

110TH CONGRESS
1ST SESSION

H. R. 4690

To direct the National Highway Traffic Safety Administration to issue motor vehicle safety standards for motorcoaches, and to amend the Internal Revenue Code of 1986 to provide a tax credit for associated expenses incurred by motorcoach operators complying with such standards.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. SHUSTER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Small Business, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the National Highway Traffic Safety Administration to issue motor vehicle safety standards for motorcoaches, and to amend the Internal Revenue Code of 1986 to provide a tax credit for associated expenses incurred by motorcoach operators complying with such standards.

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

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Bluffton University Safety Act of 2007”.

4 (b) **FINDINGS.**—Congress finds that—

5 (1) on March 2, 2007, a charter bus accident
6 in Atlanta, Georgia, involving the baseball team
7 from Ohio’s Bluffton University, resulted in 7
8 deaths and numerous serious injuries; and

9 (2) the Federal Motor Carrier Safety Adminis-
10 tration reports that there have been an average of
11 22.7 occupant-related fatalities per year for the last
12 10 years.

13 **SEC. 2. REQUIRED SAFETY STANDARDS FOR NEW**
14 **MOTORCOACHES.**

15 (a) **REQUIREMENT.**—Section 30127 of title 49,
16 United States Code, is amended, by adding at the end the
17 following:

18 “(i) **SAFETY STANDARDS FOR NEW**
19 **MOTORCOACHES.**—

20 “(1) **STANDARDS FOR NEW MOTORCOACHES.**—

21 (A)(i) Not later than 30 months after the date of
22 the submission of the study required by paragraph
23 (5), the Secretary of Transportation shall prescribe
24 Federal motor vehicle safety standards for motor-
25 coach occupant protection systems that account for
26 frontal impact collisions, side impact collisions, rear

1 impact collisions, and rollovers. Such standards shall
2 not eliminate or lessen the occupant protection
3 standards currently in effect and shall—

4 “(I) be based on sound scientific re-
5 search, extensive testing and analysis by
6 the National Highway Traffic Safety Ad-
7 ministration, consistent with the rec-
8 ommendations of the National Transpor-
9 tation Safety Board regarding motorcoach
10 occupant protection; and

11 “(II) take into consideration the var-
12 ious types of motorcoaches and the various
13 uses and configurations of the occupant
14 compartment as well as local, State, and
15 Federal height and weight limits and re-
16 strictions.

17 Such standards may include seatbelts or other occu-
18 pant protection systems, passive or otherwise, for
19 passengers including those in child safety restraint
20 systems.

21 “(ii) Prior to promulgating such standards, the
22 Secretary shall consult with the entity responsible
23 for the study to be conducted pursuant to paragraph
24 (5). Any communications concerning such consulta-
25 tion shall be included in the public record of the pro-

1 ceedings leading to the promulgation of the stand-
2 ards required by this subparagraph and shall be sub-
3 ject to public comment.

4 “(B) Not later than 3 years after the date of
5 enactment of this subsection, the Secretary of
6 Transportation shall prescribe Federal motor vehicle
7 safety standards for roof strength that provide ade-
8 quate survival space for all seating positions and
9 that takes into account all motorcoach window di-
10 mensions and highway height and weight restrictions
11 and limitations.

12 “(C) The Secretary shall conduct research and
13 testing on advanced window glazing and securement
14 to determine the best method or methods for window
15 glazing to prevent motorcoach occupant protection
16 ejection, and not later than 3 years after the date
17 of enactment of this subsection, shall revise window
18 glazing standards for newly manufactured
19 motorcoaches based on the results of such research
20 and testing and that takes into account all motor-
21 coach window dimensions, highway height and
22 weight restrictions and limitations.

23 “(D) The Secretary of Transportation shall
24 conduct research and testing to determine the most
25 prevalent causes of motorcoach fires and the best

1 methods to prevent such fires and to mitigate the ef-
2 fect of such fires, both inside and outside the motor-
3 coach. Not later than 3 years after the date of en-
4 actment of this subsection, the Secretary of Trans-
5 portation shall promulgate fire prevention and miti-
6 gation standards for newly manufactured
7 motorcoaches, based on the results of the Secretary's
8 research and testing, taking into account motorcoach
9 highway size and weight restrictions.

