

106TH CONGRESS
1ST SESSION

S. 1501

To improve motor carrier safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve motor carrier safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Motor Carrier Safety
5 Improvement Act of 1999”.

6 **SEC. 2. ESTABLISHMENT OF A MOTOR CARRIER SAFETY**
7 **ADMINISTRATION.**

8 (a) IN GENERAL.—Chapter 1 of subtitle I of title 49,
9 United States Code, is amended by adding at the end
10 thereof the following:

1 **“§ 113. Motor Carrier Safety Administration**

2 “(a) ESTABLISHMENT.—The Motor Carrier Safety
3 Administration is an administration of the Department of
4 Transportation.

5 “(b) ADMINISTRATOR.—The Head of the Administra-
6 tion is an Administrator who is appointed by the Presi-
7 dent, by and with the advice and consent of the Senate,
8 and shall be an individual with professional experience in
9 motor carrier safety. The Administrator reports directly
10 to the Secretary.

11 “(c) FUNCTIONS, POWERS, AND DUTIES.—The Ad-
12 ministrator shall carry out—

13 “(1) duties and powers related to motor carrier
14 safety vested in the Secretary by chapters 5, 311,
15 313, 315, and 317 of this title; and

16 “(2) other functions, powers, and duties of the
17 Secretary related to motor carriers as prescribed by
18 the Secretary, except for the authority to promulgate
19 motor vehicle safety standards applicable to the
20 manufacture and retrofit of trucks and buses which
21 authority shall be in the National Highway Traffic
22 Safety Administration.

23 “(d) MOTOR COACH DIVISION.—Within the Adminis-
24 tration, there shall be a separate division to oversee com-
25 mercial motor coach safety and to carry out other func-

1 tions, powers, and duties of the Secretary as prescribed
2 by the Secretary.

3 “(e) CONTINUITY OF OPERATIONS.—

4 “(1) IN GENERAL.—Except as otherwise pro-
5 vided in the Motor Carrier Safety Improvement Act
6 of 1999, or the amendments made thereby, the Ad-
7 ministrator shall perform all functions that, imme-
8 diately before the effective date of such Act, were
9 functions of the Office of Motor Carrier and High-
10 way Safety of the Federal Highway Administration
11 or were performed by any officer or employee of the
12 Office of Motor Carrier and Highway Safety in the
13 capacity of such officer or employee. Those per-
14 sonnel, property, and records employed, used, held,
15 available, or to be made available in connection with
16 a function transferred to the Administrator by this
17 Act shall be transferred to the Administrator for use
18 in connection with the functions transferred, and un-
19 expended balances of appropriations, allocations, or
20 other funds of the Office of Motor Carrier and High-
21 way Safety shall also be transferred to the Adminis-
22 trator.

23 “(2) CAP ON PERSONNEL AND FUNDING AT FY
24 2000 LEVEL.—Except as otherwise provided in the
25 Motor Carrier Safety Improvement Act of 1999, or

1 the amendments made thereby, the number of per-
 2 sonnel employed by, and funds available for oper-
 3 ations of, the Motor Carrier Safety Administration
 4 shall not exceed the number of personnel, or funds
 5 available, respectively, within the Department of
 6 Transportation for the duties, powers, and functions
 7 described in subsection (c) for fiscal year 2000.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) FEDERAL HIGHWAY ADMINISTRATION.—

10 Section 104 of title 49, United States Code, is
 11 amended—

12 (A) by inserting “and” after the semicolon
 13 in subsection (c)(1);

14 (B) by striking paragraph (2) of sub-
 15 section (c) and redesignating paragraph (3) as
 16 paragraph (2); and

17 (C) by striking subsection (d) and redesign-
 18 ating subsection (e) as subsection (d).

19 (2) CHAPTER ANALYSIS.—The chapter analysis
 20 for such chapter is amended by adding at the end
 21 thereof the following:

“113. Motor Carrier Safety Administration.”.

22 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) MOTOR CARRIER SAFETY ADMINISTRATION.—

24 There are authorized to be appropriated to the Secretary
 25 of Transportation from the Highway Trust Fund (other

1 than from the Mass Transit Account) such sums as may
2 be necessary to pay the operating expenses of the Motor
3 Carrier Safety Administration.

