary shall require
 20 motorcoaches to have advanced glazing installed in
 21 each motorcoach portal to prevent partial or com-
 22 plete ejection of passengers of motorcoaches,
 23 including such passengers that are children.

24 (3) **FIREFIGHTING EQUIPMENT.**—The Secretary
 25 shall require the installation in motorcoaches of im-

1 proved firefighting equipment for the purpose of ef-
 2 fectively suppressing fires in motorcoaches to pre-
 3 vent passenger deaths and injuries.

4 (b) REGULATIONS REQUIRED 2 YEARS AFTER THE
 5 DATE OF ENACTMENT OF THIS ACT.—Not later than 2
 6 years after the date of enactment of this Act, the Sec-
 7 retary shall prescribe regulations as follows:

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

16 (2) INTERIOR IMPACT PROTECTION.—The Sec-
 17 retary shall establish enhanced occupant impact pro-
 18 tection standards for motorcoach interiors to reduce
 19 substantially serious injuries for all passengers of
 20 motorcoaches.

21 (3) REDUCED ROLLOVER CRASHES.—The Sec-
 22 retary shall require motorcoaches to be equipped
 23 with stability enhancing technologies, such as elec-
 24 tronic stability control, roll stability control, and
 25 torque vectoring, to reduce substantially the number

1 and frequency of rollover crashes among
2 motorcoaches.

3 (4) ROOF STRENGTH AND CRUSH RESIST-
4 ANCE.—The Secretary shall establish improved roof
5 standards for motorcoaches that substantially im-
6 prove the resistance of motorcoach roofs to deforma-
7 tion and intrusion to prevent serious occupant injury
8 in rollover crashes involving motorcoaches.

9 (5) ENHANCED CONSPICUITY.—The Secretary
10 shall require enhanced conspicuity of motorcoaches
11 to enable other motor vehicle operators, cyclists, and
12 pedestrians to better detect motorcoaches in order to
13 reduce the risk of collisions involving motorcoaches.

14 (6) SMOKE SUPPRESSION.—The Secretary shall
15 amend Federal motor vehicle safety standard num-
16 ber 302 (49 C.F.R. 571.302; relating to flamma-
17 bility of interior materials) to require realistic tests
18 to improve the resistance of motorcoach interiors
19 and components to burning; prevent inhalation by
20 passengers of toxic smoke and vapors; and permit
21 sufficient time for the safe evacuation of passengers
22 from motorcoaches.

23 (7) RESISTANCE TO FUEL SYSTEM FIRES.—The
24 Secretary shall amend Federal motor vehicle safety
25 standard number 301 (49 C.F.R. 571.301; relating

1 to fuel system integrity) to require that
2 motorcoaches have improved fuel systems in order to
3 suppress fuel-fed fires and substantially reduce occu-
4 pant deaths and injuries from fuel fires.

5 (8) PASSENGER EVACUATION.—The Secretary
6 shall require motorcoaches be equipped with the fol-
7 lowing:

8 (A) IMPROVED EMERGENCY EVACUATION
9 DESIGNS.—Improved emergency exit window,
10 door, and roof hatch designs to expedite access
11 and use by passengers of motorcoaches under
12 all emergency circumstances, including crashes
13 and fires.

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

21 (c) REGULATIONS REQUIRED 3 YEARS AFTER THE
22 DATE OF ENACTMENT OF THIS ACT.—Not later than 3
23 years after the date of enactment of this Act, the Sec-
24 retary shall prescribe regulations as follows:

1 (1) ADAPTIVE CRUISE CONTROL.—Require
 2 motorcoaches to be equipped with adaptive cruise
 3 control for maintaining safe trailing distances when
 4 underway and a collision warning system that pro-
 5 vides sufficient advance notice to the operator of a
 6 motorcoach of any imminent impact.

7 (2) AUTOMOTIVE FIRE SUPPRESSION.—Require
 8 motorcoaches to be equipped with highly effective
 9 fire suppression systems that automatically respond
 10 to and suppress all fires in such motorcoaches.

11 (d) APPLICATION OF REGULATIONS.—

12 (1) PROSPECTIVE APPLICATION.—Except as
 13 provided in paragraph (2), a regulation prescribed in
 14 accordance with subsection (a), (b), or (c) shall
 15 apply to all motorcoaches that are manufactured on
 16 or after the effective date of such regulation.

17 (2) RETROFIT SAFETY REQUIREMENTS FOR EX-
 18 ISTING MOTORCOACHES.—

19 (A) IN GENERAL.—

20 (i) Except as provided in subpara-
 21 graph (B), a regulation prescribed in ac-
 22 cordance with subsection (a)(1) shall apply
 23 to all motorcoaches used for motorcoach
 24 services on or after the effective date of
 25 such regulation.

1 (ii) Except as provided in subpara-
 2 graph (B), a regulation prescribed in ac-
 3 cordance with subsection (a)(3) shall apply
 4 to all motorcoaches used for motorcoach
 5 services on or after the effective date of
 6 such regulation.

7 (iii) Except as provided in subpara-
 8 graph (B), a regulation prescribed in ac-
 9 cordance with subsection (b)(5) shall apply
 10 to all motorcoaches used for motorcoach
 11 services on or after the effective date of
 12 such regulation.

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

18 (i) 2 years after the effective date of
 19 such regulation; or

20 (ii) if the Secretary determines that
 21 the application date described in clause (i)
 22 would cause undue hardship, 5 years after
 23 the effective date of such regulation.

1 **SEC. 5. IMPROVED OVERSIGHT OF PROVIDERS OF MOTOR-**
 2 **COACH SERVICES AND OTHER MOTORCOACH**
 3 **CARRIERS OF PASSENGERS.**

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

7 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF
 8 MOTORCOACH SERVICES.—

9 “(1) SAFETY REVIEW.—Not later than 3 years
 10 after the date of the enactment of the Motorcoach
 11 Enhanced Safety Act of 2009, the Secretary shall
 12 require, by regulation, each provider of motorcoach
 13 services registered with the Federal Motor Carrier
 14 Safety Administration on or after such date of en-
 15 actment to undergo a periodic safety review.

16 “(2) ELEMENTS OF REVIEW.—In the regula-
 17 tions prescribed pursuant to paragraph (1), the Sec-
 18 retary shall establish the elements of the periodic
 19 safety review, including basic safety management
 20 controls.

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

1 “(4) **MOTORCOACH SERVICES DEFINED.**—In
 2 this subsection, the term ‘provider of motorcoach
 3 services’ has the meaning provided such term in sec-
 4 tion 2 of the Motorcoach Enhanced Safety Act of
 5 2009.”