10 “(E) The Secretary of Transportation shall
11 conduct research and testing to determine any nec-
12 essary changes in motorcoach design standards, in-
13 cluding windows and doors, to improve motorcoach
14 emergency evacuation. Not later than 3 years after
15 the date of enactment of this subsection, the Sec-
16 retary of Transportation shall promulgate motor-
17 coach emergency evacuation design standards, in-
18 cluding window standards that enhance the use of
19 windows for emergency evacuation to the maximum
20 extent feasible, while not detracting from the window
21 glazing standards to be promulgated under sub-
22 section (C), and door standards, including design of
23 the wheelchair lift door for emergency evacuation
24 use. Such standards shall take into account motor-
25 coach highway size and weight restrictions.

1 “(F) Notwithstanding any other provision in
2 this chapter, a State or a political subdivision of a
3 State may not adopt or enforce a law or regulation
4 related to a motorcoach crash avoidance and occu-
5 pant protection prior to the effective date of the reg-
6 ulations promulgated pursuant to this subsection.
7 The standards prescribed under subparagraphs (A)
8 through (E) shall require motorcoaches manufac-
9 tured after the period that is 3 years after the date
10 on which such standards are prescribed to be engi-
11 neered and equipped to meet such standards. Noth-
12 ing in this subsection or in the regulations pre-
13 scribed pursuant to this subsection shall be con-
14 strued as indicating an intention by Congress to af-
15 fect, change, or modify in any way the liability, if
16 any, of a motorcoach manufacturer or motorcoach
17 operator under applicable law to buses or
18 motorcoaches, manufactured and operated with or
19 without passenger seat belts or other passenger re-
20 straint systems, prior to the effective date of the
21 regulations promulgated pursuant to this subsection.

22 “(2) STANDARDS FOR EXISTING
23 MOTORCOACHES.—(A) Not later than 3 years after
24 the date of the submission of the study required by
25 paragraph (5) the Secretary of Transportation shall

1 prescribe Federal Motor Vehicle Safety Standards
2 for motorcoaches that are manufactured before the
3 date that is 3 years after the date on which the
4 standards required under paragraph (1) are pre-
5 scribed, taking into account the limitations posed by
6 the need to retrofit existing motorcoaches. Such
7 standards shall have the same objectives as the
8 standards required under subparagraphs (A)
9 through (E) of paragraph (1), but may differ from
10 such standards based on what is technically feasible
11 for existing motorcoaches.

12 “(B) In lieu of promulgating comprehensive
13 standards for motorcoaches under subparagraph
14 (A), the Secretary may develop standards for various
15 component parts and equipment of motorcoaches
16 that would increase occupant protection.

17 “(C) The effective date for the standards pre-
18 scribed pursuant to this paragraph shall be the same
19 as the effective date for the standards prescribed
20 pursuant to paragraph (1).

21 “(D) The Secretary shall, by regulation, estab-
22 lish a system whereby the motorcoaches to which the
23 standards prescribed under subparagraph (A) apply
24 shall be certified as in compliance with such stand-
25 ards. Such certification shall be carried out by the

1 Secretary or by private parties at the discretion and
2 authorization of the Secretary.

3 “(3) COMPLIANCE TIMETABLES.—(A) The ef-
4 fective date of the standards prescribed under para-
5 graphs (1) and (2) shall be 3 years after the date
6 on which such final standards are promulgated. All
7 motorcoaches manufactured after such date shall
8 comply with such standards.

9 “(B) Not later than the date that is 6 years
10 after the effective date of the standards prescribed
11 under paragraphs (1) and (2), all motorcoach opera-
12 tors shall ensure that 50 percent of the
13 motorcoaches they operate comply with either the
14 standards prescribed under paragraph (1) or the
15 standards prescribed under paragraph (2)(A). Not
16 later than the date that is 12 years after the effec-
17 tive date of the standards prescribed under para-
18 graphs (1) and (2), all motorcoach operators shall
19 ensure that 100 percent of the motorcoaches they
20 operate comply with either of such standards.

21 “(C) Nothing in this subsection shall be con-
22 strued as indicating an intention by Congress to af-
23 fect, change, or modify in any way the liability, if
24 any, of a motorcoach manufacturer or motorcoach
25 operator under applicable law to buses or

1 motorcoaches unless such manufacturer or operator
2 is shown not to be in compliance with the timetables
3 set forth in subparagraphs (A) and (B). Notwith-
4 standing any other provision in this chapter, a State
5 or a political subdivision of a State may not adopt
6 or enforce a law or regulation related to any of the
7 standards required by paragraphs (1) and (2) during
8 the time periods set forth in subparagraphs (A) and
9 (B).