4 (b) AVAILABILITY OF AMOUNTS FOR STATE
5 GRANTS.—Section 31104(a) of title 49, United States
6 Code is amended to read as follows:

7 “(a) IN GENERAL.—The following amounts are au-
8 thorized for the Secretary of Transportation to incur obli-
9 gations to carry out section 31102:

10 “(1) Not more than \$120,500,000 for fiscal
11 year 2000, of which not less than \$95,000,000 will
12 be made available from the Highway Trust Fund
13 (other than the Mass Transit Account).

14 “(2) Not more than \$125,500,000 for fiscal
15 year 2001, of which not less than \$100,000,000 will
16 be made available from the Highway Trust Fund
17 (other than the Mass Transit Account).

18 “(3) Not more than \$130,500,000 for fiscal
19 year 2002, of which not less than \$105,000,000 will
20 be made available from the Highway Trust Fund
21 (other than the Mass Transit Account).

22 “(4) Not more than \$135,500,000 for fiscal
23 year 2003, of which not less than \$110,000,000 will
24 be made available from the Highway Trust Fund
25 (other than the Mass Transit Account).”.

1 (c) CONTRACT AUTHORITY FUNDING FOR INFORMA-
2 TION SYSTEMS.—

3 (1) IN GENERAL.—Section 31107 of title 49,
4 United States Code, is amended—

5 (A) by striking so much of the section as
6 precedes subsection (b) and inserting the fol-
7 lowing:

8 **“§ 31107. Authorization of appropriations and con-**
9 **tract authority funding for information**
10 **systems**

11 “(a) FUNDING.—The following amounts are author-
12 ized to carry out sections 31106 and 31309 of this title:

13 “(1) Not more than \$35,000,000 for fiscal year
14 2000, of which not less than \$10,000,000 will be
15 made available from the Highway Trust Fund (other
16 than the Mass Transit Account).

17 “(2) Not more than \$36,500,000 for fiscal year
18 2001, of which not less than \$12,000,000 will be
19 made available from the Highway Trust Fund (other
20 than the Mass Transit Account).

21 “(3) Not more than \$36,500,000 for fiscal year
22 2002, of which not less than \$12,000,000 will be
23 made available from the Highway Trust Fund (other
24 than the Mass Transit Account).

1 Committee on Commerce, Science, and Transportation
2 and the House Committee on Transportation and Infra-
3 structure the specific actions taken to carry out this sec-
4 tion every 90 days, beginning 90 days after the date of
5 enactment of this Act, until all of those recommendations
6 have been implemented.

7 **SEC. 5. IMPROVEMENTS TO THE COMMERCIAL DRIVERS LI-**
8 **CENSE PROGRAM.**

9 (a) IN GENERAL.—Section 31311(a) of title 49,
10 United States Code, is amended—

11 (1) by striking “commercial” the second place
12 it appears in paragraph (6);

13 (2) by striking “cancellation.” in paragraph (8)
14 and inserting “cancellation, and the violation that
15 resulted in the disqualification, revocation, suspen-
16 sion, or cancellation shall be recorded.”;

17 (3) by striking “individual operating a commer-
18 cial” in paragraph (9) and inserting “individual pos-
19 sessed a commercial driver’s license operating a”;

20 (4) by striking “violation.” in paragraph (9)
21 and inserting “violation, and the violation shall be
22 recorded.”;

23 (5) by adding at the end of paragraph (10) the
24 following: “The State may not issue a special license
25 or permit to an individual who holds a commercial

1 driver's license that permits the individual to drive
2 a commercial motor vehicle during a period in
3 which—

4 “(A) the individual is disqualified from op-
5 erating a commercial motor vehicle; or

6 “(B) the individual's driver's license is re-
7 voked, suspended, or canceled.”; and

8 (6) by adding at the end thereof the following:

9 “(18) The State shall maintain, as part of its
10 driver information system, a record of each violation
11 by, or conviction under, a State or local motor vehi-
12 cle traffic control law while operating a motor vehi-
13 cle (except a parking violation) for each individual
14 who holds a commercial driver's license.

15 “(19) The State may not allow information re-
16 garding violations described in section 31310 of this
17 chapter to be withheld or masked in any way from
18 the record of an individual possessing a commercial
19 driver's license. This paragraph takes effect on Jan-
20 uary 1, 2001.”.

21 (b) WITHHOLDING FOR NONCOMPLIANCE.—Sub-
22 sections (a) and (b) of 31314 of title 49, United States
23 Code, are each amended by striking “shall withhold” and
24 inserting “may withhold up to”.