6 **(b) REVISION OF SAFETY AUDIT SYSTEM.**—Not later
 7 than one year after the date of enactment of this Act, the
 8 Secretary shall revise the safety fitness audit system of
 9 the Department of Transportation established pursuant to
 10 section 31144 of title 49, United States Code, to conform
 11 with the safety recommendation H-99-6 of the National
 12 Transportation Safety Board issued February 26, 1999.

13 **SEC. 6. MOTORCOACH DRIVER TRAINING.**

14 **(a) ESTABLISHMENT OF TRAINING CURRICULUM.**—

15 **(1) IN GENERAL.**—Not later than 2 years after
 16 the date of enactment of this Act, the Secretary
 17 shall establish, by regulation, a training curriculum
 18 for drivers of motorcoaches to be adopted by public
 19 and private schools and motor carriers that provide
 20 training for drivers of motorcoaches.

21 **(2) CURRICULUM REQUIREMENTS.**—The train-
 22 ing curriculum required by paragraph (1) shall in-
 23 clude the following:

24 **(A)** Classroom and behind-the-wheel in-
 25 struction that is adequate for all new drivers of

1 motorcoaches to operate safely motorcoaches
 2 and respond effectively to emergency situations.

3 ~~(B) Instruction in advanced knowledge and~~
 4 ~~skills that are necessary to operate~~
 5 ~~motorcoaches safely, including knowledge and~~
 6 ~~skills necessary—~~

7 (i) to suppress motorcoach fires; and

8 (ii) to evacuate passengers from
 9 motorcoaches safely.

10 ~~(b) TRAINING REQUIRED.—~~

11 ~~(1) IN GENERAL.—~~The Secretary shall require
 12 each motorcoach driver seeking a commercial driv-
 13 er's license passenger endorsement to undergo a
 14 training program that includes the training cur-
 15 riculum established pursuant to subsection (a) be-
 16 fore taking a test for a commercial driver's license
 17 passenger endorsement.

18 ~~(2) CERTIFICATE OF COMPLETION RE-~~
 19 ~~QUIRED.—~~The Secretary shall require that each
 20 driver seeking to take the test for the commercial
 21 driver's license passenger endorsement shall present
 22 a certificate to a State licensing authority certifying
 23 that the driver has—

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

1 curriculum established in accordance with sub-
 2 section (a); and

3 (B) received a passing grade for an exam-
 4 ination at the culmination of such training
 5 course.

6 (c) REPORT ON FEASIBILITY OF ESTABLISHING A
 7 SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—
 8 Not later than one year after the date of enactment of
 9 this Act, the Secretary shall submit to the committee on
 10 Commerce, Science, and Transportation of the Senate and
 11 the Committee on Transportation and Infrastructure of
 12 the House of Representatives a report on the feasibility
 13 of establishing a system of certification of public and pri-
 14 vate schools and of motor carriers that provide motoreoach
 15 driver training in accordance with the curriculum estab-
 16 lished by the Secretary pursuant to subsection (a).

17 **SEC. 7. IMPROVED COMMERCIAL DRIVER'S LICENSE TEST-**
 18 **ING.**

19 (a) INCREASED STRINGENCY OF EXAMINATION FOR
 20 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
 21 ENDORSEMENT.—

22 (1) IN GENERAL.—The Secretary shall pre-
 23 scribe standards that improve the quality and strin-
 24 gency of the examination for the commercial driver's

1 license passenger-carrying endorsement. Such stand-
 2 ards shall require—

3 (A) a more stringent knowledge test than
 4 the test in effect on the day before the date of
 5 enactment of this Act; and

6 (B) a more stringent examination of the
 7 driving skills necessary to operate safely a for-
 8 hire passenger-carrying commercial motor vehi-
 9 cle than the examination of such skills in effect
 10 on the day before the date of enactment of this
 11 Act.

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

16 (b) MODIFICATION OF REQUIREMENTS FOR COM-
 17 Mercial DRIVER'S LICENSE PASSENGER-CARRYING EN-
 18 DORSEMENT.—The Secretary shall establish by regulation
 19 a requirement that a driver shall have a commercial driv-
 20 er's license passenger-carrying endorsement in order to
 21 operate a commercial motor vehicle and transport not less
 22 than 9 and not more than 15 passengers (including a driv-
 23 er) in interstate commerce for compensation.

1 **SEC. 8. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
 2 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
 3 **CATES.**

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

8 “(D) develop, as appropriate, specific
 9 courses and materials for medical examiners
 10 who wish to be listed in the national registry es-
 11 tablished under this section and develop a rig-
 12 orous examination for which a passing grade
 13 must be achieved to be listed in such national
 14 registry.”.

15 (b) INTEGRATION OF FEDERAL MEDICAL QUALI-
 16 FICATION CERTIFICATE AND COMMERCIAL DRIVER’S LI-
 17 CENSE.—Not later than 2 years after the date of enact-
 18 ment of this Act, the Secretary shall prescribe regulations
 19 that will prevent the submission and use of invalid or
 20 fraudulent medical certificates.

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

24 (1) each time a medical examiner performs a
 25 medical examination to certify an applicant for a
 26 commercial driver’s license under section 391.43 of

1 title 49, Code of Federal Regulations, such medical
 2 examiner shall submit to the appropriate State li-
 3 censing agency the form for such examination re-
 4 quired by section 391.43(f) of such title (as in effect
 5 on the day before the date of enactment of this Act);
 6 and

7 (2) as a condition of approval of a State plan
 8 under section 31102(d) of title 49, United States
 9 Code (as added by section 109(b)), State licensing
 10 authorities shall compare the forms they receive pur-
 11 suant to paragraph (1) with the medical examiner's
 12 certificate required by section 391.43(g) of title 49,
 13 Code of Federal Regulations (as in effect on the day
 14 before the date of enactment of this Act), to deter-
 15 mine the accuracy and validity of the information
 16 contained in such forms and certificates.

17 (d) ADDITIONAL OVERSIGHT OF LICENSING AU-
 18 THORITIES.—

19 (1) IN GENERAL.—Section 31149(e)(1) of title
 20 49, United States Code, is amended—

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

23 (B) by striking “certification” in subpara-
 24 graph (F) and inserting “certification; and”;

25 and

1 ~~(C)~~ by adding at the end the following:

2 “~~(G)~~ each year, review the licensing au-

3 thorities of 10 States to assess the accuracy

4 and validity of physical examination reports and

5 medical certificates submitted by certified med-

6 ical examiners to such State licensing agen-

7 cies.”.