10 “(4) DEFINITION OF A MOTORCOACH.—As used
11 in this subsection, the term ‘motorcoach’ means an
12 over-the-road bus, characterized by an elevated pas-
13 senger deck located over a baggage compartment.

14 “(5) INDEPENDENT STUDY.—(A) Not later
15 than 90 days after the date of enactment of this
16 subsection, the Secretary shall enter into an agree-
17 ment with an appropriate non-governmental sci-
18 entific organization to carry out a study on the pas-
19 senger safety benefits of three-point passenger safety
20 restraints and compartmentalization in motorcoaches
21 and whether the use of one methodology in a motor-
22 coach reduces or enhances the potential passenger
23 safety benefits of the other methodology. The study
24 shall specifically examine safety measure involving—

25 “(i) frontal impact collisions;

1 “(ii) side impact collisions;;

2 “(iii) rear impact collisions;

3 “(iv) rollovers or layovers;

4 “(v) the relative frequency and severity of
5 the incidents in (i) through (iv) above; and

6 “(vi) various uses and configurations of
7 the occupant compartment.

8 “(B) Not later than 6 months after entering
9 into an agreement under subparagraph (A), the enti-
10 ty conducting the study shall submit to the Sec-
11 retary and to Congress a report on the results of the
12 study and such preliminary recommendations as the
13 entity conducting the study considers appropriate as
14 a result of the study.

15 “(C) Not later than 6 months after the promul-
16 gation by the Secretary of the final standards re-
17 quired by paragraph (1)(A) above, the entity that
18 conducted the study required by subparagraph (A)
19 shall submit a report to Congress assessing the ex-
20 tent to which such final standards are likely to en-
21 hance the safety of the occupants of motorcoaches.”.

22 (b) SENSE OF CONGRESS REGARDING STATE SEAT-
23 BELT USE LAWS.—Section 30127(d) of title 49, United
24 States Code, is amended by inserting “that include a re-
25 quirement for use of seatbelts,” after “seatbelt use laws”.

1 **SEC. 3. CREDIT FOR COSTS OF MOTORCOACHES COM-**
2 **PLYING WITH FEDERAL SAFETY REQUIRE-**
3 **MENTS.**

4 (a) IN GENERAL.—Subpart D of part IV of sub-
5 chapter 1 of the Internal Revenue Code of 1986 is amend-
6 ed by inserting after section 45N the following new sec-
7 tion:

8 **“SEC. 450. CREDIT FOR COSTS OF MOTORCOACHES COM-**
9 **PLYING WITH FEDERAL SAFETY REQUIRE-**
10 **MENTS.**

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

16 “(1) qualified new motorcoaches, and

17 “(2) such improvements to any existing motor-
18 coach which is used by the taxpayer as are necessary
19 for such motorcoach to satisfy the requirements pre-
20 scribed under section 30217(i)(2) of title 49, United
21 States Code.

22 “(b) LIMITATION.—The credit determined under
23 paragraph (1) with respect to any motorcoach shall not
24 exceed \$45,000.

25 “(c) QUALIFIED NEW AND EXISTING
26 MOTORCOACHES.—For purposes of this section—

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

3 “(A) the original use of which commences
4 with the taxpayer,

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

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

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

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

12 “(F) which meets the requirements pre-
13 scribed under section 30127(i)(1) of title
14 49, United States Code.

15 “(2) EXISTING MOTORCOACH.—The term ‘exist-
16 ing motorcoach’ means any motorcoach—

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

19 “(B) which is manufactured on or before
20 the specified effective date.

21 “(d) OTHER DEFINITIONS AND SPECIAL RULES.—

22 For purposes of this section—

23 “(1) MOTORCOACH.—The term ‘motorcoach’
24 means any vehicle to which the requirements pre-
25 scribed under section 30127(i)(1) of title 49, United

1 States Code, apply, or would apply if such vehicle
2 were manufactured after the specified effective date.

3 “(2) SPECIFIED EFFECTIVE DATE.—The term
4 ‘specified effective date’ means the effective date de-
5 scribed in section 30127(i)((3)(A) of title 49, United
6 States Code.

7 “(3) BASIS REDUCTION.—The basis of any
8 property for which a credit is determined under sub-
9 section (a) shall be reduced by the amount of the
10 credit so determined.

