

110TH CONGRESS  
2D SESSION

# H. R. 6747

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, 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

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## A BILL

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, 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 2008”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—MOTORCOACH SAFETY

Sec. 101. Definitions.

Sec. 102. Regulations for improved occupant protection and motorcoach crash avoidance.

Sec. 103. Study and report on improved bus crashworthiness and crash avoidance.

Sec. 104. Improved oversight of providers of motorcoach services and of other motor carriers of passengers.

Sec. 105. Motorcoach driver training.

Sec. 106. Improved commercial driver’s license testing.

Sec. 107. Improved physical fitness oversight and commercial driver medical certificates.

Sec. 108. Safety enforcement technology to reduce driver fatigue.

Sec. 109. Commercial motor vehicle safety inspection programs.

Sec. 110. Regulations.

#### TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

Sec. 201. Credit for cost of motorcoaches complying with federal safety requirements.

#### TITLE III—OTHER PROVISIONS

Sec. 301. Department of Transportation grants.

Sec. 302. Small business administration loans and loan guarantees.

## 3 **TITLE I—MOTORCOACH SAFETY**

### 4 **SEC. 101. DEFINITIONS.**

5 In this title:

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

11 (2) **BUS.**—The term “bus” has the meaning  
 12 given such term in section 571.3(b) of title 49, Code

1 of Federal Regulations (as in effect on the day be-  
2 fore the date of the enactment of this Act).

3 (3) COMMERCIAL MOTOR VEHICLE.—The term  
4 “commercial motor vehicle” has the meaning given  
5 such term in section 31132(1) of title 49, United  
6 States Code.

7 (4) MANUFACTURER.—The term “manufac-  
8 turer” has the meaning given such term in section  
9 30102(a) of title 49, United States Code.

10 (5) MOTOR CARRIER.—The term “motor car-  
11 rier” has the meaning given such term in section  
12 13102(14) of title 49, United States Code.

13 (6) MOTORCOACH.—The term “motorcoach”  
14 has the meaning given the term “over-the-road bus”  
15 in section 3038(a)(3) of the Transportation Equity  
16 Act for the 21st Century (Public Law 105–178; 49  
17 U.S.C. 5310 note), but does not include the fol-  
18 lowing:

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

21 (B) School buses, including multifunction  
22 school activity buses.

23 (7) MOTORCOACH MANUFACTURER.—The term  
24 “motorcoach manufacturer” means a manufacturer

1 that manufactures, assembles, or imports motor-  
2 coaches for resale in the United States.

3 (8) MOTORCOACH SERVICES.—The term “mo-  
4 torcoach services” means passenger transportation  
5 by motorcoach for compensation.

6 (9) MULTIFUNCTION SCHOOL ACTIVITY  
7 BUSES.—The term “multifunction school activity  
8 buses” has the meaning given such term in section  
9 571.3(b) of title 49, Code of Federal Regulations (as  
10 in effect on the day before the date of the enactment  
11 of this Act).

12 (10) PORTAL.—The term “portal” means any  
13 opening on the front, sides, rear, or roof of a motor-  
14 coach that could, in the event of a crash involving  
15 the motorcoach, permit the partial or complete ejection  
16 of any occupant from the motorcoach, including  
17 a young child.

18 (11) PROVIDER OF MOTORCOACH SERVICES.—  
19 The term “provider of motorcoach services” means  
20 a motor carrier that provides passenger transpor-  
21 tation services with a motorcoach for compensation,  
22 including per-trip compensation and contracted or  
23 chartered compensation.

24 (12) PUBLIC TRANSPORTATION.—The term  
25 “public transportation” has the meaning given such

1 term in section 5302(a)(10) of title 49, United  
2 States Code.

3 (13) SAFETY BELT.—The term “safety belt”  
4 has the meaning given such term in section  
5 153(i)(4)(B) of title 23, United States Code.

6 (14) SECRETARY.—The term “Secretary”  
7 means the Secretary of Transportation.