8 ~~(2)~~ INTERNAL OVERSIGHT POLICY.—

9 ~~(A)~~ IN GENERAL.—Not later than 2 years

10 after the date of enactment of this Act, the Sec-

11 retary shall establish an oversight policy and

12 process within the Department of Transpor-

13 tation for purposes of carrying out the require-

14 ment of subparagraph ~~(G)~~ of such section

15 31149(c)(1), as added by paragraph (1).

16 ~~(B)~~ EFFECTIVE DATE.—The requirement

17 of subparagraph ~~(G)~~ of section 31149(c)(1) of

18 title 49, United States Code, shall take effect

19 on the date that the oversight policies and proc-

20 esses are established pursuant to subparagraph

21 ~~(A)~~.

22 ~~(c)~~ DEADLINE FOR ESTABLISHMENT OF NATIONAL

23 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1

24 year after the date of enactment of this Act, the Secretary

25 shall establish a national registry of medical examiners as

1 required by section 31149(d)(1) of title 49, United States
2 Code.

3 **SEC. 9. SAFETY, ENFORCEMENT AND RESEARCH TECH-**
4 **NOLOGY FOR COMMERCIAL MOTOR VEHI-**
5 **CLES.**

6 (a) ~~ELECTRONIC ON-BOARD RECORDERS.—~~

7 (1) ~~IN GENERAL.—~~

8 (A) Not later than 1 year after the date of
9 enactment of this Act, the Secretary shall pre-
10 scribe regulations requiring that all motor
11 coaches used by a motor carrier in interstate
12 commerce be equipped with electronic on-board
13 recorders.

14 (B) The regulations prescribed by the Sec-
15 retary under this section shall include perform-
16 ance requirements to ensure that electronic on-
17 board recorders—

18 (i) are linked with vehicle engine and
19 transmission functions and electronic con-
20 trol modules;

21 (ii) accurately record commercial driv-
22 er hours of service;

23 (iii) provide real-time tracking of driv-
24 er and vehicle location; and

25 (iv) are tamper-proof.

1 (2) ~~APPLICABILITY.~~—The regulations pre-
 2 scribed under paragraph (1) shall apply to all such
 3 motor coaches beginning on the date that is 3 years
 4 after the date of enactment of this Act.

5 (b) ~~EVENT DATA RECORDERS.~~—

6 (1) ~~IN GENERAL.~~—Not later than 1 year after
 7 the date of enactment of this Act, the Secretary
 8 shall prescribe performance requirements for event
 9 data recorders, including requirements regarding
 10 specific types of vehicle operations, events and inci-
 11 dents, and systems information to be recorded, for
 12 event data recorders to be used on motor coaches
 13 used by motor carriers in interstate commerce. For
 14 this purpose, the Secretary shall consider the per-
 15 formance requirements for event data recorders for
 16 passenger vehicles under part 563 of title 49, Code
 17 of Federal Regulations, as a baseline specification
 18 but shall require additional information or other per-
 19 formance requirements as appropriate for such
 20 motor coaches.

21 (2) ~~APPLICABILITY.~~—The regulations pre-
 22 scribed under paragraph (1) shall apply to all motor
 23 coaches used by motor carriers in interstate com-
 24 merce beginning on the date that is 5 years after the
 25 date of enactment of this Act.

1 ~~(c) COMBINED TECHNOLOGY.—Except as otherwise~~
 2 ~~required by the Secretary, the requirements of subsections~~
 3 ~~(a) and (b) may be combined in a single technology.~~

4 ~~(d) COMMERCIAL MOTOR VEHICLE TIRES.—~~

5 ~~(1) COMMERCIAL MOTOR VEHICLE TIRE PRES-~~
 6 ~~SURE MONITORING SYSTEMS.—~~

7 ~~(A) Not later than 2 years after the date~~
 8 ~~of enactment of this Act, the Secretary shall~~
 9 ~~issue regulations that require motoreoads to~~
 10 ~~be equipped with direct tire pressure monitoring~~
 11 ~~systems that warn the operator of a commercial~~
 12 ~~motor vehicle when any tire exhibits a level of~~
 13 ~~air pressure that is below a specified level of air~~
 14 ~~pressure established by the Secretary.~~

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

20 ~~(i) at all times when the ignition lock-~~
 21 ~~ing system is in the “On” position;~~
 22 ~~(ii) at all vehicle speeds;~~
 23 ~~(iii) on all road surfaces;~~
 24 ~~(iv) during all weather conditions;~~

1 (v) after a repair or other service is
 2 performed on a tire; and
 3 (vi) on spare tires.

4 (2) COMMERCIAL MOTOR VEHICLE RETREADED
 5 TIRES.—Not later than 3 years after the date of en-
 6 actment of this Act, the Secretary shall establish a
 7 performance standard for retreaded, regrooved, or
 8 otherwise remanufactured commercial motor vehicle
 9 tires that ensures that such tires achieve a level of
 10 safety performance that is at least equivalent to the
 11 safety performance of new commercial motor vehicle
 12 tires.

13 **SEC. 10. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**
 14 **TION PROGRAMS.**

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

18 “(a) ANNUAL SAFETY INSPECTION PROGRAM.—

19 “(1) PROGRAM REQUIRED.—In order to receive
 20 a grant pursuant to section 31102 of this title, a
 21 State shall conduct an annual safety inspection pro-
 22 gram for commercial motor vehicles, including motor
 23 carriers transporting not fewer than 9 and not more
 24 than 15 passengers (including a driver), that re-

1 receives approval from the Secretary pursuant to para-
 2 graph (3).

3 ~~“(2) INSPECTION OF SAFETY EQUIPMENT.—A~~
 4 commercial motor vehicle inspected under a program
 5 established pursuant to paragraph (1) is required to
 6 pass an inspection conducted by the State in which
 7 the vehicle is registered, of all safety equipment re-
 8 quired under the regulations prescribed under sec-
 9 tion ~~31136~~ of this title.

10 ~~“(3) PERIODIC REVIEW OF STATE SAFETY IN-~~
 11 ~~SPECTION PROGRAMS.—~~Not less frequently than
 12 once every 3 years, the Secretary shall review and
 13 approve or disapprove each State’s safety inspection
 14 program established pursuant to paragraph (1).