11 “(4) RECAPTURE.—The Secretary shall, by reg-
12 ulations, provide for recapturing the benefit of any
13 credit determined under subsection (a) with respect
14 to any property which ceases to be property eligible
15 for such credit.

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

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

21 “(B) any property referred to in section
22 50(b).

23 “(6) ELECTION NOT TO TAKE CREDIT.—No
24 credit shall be determined under subsection (a) for

1 any vehicle if the taxpayer elects to not have this
2 section apply to such vehicle.

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

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

9 “(f) CREDIT FOR COSTS OF MOTORCOACHES COM-
10 PLYING WITH FEDERAL SAFETY REQUIREMENTS.—No
11 deduction shall be allowed for that portion of the expenses
12 otherwise allowable as a deduction for the taxable year
13 which is equal to the amount of the credit determined for
14 the taxable year under section 450(a).”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 38(b) of the Internal Revenue Code
17 of 1986 is amended by striking “plus” at the end of
18 paragraph (30), by striking the period at the end of
19 paragraph (31) and inserting “, plus”, and by add-
20 ing at the end the following:

21 “(32) the qualified motorcoach safety credit de-
22 termined under section 450(a).”.

23 (2) Section 1016(a) of such Code is amended
24 by striking “and” at the end of paragraph (37), by
25 striking the period at the end of paragraph (38) and

1 inserting “, and”, and by adding at the end the fol-
2 lowing new paragraph:

3 “(38) to the extent provided in section
4 30D(d)(3).”.

5 (3) Section 6501(m) of such Code is amended
6 by inserting “30D(d)(6),” after “30C(e)(5),”.

7 (4) The table of sections for subpart D of part
8 IV of subchapter A of chapter 1 of such Code is
9 amended by inserting after the item relating to sec-
10 tion 45N the following new item:

“Sec. 450. Credit for costs of motorcoaches complying with Federal safety re-
quirements.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years ending after De-
13 cember 31, 2007.

14 **SEC. 4. DEPARTMENT OF TRANSPORTATION GRANTS.**

15 (a) IN GENERAL.—The Secretary of Transportation
16 shall develop and administer supplemental grants, not to
17 exceed \$20,000, for operators of motorcoaches in order to
18 assist with the cost of retrofitting motorcoaches in order
19 to comply with the Federal motor vehicle safety standards
20 prescribed under section 30127(i) of title 49, United
21 States Code, as added by section 2.

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

1 (1) have a fleet of not more than 25
2 motorcoaches;

3 (2) have total annual revenue of less than
4 \$5,000,000; and

5 (3) demonstrate to the Secretary that—

6 (A) the operator has been in business as
7 an over-the-road charter bus operator for not
8 less than 3 consecutive years; and

9 (B) that the operator was unable to re-
10 cover, through allowed tax credits established
11 under section 3 in a consecutive 2 year period,
12 the full cost of retrofitting motorcoaches in
13 order to comply with the applicable Federal
14 motor vehicle safety standards.

15 (c) GRANT REQUIREMENTS.—A grant under this sec-
16 tion shall be subject to all of the terms and condition ap-
17 plicable to subrecipients who provide intercity bus trans-
18 portation under section 5311(f) of title 49, United States
19 Code, and such other terms and conditions as the Sec-
20 retary may prescribe.

21 **SEC. 5. SMALL BUSINESS ADMINISTRATION LOANS AND**
22 **LOAN GUARANTEES.**

23 Section 7(a) of the Small Business Act (15 U.S.C.
24 636(a)) is amended by adding at the end the following:

1 “(32) BUSES AND MOTORCOACHES.—In car-
2 rying out this subsection with respect to the over-
3 the-road charter bus industry, the following shall
4 apply:

5 “(A) The Administrator shall adopt under-
6 writing criteria specific to that industry.

7 “(B) The Administrator shall make avail-
8 able the assistance under this subsection to
9 members of that industry to facilitate retro-
10 fitting of buses and motorcoaches for occupant
11 protection.

12 “(C) Multiple buses or motorcoaches shall
13 be treated as a single source of collateral.

14 “(D) A member of that industry who owns
15 a single bus or motorcoach shall be treated as
16 eligible for such assistance, without regard to
17 whether the member otherwise meets the appli-
18 cable size standard for eligibility.

19 “(E) The Administrator shall provide any
20 applicant who is a member of that industry
21 with counseling and advice regarding the other
22 assistance programs of the Administration that
23 may be available to members of that industry.”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary of Transportation such sums as may be necessary
4 to carry out this Act.

○