8 **SEC. 102. REGULATIONS FOR IMPROVED OCCUPANT PRO-**  
9 **TECTION AND MOTORCOACH CRASH AVOID-**  
10 **ANCE.**

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

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

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

24 (3) FIREFIGHTING EQUIPMENT.—The Secretary  
25 shall require 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 THE ENACTMENT OF THIS ACT.—Not later  
6 than 2 years after the date of the enactment of this Act,  
7 the Secretary 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 be equipped with  
23 stability enhancing technologies, such as electronic  
24 stability control, roll stability control, and torque

1       vectoring, to reduce substantially the number and  
2       frequency of rollover crashes among 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 the motorcoach.

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 motor-  
2 coaches have improved fuel systems in order to sup-  
3 press 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 to en-  
12 sure rapid evacuation from a motorcoach under  
13 all emergency circumstances, including crashes  
14 and fires.

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

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



1           (1) ADAPTIVE CRUISE CONTROL.—Require  
2 motorcoaches be equipped with adaptive cruise con-  
3 trol for maintaining safe trailing distances when un-  
4 derway and a collision warning system that provides  
5 sufficient advance notice to the operator of a motor-  
6 coach of any imminent impact.

7           (2) AUTOMATIC FIRE SUPPRESSION.—Require  
8 motorcoaches be equipped with highly effective fire  
9 suppression systems that automatically respond to  
10 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.—(i) Except as provided  
20 in subparagraph (B), a regulation prescribed in  
21 accordance with subsection (a)(1) shall apply to  
22 all motorcoaches used for motorcoach services  
23 on or after the effective date of such regulation.

24           (ii) Except as provided in subparagraph  
25 (B), a regulation prescribed in accordance with

1 subsection (a)(3) shall apply to all motor-  
2 coaches used for motorcoach services on or  
3 after the effective date of such regulation.

4 (iii) Except as provided in subparagraph  
5 (B), a regulation prescribed in accordance with  
6 subsection (b)(5) shall apply to all motor-  
7 coaches used for motorcoach services on or  
8 after the effective date of such regulation.

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

14 (i) 2 years after the effective date of  
15 such regulation; or

16 (ii) if the Secretary determines that  
17 the application date described in clause (i)  
18 would cause undue hardship, 5 years after  
19 the effective date of such regulation.

20 **SEC. 103. STUDY AND REPORT ON IMPROVED BUS CRASH-**  
21 **WORTHINESS AND CRASH AVOIDANCE.**

22 (a) STUDY.—Not later than September 30, 2008, the  
23 Secretary shall complete a study of the following, with re-  
24 spect to buses that are more than 10,000 pounds gross  
25 vehicle weigh rating (GVWR):

1           (1) Bus safety design improvements and coun-  
2           termeasures for improving bus crashworthiness to  
3           achieve substantial improvements in occupant pro-  
4           tection in all types of crashes, including the fol-  
5           lowing:

6                   (A) Active and passive restraint systems.

7                   (B) Enhanced passenger compartmentali-  
8                   zation.

9                   (C) Upper and lower interior occupant im-  
10                  pact protection.

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

14                  (E) Improved resistance to occupant par-  
15                  tial and complete ejection.

16                  (F) Improved crash compatibility with  
17                  other types and weights of motor vehicles in  
18                  order to reduce both the number and severity of  
19                  crashes and the number and severity of occu-  
20                  pant injuries both in buses and in the other ve-  
21                  hicles.

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

25                   (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 September 30, 2008,  
2 the Secretary shall submit to the Committee on Com-  
3 merce, Science, and Transportation of the Senate and the  
4 Committee on Energy and Commerce of the House of  
5 Representatives a report setting forth the findings of the  
6 Secretary with respect to the study required by subsection  
7 (a) and recommendations for legislative and regulatory  
8 changes.

9 **SEC. 104. IMPROVED OVERSIGHT OF PROVIDERS OF MO-**  
10 **TORCOACH SERVICES AND OF OTHER MOTOR**  
11 **CARRIERS OF PASSENGERS.**

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

15 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF  
16 MOTORCOACH SERVICES.—

17 “(1) SAFETY REVIEW.—Not later than 3 years  
18 after the date of the enactment of this subsection,  
19 the Secretary shall require, by regulation, each pro-  
20 vider of motorcoach services registered with the Fed-  
21 eral Motor Carrier Safety Administration on or after  
22 the date of the enactment of this subsection to un-  
23 dergo a periodic safety review.