15 ~~“(b) REGULATIONS FOR INSPECTION OF VEHICLES~~
 16 ~~AND RECORD RETENTION.—~~

17 ~~“(1) IN GENERAL.—~~The Secretary shall pre-
 18 scribe regulations on Government standards for—

19 ~~“(A) inspection of commercial motor vehi-~~
 20 ~~cles under programs established pursuant to~~
 21 ~~subsection (a); and~~

22 ~~“(B) retention by employers of records of~~
 23 ~~such an inspection.~~

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

4 (b) CONDITION ON STATE GRANTS.—Section
5 31102(d) such title is amended to read as follows:

6 “(d) CONTINUOUS EVALUATION OF PLANS.—

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

18 —

19 “(2) APPROVAL OF ANNUAL COMMERCIAL
20 MOTOR VEHICLE INSPECTION PROGRAMS.—If, under
21 paragraph (3) of section 31142(a) of this title, the
22 Secretary disapproves of an annual safety inspection
23 program of a State established pursuant to para-
24 graph (1) of such section 31142(a), the Secretary

1 shall withdraw approval of the plan of such State
 2 and notify the State.

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

7 ~~“(4) JUDICIAL REVIEW.—A State adversely af-~~
 8 ~~ected by a withdrawal of approval under this sub-~~
 9 ~~section may seek judicial review under chapter 7 of~~
 10 ~~title 5.~~

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

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

20 **SEC. 11. REGULATIONS.**

21 Any standard or regulation prescribed or modified
 22 pursuant to this Act shall be done in accordance with sec-
 23 tion 553 of title 5, United States Code.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Mo-*
 3 *torcoach Enhanced Safety Act of 2009”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Regulations for improved occupant protection and motorcoach crash 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 providers of motorcoach services and of other motor-coach carriers of passengers.

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. Regulations.

6 **SEC. 2. DEFINITIONS**

7 *In this Act:*

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

13 (2) *BUS.*—*The term “bus” has the meaning*
 14 *given such term in section 571.3(b) of title 49, Code*
 15 *of Federal Regulations (as in effect on the day before*
 16 *the date of enactment of this Act).*

1 (3) *COMMERCIAL MOTOR VEHICLE.*—*Except as*
 2 *otherwise specified, the term “commercial motor vehi-*
 3 *cle” has the meaning given such term in section*
 4 *31132(1) of title 49, United States Code.*

5 (4) *DIRECT TIRE PRESSURE MONITORING SYS-*
 6 *TEM.*—*The term “direct tire pressure monitoring sys-*
 7 *tem” means a tire pressure monitoring system, as*
 8 *that term is defined in section 571.138 of title 49,*
 9 *Code of Federal Regulations, that is capable of di-*
 10 *rectly detecting when the air pressure level in any tire*
 11 *is significantly under-inflated and immediately pro-*
 12 *viding the driver a low tire pressure warning as to*
 13 *which specific tire is significantly under-inflated.*

14 (5) *ELECTRONIC ON-BOARD RECORDER.*—*The*
 15 *term “electronic on-board recorder” means an elec-*
 16 *tronic device that acquires and stores data showing*
 17 *the record of duty status of the vehicle operator and*
 18 *performs the functions required of an automatic on-*
 19 *board recording device in section 395.15(b) of title 49,*
 20 *Code of Federal Regulations.*

21 (6) *EVENT DATA RECORDER.*—*The term “event*
 22 *data recorder” has the meaning given that term in*
 23 *section 563.5 of title 49, Code of Federal Regulations.*

24 (7) *MOTOR CARRIER.*—*The term “motor carrier”*
 25 *means—*

1 (A) a motor carrier, as defined in section
2 13102(14) of title 49, United States Code; or

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

5 (8) *MOTORCOACH*.—The term “motorcoach” has
6 the meaning given the term “over-the-road bus” in
7 section 3038(a)(3) of the Transportation Equity Act
8 for the 21st Century (Public Law 105–178; 49 U.S.C.
9 5310 note), but does not include the following:

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

12 (B) School buses, including multifunction
13 school activity buses.

14 (9) *MOTORCOACH SERVICES*.—The term “motor-
15 coach services” means passenger transportation by
16 motorcoach for compensation.

17 (10) *MULTIFUNCTION SCHOOL ACTIVITY*
18 *BUSES*.—The term “multifunction school activity
19 buses” has the meaning given such term in section
20 571.3(b) of title 49, Code of Federal Regulations (as
21 in effect on the day before the date of enactment of
22 this Act).

23 (11) *PORTAL*.—The term “portal” means any
24 opening on the front, sides, rear, or roof of a motor-
25 coach that could, in the event of a crash involving the

1 *motorcoach, permit the partial or complete ejection of*
 2 *any occupant from the motorcoach, including a young*
 3 *child.*

4 (12) *PROVIDER OF MOTORCOACH SERVICES.—*
 5 *The term “provider of motorcoach services” means a*
 6 *motor carrier that provides passenger transportation*
 7 *services with a motorcoach, including per-trip com-*
 8 *ensation and contracted or chartered compensation.*

9 (13) *PUBLIC TRANSPORTATION.—The term “pub-*
 10 *lic transportation” has the meaning given such term*
 11 *in section 5302(a)(10) of title 49, United States Code.*

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

15 (15) *SECRETARY.—The term “Secretary” means*
 16 *the Secretary of Transportation.*

17 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**
 18 **TION AND MOTORCOACH CRASH AVOIDANCE.**

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

22 (1) *SAFETY BELTS.—The Secretary shall require*
 23 *safety belts to be installed in motorcoaches at each*
 24 *designated seating position.*

1 (2) *ROOF STRENGTH AND CRUSH RESISTANCE.*—

2 *The Secretary shall establish improved roof standards*
 3 *for motorcoaches that substantially improve the resist-*
 4 *ance of motorcoach roofs to deformation and intrusion*
 5 *to prevent serious occupant injury in rollover crashes*
 6 *involving motorcoaches.*

7 (3) *ANTI-EJECTION SAFETY COUNTER-*

8 *MEASURES.*—*The Secretary shall require advanced*
 9 *glazing to be installed in each motorcoach portal to*
 10 *prevent partial or complete ejection of passengers of*
 11 *motorcoaches, including such passengers that are chil-*
 12 *dren.*

13 (4) *ROLLOVER CRASH AVOIDANCE.*—*The Sec-*
 14 *retary shall require motorcoaches to be equipped with*
 15 *stability enhancing technology, such as electronic sta-*
 16 *bility control, or torque vectoring, to reduce the num-*
 17 *ber and frequency of rollover crashes among*
 18 *motorcoaches.*

19 (5) *FIREFIGHTING EQUIPMENT.*—*The Secretary*
 20 *shall require the installation in motorcoaches of im-*
 21 *proved fire extinguishers or other readily available*
 22 *firefighting equipment for the purpose of effectively*
 23 *extinguishing fires in motorcoaches to prevent pas-*
 24 *senger deaths and injuries.*