25 (c) MEDICAL CERTIFICATES.—

1 (1) MEDICAL CERTIFICATES.—Within 6 months
 2 after the date of enactment of this Act, the Sec-
 3 retary of Transportation shall initiate a rulemaking
 4 to provide for a Federal medical qualification certifi-
 5 cate to be made a part of commercial drivers’ li-
 6 censes issued by any State.

7 (2) NATIONAL REGISTRY OF MEDICAL PRO-
 8 VIDERS.—The Secretary shall initiate a rulemaking
 9 to establish a national registry of preferred medical
 10 providers. To be listed in the registry, a medical pro-
 11 vider shall, at a minimum, demonstrate knowledge of
 12 the Federal Motor Carrier Safety Standards for
 13 driver medical and physical qualifications.

14 (d) DECERTIFICATION AUTHORITY.—

15 (1) IN GENERAL.—Chapter 313 of title 49,
 16 United States Code, is amended by adding at the
 17 end thereof the following:

18 **“§ 31312. Decertification authority**

19 “If the Secretary of Transportation determines that
 20 a State is in substantial noncompliance with this chapter,
 21 the Secretary shall—

22 “(1) prohibit that State from carrying out li-
 23 censing procedures under this chapter; and

24 “(2) prohibit that State from issuing any com-
 25 mercial driver’s licenses until such time the Sec-

1 retary determines such State is in compliance with
2 this chapter.”.

3 (2) CONFORMING AMENDMENT.—The chapter
4 analysis for chapter 313 of title 49, United States
5 Code, is amended by adding at the end thereof the
6 following:

“31312. Decertification authority”.

7 **SEC. 6. IMPROVED DATA COLLECTION AND MOTOR CAR-**
8 **RIER SAFETY.**

9 (a) IN GENERAL.—The Secretary of Transportation
10 shall carry out a program, in cooperation with the States,
11 to improve the collection and analysis of data on crashes,
12 including crash causation, involving commercial motor ve-
13 hicles.

14 (b) PROGRAM ADMINISTRATION.—The Secretary
15 shall administer the program through the National High-
16 way Traffic Safety Administration in cooperation with the
17 Motor Carrier Safety Administration. The National High-
18 way Traffic Administration shall—

19 (1) enter into agreements with the States to
20 collect data and report the data by electronic means
21 to a central data repository; and

22 (2) train State employees and motor carrier
23 safety enforcement officials to assure the quality and
24 uniformity of the data.

1 (c) USE OF DATA.—The National Highway Traffic
2 Safety Administration shall—

3 (1) integrate the data, including driver citation
4 and conviction information; and

5 (2) make the data base available electronically
6 to the Motor Carrier Safety Administration, the
7 States, motor carriers, and other interested parties
8 for problem identification, program evaluation, plan-
9 ning, and other safety-related activities.

10 (d) REPORT.—Within 3 years after the date on which
11 the improved data program begins, the Secretary shall
12 transmit a report to the Congress on the program, to-
13 gether with any recommendations the Secretary finds ap-
14 propriate.

15 (e) FUNDING.—For each of the fiscal years 2001,
16 2002, and 2003, the Secretary may use up to \$10,000,000
17 of the amounts made available to the Secretary under sec-
18 tion 31107 of title 49, United States Code, to carry out
19 this section.

20 (f) HARMONIZATION OF REPORTING VIOLATIONS BY
21 STATES.—The Secretary of Transportation, in coopera-
22 tion with the States, shall develop a uniform system to
23 support the electronic transmission of data State-to-State
24 on violations of all motor vehicle traffic control laws by
25 individuals possessing a commercial drivers' licenses as re-

1 quired by sections 31311(a)(9) and (19) of title 49,
2 United States Code. Not later than 2 years after the date
3 of enactment of this act, the Secretary shall transmit to
4 the Committee on Commerce, Science and Transportation
5 and the Committee on Transportation and Infrastructure
6 a report on the status of the implementation of this sub-
7 section.