1 **(b) REGULATIONS REQUIRED WITHIN 2 YEARS.**—*Not*
 2 *later than 2 years after the date of enactment of this Act,*
 3 *the Secretary shall prescribe commercial motor vehicle tire*
 4 *regulations as follows:*

5 **(1) COMMERCIAL MOTOR VEHICLE TIRE PRES-**
 6 **SURE MONITORING SYSTEMS.**—

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

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

19 *(i) at all times when the ignition lock-*
 20 *ing system is in the “On” position;*

21 *(ii) at all vehicle speeds;*

22 *(iii) on all road surfaces;*

23 *(iv) during all weather conditions; and*

24 *(v) after a repair or other service is*
 25 *performed on a tire.*

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

5 (c) *APPLICATION OF REGULATIONS.*—

6 (1) *NEW MOTORCOACHES.*—*A regulation pre-*
 7 *scribed in accordance with subsection (a) or (b) shall*
 8 *apply to all motorcoaches that are manufactured*
 9 *more than 2 years after the date on which the regula-*
 10 *tion is published as a final rule.*

11 (2) *RETROFIT REQUIREMENTS FOR EXISTING*
 12 *MOTORCOACHES.*—*The Secretary may, by regulation,*
 13 *provide for the application of any requirement estab-*
 14 *lished under this section to motorcoaches manufac-*
 15 *tured before the date on which the requirement applies*
 16 *to new motorcoaches under paragraph (1) based on*
 17 *an assessment of the feasibility, benefits, and costs of*
 18 *retrofitting the older motorcoaches. The Secretary*
 19 *shall complete an assessment with respect to safety*
 20 *belt retrofits no later than 2 years after the date of*
 21 *enactment of this Act.*

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

23 (a) *EVALUATIONS.*—*Within 18 months after the date*
 24 *of enactment of this Act, the Secretary shall complete an*
 25 *evaluation of the following:*

1 (1) *FLAMMABILITY STANDARD FOR EXTERIOR*
 2 *COMPONENTS.—The Secretary shall examine the feasi-*
 3 *bility of establishing requirements for fire hardening*
 4 *or fire resistance of motorcoach exterior components*
 5 *to prevent fire and smoke inhalation injuries to occu-*
 6 *pants.*

7 (2) *SMOKE SUPPRESSION.—The Secretary shall*
 8 *review Federal motor vehicle safety standard number*
 9 *302 (49 C.F.R. 571.302; relating to flammability of*
 10 *interior materials) to consider more realistic tests to*
 11 *improve the resistance of motorcoach interiors and*
 12 *components to burning, prevent inhalation by pas-*
 13 *sengers of toxic smoke and vapors, and permit suffi-*
 14 *cient time for the safe evacuation of passengers from*
 15 *motorcoaches.*

16 (3) *PREVENTION OF, AND RESISTANCE TO,*
 17 *WHEEL WELL FIRES.—The Secretary shall assess tech-*
 18 *nologies to prevent and mitigate the propagation of*
 19 *wheel well fires into the passenger compartment and*
 20 *substantially reduce occupant deaths and injuries*
 21 *from such fires.*

22 (4) *PASSENGER EVACUATION.—The Secretary*
 23 *shall evaluate requirements for motorcoaches to be*
 24 *equipped with the following:*

1 (A) *IMPROVED EMERGENCY EVACUATION*
 2 *DESIGNS.—Improved emergency exit window,*
 3 *door, roof hatch, and wheelchair lift door designs*
 4 *to expedite access and use by passengers of*
 5 *motorcoaches under all emergency circumstances,*
 6 *including crashes and fires.*

7 (B) *EMERGENCY INTERIOR LIGHTING.—*
 8 *Emergency interior lighting systems, including*
 9 *luminescent or retroreflectorized delineation of*
 10 *evacuation paths and exits, that are triggered by*
 11 *a crash or other emergency incidents to accom-*
 12 *plish more rapid and effective evacuation of pas-*
 13 *sengers.*

14 (5) *AUTOMATIC FIRE SUPPRESSION.—The Sec-*
 15 *retary shall evaluate requirements for motorcoaches to*
 16 *be equipped with highly effective fire suppression sys-*
 17 *tems that automatically respond to and suppress all*
 18 *fires in such motorcoaches.*

19 (b) *PERFORMANCE REQUIREMENTS.—Not later than 3*
 20 *years after the date of enactment of this Act, the Secretary*
 21 *shall issue performance requirements for improved fire safe-*
 22 *ty and passenger evacuation based on the results of the eval-*
 23 *uations conducted under subsection (a).*

1 **SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOID-**
 2 **ANCE RESEARCH.**

3 (a) *SAFETY RESEARCH INITIATIVES.*—Not later than
 4 2 years after the date of enactment of this Act, the Secretary
 5 shall complete research on the following:

6 (1) *COMPARTMENTALIZATION SAFETY COUNTER-*
 7 *MEASURES.*—Enhanced compartmentalization safety
 8 countermeasures for motorcoaches, including enhanced
 9 seating designs, to reduce substantially the risk of
 10 passengers being thrown from their seats and col-
 11 liding with other passengers, interior surfaces, and
 12 components in the event of a crash involving a motor-
 13 coach.

14 (2) *INTERIOR IMPACT PROTECTION.*—Enhanced
 15 occupant impact protection standards for motorcoach
 16 interiors to reduce substantially serious injuries for
 17 all passengers of motorcoaches.

18 (3) *COLLISION AVOIDANCE SYSTEMS.*—Forward
 19 and lateral crash warning systems applications for
 20 motorcoaches.

21 (b) *STANDARDS AND REGULATIONS.*—Not later than
 22 2 years after the completion of each research initiative re-
 23 quired by subsection (a), the Secretary shall issue a stand-
 24 ard or regulation based on the results of that research.

1 **SEC. 6. NEW ENTRANTS.**

2 (a) *REGISTRATION REQUIREMENTS.*—Section
3 *13902(b) of title 49, United States Code, is amended by re-*
4 *designating paragraphs (1) through (8) as paragraphs (2)*
5 *through (9), respectively, and inserting before paragraph*
6 *(2), as redesignated, the following:*

7 “(1) *ADDITIONAL REGISTRATION REQUIREMENTS*
8 *FOR PROVIDERS OR MOTORCOACH SERVICES*—*In ad-*
9 *dition to meeting the requirements of subsection*
10 *(a)(1), the Secretary may register a person to provide*
11 *motorcoach services only after that person—*

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

16 “(i) *a drug and alcohol testing pro-*
17 *gram consistent with part 40 of title 49,*
18 *Code of Federal Regulations;*

19 “(ii) *the carrier’s system of compliance*
20 *with hours-of-service rules, including hours-*
21 *of-service records;*

22 “(iii) *the ability to obtain required in-*
23 *surance;*

24 “(iv) *driver qualifications, including*
25 *the validity of the commercial driver’s li-*

1 *cense of each driver who will be operating*
2 *under such authority;*

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

9 “(vi) *records of the State inspections,*
10 *or of a Level I or V Commercial Vehicle*
11 *Safety Alliance Inspection, for all vehicles*
12 *that will be operated by the carrier;*

13 “(vii) *safety management programs,*
14 *including vehicle maintenance and repair*
15 *programs; and*

16 “(viii) *the ability to comply with the*
17 *Americans with Disabilities Act of 1990 (42*
18 *U.S.C. 12101 et seq.) and the Over-the-Road*
19 *Bus Transportation Accessibility Act of*
20 *2007 (49 U.S.C. 10101 note);*

21 “(B) *has been interviewed to review safety*
22 *management controls and the carrier’s written*
23 *safety oversight policies and practices; and*

24 “(C) *has demonstrated, through the success-*
25 *ful completion of a written examination devel-*

1 *oped by the Secretary, proficiency to comply*
 2 *with and carry out the requirements and regula-*
 3 *tions described in subsection (a)(1).”.*

4 *(b) SAFETY REVIEWS OF NEW OPERATORS.—Section*
 5 *31144(g)(1) of title 49, United States Code, is amended to*
 6 *read as follows:*

7 *“(1) SAFETY REVIEW.—*

8 *“(A) IN GENERAL.—The Secretary shall re-*
 9 *quire, by regulation, each owner and each oper-*
 10 *ator granted new registration under section*
 11 *13902 to undergo a safety review within the first*
 12 *18 months after the owner or operator, as the*
 13 *case may be, begins operations under such reg-*
 14 *istration.*

15 *“(B) PROVIDERS OF MOTORCOACH SERV-*
 16 *ICES.—Safety reviews of owners and operators*
 17 *registered as providers of motorcoach services*
 18 *shall be conducted within the first 9 months after*
 19 *the owner or operator, as the case may be, begins*
 20 *operations under such registration.*

21 *“(2) PRE-AUTHORIZATION SAFETY AUDIT.—The*
 22 *pre-authorization safety audit required by paragraph*
 23 *(1)(A) shall be completed on-site no later than 90*
 24 *days following the submission of an application for*
 25 *operating authority.”*

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

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

5 (a) *DENIAL, SUSPENSION, AMENDMENT, OR REVOCATION OF REGISTRATION.*—*Section 13905(d)(1) of title 49,*
 6 *United States Code, is amended—*

8 (1) *by striking “registration; and” and inserting*
 9 *“registration;”;*

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

17 “(i) *this part;*

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

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

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

1 (c) *DUTIES OF EMPLOYERS AND EMPLOYEES.*—Sec-
 2 tion 31135 of such title is amended—

3 (1) *by redesignating subsection (d) as subsection*
 4 *(e); and*

5 (2) *by inserting after subsection (c) the fol-*
 6 *lowing:*

7 “(d) *AVOIDING COMPLIANCE.*—Two or more employers
 8 shall not use common ownership, common management,
 9 common control, or common familial relationship to enable
 10 any or all such employers to avoid compliance, or mask
 11 or otherwise conceal non-compliance, or a history of non-
 12 compliance, with commercial motor vehicle safety regula-
 13 tions issued under this subchapter, chapter 315, or an order
 14 of the Secretary issued under this subchapter, chapter 315,
 15 or such regulations. If the Secretary determines that actions
 16 described in the preceding sentence have occurred, the Sec-
 17 retary shall deny, suspend, amend, or revoke all or part
 18 of any such employer’s registration under section 13905,
 19 and shall take into account such noncompliance for pur-
 20 poses of determining civil penalty amount under section
 21 521(b)(2)(D).”.

1 **SEC. 8. IMPROVED OVERSIGHT OF PROVIDERS OF MOTOR-**
 2 **COACH SERVICES AND OTHER MOTORCOACH**
 3 **CARRIERS OF PASSENGERS.**

4 (a) *IN GENERAL.*—Section 31144 of title 49, United
 5 States Code, is amended by adding at the end the following:

6 “(h) *PERIODIC SAFETY REVIEWS OF PROVIDERS OF*
 7 *MOTORCOACH SERVICES.*—

8 “(1) *SAFETY REVIEW.*—Not later than 3 years
 9 after the date of the enactment of the Motorcoach En-
 10 hanced Safety Act of 2009, the Secretary shall deter-
 11 mine the safety fitness of each provider of motorcoach
 12 services registered with the Federal Motor Carrier
 13 Safety Administration and assign a safety fitness rat-
 14 ing to each such provider.

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

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

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

5 “(5) *MOTORCOACH SERVICES DEFINED.*—In this
 6 subsection, the term ‘provider of motorcoach services’
 7 has the meaning provided such term in section 2 of
 8 the Motorcoach Enhanced Safety Act of 2009.”

9 (b) *REVISION OF SAFETY FITNESS RATING METHOD-*
 10 *LOGY.*—Not later than one year after the date of enactment
 11 of this Act, the Secretary shall revise the safety fitness rat-
 12 ing methodology of the Department of Transportation estab-
 13 lished pursuant to section 31144 of title 49, United States
 14 Code, to meet the goals of the safety recommendation H–
 15 99–6 of the National Transportation Safety Board issued
 16 February 26, 1999.

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

23 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

24 (a) *ESTABLISHMENT OF TRAINING CURRICULUM.*—

1 (1) *IN GENERAL.*—Not later than 18 months
 2 after the date of enactment of this Act, the Secretary
 3 shall establish, by regulation, minimum curricular re-
 4 quirements for entry-level drivers of motorcoaches and
 5 drivers upgrading from one class of commercial driv-
 6 er's license to another, to be adopted by public and
 7 private schools and motor carriers and motorcoach
 8 operators that provide training for such drivers.

9 (2) *CURRICULAR REQUIREMENTS.*—The cur-
 10 ricular requirements under paragraph (1) shall in-
 11 clude the following:

12 (A) *Classroom and behind-the-wheel instruc-*
 13 tion that is adequate for training entry-level
 14 drivers of motorcoaches and drivers upgrading
 15 from one class of commercial driver's license to
 16 another to safely operate motorcoaches and re-
 17 spond effectively to emergency situations.