8 (g) MOTOR CARRIER SAFETY INITIATIVES.—

9 (1) EVENT RECORDERS.—The Secretary of
10 Transportation shall establish a department-wide
11 policy to ensure the protection of privacy for any in-
12 dividual or entity utilizing electronic recorders or
13 other technology to monitor vehicle and operator
14 performance or location. Under the policy estab-
15 lished by the Secretary the data obtained from the
16 devices shall receive no less protection than that pro-
17 vided for users and owners of flight data recorders,
18 cockpit voice recorders, and other forms of safety in-
19 formation under Federal Aviation Administration
20 and National Transportation Safety Board privacy
21 procedures or regulations.

22 (2) 8-PASSENGER VEHICLE SAFETY RULE.—

23 The regulations prescribed by the Secretary of
24 Transportation under section 31136 of title 49,
25 United States Code, apply to operators of commer-

1 cial motor vehicles described in section 31132(1)(B)
2 of such title. This paragraph takes effect 60 days
3 after the date of enactment of this Act.

4 (3) DATA IMPROVEMENTS FOR UNIFORM CAR-
5 RIER REGISTRATION SYSTEM.—Section 13908 of
6 title 49, United States Code, is amended—

7 (A) by striking the last sentence of sub-
8 section (d); and

9 (B) by adding at the end thereof the fol-
10 lowing:

11 “(f) DEADLINE FOR OPERATIONAL SYSTEM.—The
12 uniform carrier registration system developed under this
13 section shall be in operation no later than one year after
14 the date of enactment of the Motor Carrier Safety Im-
15 provement Act of 1999.”.

16 (4) MINIMUM FINANCIAL RESPONSIBILITY.—

17 (A) TRANSPORTATION OF PASSENGERS.—

18 Section 31138 of title 49, United States Code,
19 is amended—

20 (i) by striking “for compensation” in
21 subsection (a); and

22 (ii) adding at the end of subsection

23 (c) the following:

24 “(4) The Secretary shall require all persons
25 subject to the minimum financial responsibility re-

1 requirements of this section to file evidence of the re-
2 quired financial responsibility with the Secretary.”.

3 (B) TRANSPORTATION OF PROPERTY.—

4 Section 31139 of title 49, United States Code,
5 is amended—

6 (i) by striking “for compensation” in
7 subsection (b)(1); and

8 (ii) adding at the end of subsection
9 (e) the following:

10 “(4) The Secretary shall require all persons
11 subject to the minimum financial responsibility re-
12 quirements of this section to file evidence of the re-
13 quired financial responsibility with the Secretary.”.

14 **SEC. 7. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY**
15 **COMMITTEE.**

16 (a) ESTABLISHMENT.—The Secretary of Transpor-
17 tation may establish a Commercial Motor Vehicle Safety
18 Advisory Committee to provide advice and recommenda-
19 tions on a range of regulatory issues. The members of the
20 advisory committee shall be appointed by the Secretary
21 from among individuals affected by rulemakings under
22 consideration by the Department of Transportation, in-
23 cluding representatives of labor, industry, safety advo-
24 cates, manufacturers, and safety enforcement officials. No

1 one interest may constitute a majority of the advisory
2 committee.

3 (b) FUNCTION.—The advisory committee established
4 under subsection (a) shall provide advice to the Secretary
5 on commercial motor vehicle safety regulations and assist
6 the Secretary in timely completion of ongoing rulemakings
7 by utilizing negotiated rulemaking procedures.

8 **SEC. 8. OWNER-CONTROLLED INSURANCE PROGRAM AC-**
9 **COUNTABILITY.**

10 (a) IN GENERAL.—Section 305 of title 49, United
11 States Code, is amended by adding at the end thereof the
12 following:

13 “(c) OWNER-CONTROLLED INSURANCE PROGRAM
14 ACCOUNTABILITY.—

15 “(1) IN GENERAL.—For all transportation
16 projects receiving Federal funding, the Secretary
17 shall—

18 “(A) ensure that reserves for owner-con-
19 trolled insurance programs do not exceed cur-
20 rent and projected liabilities, as computed using
21 acceptable actuarial cost methods, for claims;

22 “(B) in the case of liabilities that do not
23 become payable for more than one year after re-
24 serves are provided, ensure that the reserve

1 amounts do not exceed the discounted value of
2 the liabilities; and

3 “(C) ensure that adjustments in owner-
4 controlled insurance program premiums and re-
5 serves are made at least annually.

6 “(2) REFUNDS.—Any refunds of insurance pre-
7 miums or reserve amounts, including interest, that
8 exceed a project’s liabilities shall be immediately re-
9 turned to the Federal government.”.

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