18 (B) *Instruction in advanced knowledge and*
 19 skills that are necessary to operate motorcoaches
 20 safely, including knowledge and skills nec-
 21 essary—

22 (i) to suppress motorcoach fires; and
 23 (ii) to evacuate passengers from
 24 motorcoaches safely.

25 (b) *TRAINING REQUIRED.*—

1 (1) *IN GENERAL.*—*The Secretary shall require*
2 *each motorcoach driver seeking a commercial driver’s*
3 *license passenger endorsement to undergo a training*
4 *program that includes the minimum curricular re-*
5 *quirements established under subsection (a) before*
6 *taking a test for a commercial driver’s license pas-*
7 *senger endorsement.*

8 (2) *CERTIFICATE REQUIRED.*—*The Secretary*
9 *shall require that—*

10 (A) *each trainer of a driver seeking a com-*
11 *mercial driver’s license passenger endorsement to*
12 *issue a certificate to the trainee and the appro-*
13 *priate State licensing authority certifying that*
14 *the trainee has completed a motorcoach driver*
15 *training course that includes the curricular re-*
16 *quirements established under subsection (a);*

17 (B) *each driver seeking to take the test for*
18 *the commercial driver’s license passenger en-*
19 *dorsement to present the certificate to a State li-*
20 *censing authority;*

21 (C) *the State licensing authority to compare*
22 *the certificate presented by the applicant with*
23 *the certificate provided by the driver training*
24 *school; and*

1 (D) the State licensing authority to refuse
 2 to administer the test if the certificates are not
 3 the same.

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

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

18 (a) *INCREASED STRINGENCY OF EXAMINATION FOR*
 19 *COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING*
 20 *ENDORSEMENT.*—

21 (1) *FINAL RULE.*—Not later than 6 months after
 22 the date of enactment of this Act, the Secretary shall
 23 issue a final rule in Docket No. FMCSA 2007–27659:
 24 *Commercial Driver's License Testing and Commercial*
 25 *Learner's Permit Standards that improves the quality*

1 *and stringency of the examination for the commercial*
 2 *driver's license passenger-carrying endorsement. The*
 3 *final rule shall require—*

4 *(A) a more stringent knowledge test than*
 5 *the test in effect on the day before the date of en-*
 6 *actment of this Act; and*

7 *(B) a more stringent examination of the*
 8 *driving skills necessary to operate safely a for-*
 9 *hire passenger-carrying commercial motor vehi-*
 10 *cle than the examination of such skills in effect*
 11 *on the day before the date of enactment of this*
 12 *Act.*

13 *(2) CONSULTATION.—The Secretary shall consult*
 14 *with the American Association of Motor Vehicle Ad-*
 15 *ministrators in carrying out paragraph (1).*

16 *(b) MODIFICATION OF REQUIREMENTS FOR COMMER-*
 17 *CIAL DRIVER'S LICENSE PASSENGER-CARRYING ENDORSE-*
 18 *MENT.—The Secretary shall establish by regulation a re-*
 19 *quirement that a driver—*

20 *(1) shall have a commercial driver's license pas-*
 21 *senger-carrying endorsement in order to operate a*
 22 *commercial motor vehicle (as defined in section*
 23 *31301(4) of title 49, United States Code) and trans-*
 24 *port not less than 9 and not more than 15 passengers*
 25 *(including a driver) in interstate commerce; and*

1 (2) *shall have been tested in accordance with a*
 2 *drug and alcohol testing program consistent with part*
 3 *40 of title 49, Code of Federal Regulations.*

4 **SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
 5 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
 6 **CATES.**

7 (a) *MEDICAL REVIEW BOARD FUNCTIONS.*—Section
 8 31149(a)(1) of title 49, United States Code, is amended—
 9 (1) by inserting “(A)” after “recommendations
 10 on”;

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

16 (b) *EXAMINATION REQUIREMENTS FOR LISTING IN*
 17 *THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.*—Sec-
 18 tion 31149(c)(1)(D) of title 49, United States Code, is
 19 amended to read as follows:

20 “(D) develop requirements applicable to a
 21 medical examiner seeking to be listed in the na-
 22 tional registry, including—

23 “(i) specific courses and materials that
 24 must be completed to be listed in the na-
 25 tional registry;

1 “(ii) a rigorous written examination
2 for which a passing grade must be achieved
3 to be listed in the national registry;

4 “(iii) certification (including self-cer-
5 tification), as appropriate, to verify that the
6 medical examiner has completed training,
7 including refresher courses, that the Sec-
8 retary determines are necessary to be listed
9 in the national registry; and

10 “(iv) demonstration of the willingness
11 and ability of a medical examiner to com-
12 ply with any reporting requirements estab-
13 lished by the Secretary;”.

14 (c) *MEDICAL EXAMINATION FORM COMPARISONS.*—

15 *Not later than 18 months after the date of enactment of*
16 *this Act, the Secretary shall require by regulation that each*
17 *time a medical examiner performs a medical examination*
18 *to certify an applicant for a commercial driver’s license*
19 *under section 391.43 of title 49, Code of Federal Regula-*
20 *tions, such medical examiner shall submit to the appro-*
21 *priate State licensing agency the form for such examination*
22 *required by section 391.43(f) of such title (as in effect on*
23 *the day before the date of enactment of this Act).*

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

1 (1) by striking “and” after the semicolon in sub-
2 paragraph (W);

3 (2) by striking “stop.” in subparagraph (X) and
4 inserting “stop; and”; and

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

6 “(Y) requires State licensing authorities to
7 compare the forms they receive pursuant to sec-
8 tion 11(c) of the Motorcoach Enhanced Safety
9 Act of 2009 with the medical examiner’s certifi-
10 cate required by section 391.43(g) of title 49,
11 Code of Federal Regulations (as in effect on the
12 day before the date of enactment of that Act), to
13 determine the accuracy and validity of the infor-
14 mation contained in such forms and certifi-
15 cates.”.

16 (e) *ADDITIONAL OVERSIGHT OF LICENSING AUTHORI-*
17 *TIES.*—

18 (1) *IN GENERAL.*—Section 31149(c)(1) of title
19 49, United States Code, is amended—

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

22 (B) by striking “certification.” in subpara-
23 graph (F) and inserting “certification; and”;
24 and

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

1 “(G) each year, review the licensing au-
 2 thorities of 10 States to assess the accuracy, va-
 3 lidity, and timeliness of physical examination
 4 reports and medical certificates submitted by cer-
 5 tified medical examiners to such State licensing
 6 agencies and the processing of such submissions
 7 by the licensing authorities.”.

8 (2) *INTERNAL OVERSIGHT POLICY.*—

9 (A) *IN GENERAL.*—Not later than 1 year
 10 after the date of enactment of this Act, the Sec-
 11 retary shall establish an oversight policy and
 12 process within the Department of Transportation
 13 for purposes of carrying out the requirement of
 14 subparagraph (G) of such section 31149(c)(1), as
 15 added by paragraph (1).

16 (B) *EFFECTIVE DATE.*—The requirement of
 17 subparagraph (G) of section 31149(c)(1) of title
 18 49, United States Code, shall take effect on the
 19 date that the oversight policies and processes are
 20 established pursuant to subparagraph (A).

21 (f) *DEADLINE FOR ESTABLISHMENT OF NATIONAL*
 22 *REGISTRY OF MEDICAL EXAMINERS.*—Not later than 6
 23 months after the date of enactment of this Act, the Secretary
 24 shall establish a national registry of medical examiners as

1 *required by section 31149(d)(1) of title 49, United States*
 2 *Code.*

3 **SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR**
 4 **MOTORCOACHES.**

5 *(a) ELECTRONIC ON-BOARD RECORDERS.—*

6 *(1) IN GENERAL.—*

7 *(A) Not later than 1 year after the date of*
 8 *enactment of this Act, the Secretary shall pre-*
 9 *scribe regulations requiring that all motorcoaches*
 10 *used by a motor carrier in interstate commerce*
 11 *be equipped with electronic on-board recorders.*

12 *(B) The regulations prescribed by the Sec-*
 13 *retary under this section shall include perform-*
 14 *ance requirements to ensure that electronic on-*
 15 *board recorders—*

16 *(i) accurately record commercial driver*
 17 *hours of service;*

18 *(ii) allow tracking of driver and vehi-*
 19 *cle location; and*

20 *(iii) are tamper resistant.*

21 *(2) APPLICABILITY.—The regulations prescribed*
 22 *under paragraph (1) shall apply to all such*
 23 *motorcoaches beginning on the date that is 2 years*
 24 *after the date on which the regulation is published as*
 25 *a final rule.*

1 (b) *EVENT DATA RECORDERS.*—

2 (1) *EVALUATION.*—Not later than 1 year after
 3 the date of enactment of this Act, the Secretary shall
 4 complete an evaluation of event data recorders, in-
 5 cluding requirements regarding specific types of vehi-
 6 cle operations, events and incidents, and systems in-
 7 formation to be recorded, for event data recorders to
 8 be used on motorcoaches used by motor carriers in
 9 interstate commerce. For this purpose, the Secretary
 10 shall consider the performance requirements for event
 11 data recorders for passenger vehicles under part 563
 12 of title 49, Code of Federal Regulations.

13 (2) *STANDARDS AND REGULATIONS.*—Within 1
 14 year after completing the evaluation required by
 15 paragraph (1), the Secretary shall issue standards
 16 and regulations based on the results of that evalua-
 17 tion.

18 **SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**
 19 **MOTOR VEHICLES OF PASSENGERS.**

20 Not later than 3 years after the date of enactment of
 21 this Act, the Secretary shall complete a rulemaking pro-
 22 ceeding to consider requiring States to conduct annual in-
 23 spections of commercial motor vehicles designed or used to
 24 transport passengers, including—

1 (1) *an assessment of the risks associated with*
 2 *improperly maintained or inspected commercial*
 3 *motor vehicles designed or used to transport pas-*
 4 *sengers;*

5 (2) *an assessment of the effectiveness of current*
 6 *Federal standards for the inspection of such vehicles*
 7 *in mitigating the risks described in paragraph (1)*
 8 *and to ensure the safe and proper operation condition*
 9 *of such vehicles; and*

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

12 **SEC. 14. DISTRACTED DRIVING.**

13 (a) *IN GENERAL.*—Subchapter III of chapter 311 of
 14 *title 49, United States Code, is amended by adding at the*
 15 *end the following:*

16 **“§31152. Regulation of the use of distracting devices**
 17 ***in motorcoaches***

18 “(a) *IN GENERAL.*—No later than 1 year after the en-
 19 *actment of the Motorcoach Enhanced Safety Act of 2009,*
 20 *the Secretary of Transportation shall prescribe regulations*
 21 *on the use of electronic or wireless devices, including cell*
 22 *phones and other distracting devices, by an individual em-*
 23 *ployed as the operator of a motorcoach (as defined in section*
 24 *2(8) of that Act).*

1 “(b) *BASIS FOR REGULATIONS.*—*The Secretary shall*
 2 *base the regulations required by subsection (a) on accident*
 3 *data analysis, the results of ongoing research, and other in-*
 4 *formation, as appropriate.*

5 “(c) *PROHIBITED USE.*—*The Secretary shall prohibit*
 6 *the use of such devices in circumstances in which the Sec-*
 7 *retary determines that their use interferes with the driver’s*
 8 *safe operation of a motorcoach (as so defined).*

9 “(d) *PERMITTED USE.*—*Under the regulations, the*
 10 *Secretary may permit the use of a device, the use of which*
 11 *is prohibited under subsection (c), if the Secretary deter-*
 12 *mines that such use is necessary for the safety of the driver*
 13 *or the public in emergency circumstances.”.*

14 (b) *CONFORMING AMENDMENT.*—*The table of contents*
 15 *for chapter 311 of title 49, United States Code, is amended*
 16 *by inserting after the item relating to section 31151 the fol-*
 17 *lowing:*

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

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

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

21 “(3) “*employer*”—

22 “(A) *means a person engaged in a business*
 23 *affecting interstate commerce that—*

1 “(i) owns or leases a commercial motor
 2 vehicle in connection with that business, or
 3 assigns and employee to operate it; or

4 “(ii) offers for rent or lease motor vehi-
 5 cles designed or used to transport more than
 6 15 passengers, including the driver, and
 7 from the same location or as part of the
 8 same business provides names or contact in-
 9 formation of drivers, or holds itself out to
 10 the public as a charter bus company; but

11 “(B) does not include an individual who is
 12 an employee of the United States Government, a
 13 State, or a political subdivision of a State acting
 14 in the course of that individual’s employment as
 15 such an employee.”.

16 **SEC. 16. REGULATIONS.**

17 Any standard or regulation prescribed or modified
 18 pursuant to this Act shall be prescribed or modified in ac-
 19 cordance with section 553 of title 5, United States Code.

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A BILL

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

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