24 “(2) ELEMENTS OF REVIEW.—In the regula-  
25 tions prescribed pursuant to paragraph (1), the Sec-

1       retary shall establish the elements of the periodic  
2       safety review, including basic safety management  
3       controls.

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

9               “(4) MOTORCOACH SERVICES DEFINED.—In  
10      this subsection, the term ‘provider of motorcoach  
11      services’ has the meaning provided such term in sec-  
12      tion 101 of the Motorcoach Enhanced Safety Act of  
13      2008.”

14              (b) REVISION OF SAFETY AUDIT SYSTEM.—Not later  
15      than September 30, 2008, the Secretary shall revise the  
16      safety fitness audit system of the Department of Trans-  
17      portation established pursuant to section 31144 of title  
18      49, United States Code, to conform with safety rec-  
19      ommendation H-99-6 of the National Transportation  
20      Safety Board issued February 26, 1999.

21      **SEC. 105. MOTORCOACH DRIVER TRAINING.**

22              (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

23                      (1) IN GENERAL.—Not later than 2 years after  
24      the date of the enactment of this Act, the Secretary  
25      shall establish, by regulation, a training curriculum

1 for drivers of motorcoaches to be adopted by public  
2 and private schools and motor carriers that provide  
3 training for drivers of motorcoaches.

4 (2) CURRICULUM REQUIREMENTS.—The train-  
5 ing curriculum required by paragraph (1) shall in-  
6 clude the following:

7 (A) Classroom and behind-the-wheel in-  
8 struction that is adequate for all new drivers of  
9 motorcoaches to operate safely motorcoaches  
10 and respond effectively to emergency situations.

11 (B) Instruction in advanced knowledge and  
12 skills that are necessary to operate motor-  
13 coaches safely, including the knowledge and  
14 skills necessary—

15 (i) to suppress motorcoach fires; and

16 (ii) to evacuate passengers from mo-

17 torcoaches safely.

18 (b) TRAINING REQUIRED.—

19 (1) IN GENERAL.—The Secretary shall require  
20 each motorcoach driver seeking a commercial driv-  
21 er's license (CDL) passenger endorsement to under-  
22 go a training program that includes the training cur-  
23 riculum established pursuant to subsection (a) be-  
24 fore taking a test for a commercial driver's license  
25 passenger endorsement.

1           (2) CERTIFICATE OF COMPLETION RE-  
2           QUIRED.—The Secretary shall require that each  
3           driver seeking to take the test for the commercial  
4           driver’s license passenger endorsement shall present  
5           a certificate to a State licensing authority certifying  
6           that the driver has—

7                   (A) successfully completed a motorcoach  
8                   driver training course that includes the cur-  
9                   riculum established in accordance with sub-  
10                  section (a); and

11                   (B) received a passing grade for an exam-  
12                  ination at the culmination of such training  
13                  course.

14           (c) REPORT ON FEASIBILITY OF ESTABLISHING A  
15           SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—  
16           Not later than September 30, 2008, the Secretary shall  
17           submit to the Committee on Commerce, Science, and  
18           Transportation of the Senate and the Committee on  
19           Transportation and Infrastructure of the House of Rep-  
20           resentatives a report on the feasibility of establishing a  
21           system of certification of public and private schools and  
22           of motor carriers that provide motorcoach driver training  
23           in accordance with the curriculum established by the Sec-  
24           retary pursuant to subsection (a).



1 **SEC. 106. IMPROVED COMMERCIAL DRIVER'S LICENSE**  
2 **TESTING.**

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

6 (1) IN GENERAL.—The Secretary shall pre-  
7 scribe standards that improve the quality and strin-  
8 gency of the examination for the commercial driver's  
9 license passenger-carrying endorsement. Such stand-  
10 ards shall require—

11 (A) a more stringent knowledge test than  
12 the test in effect on the day before the date of  
13 the enactment of this Act; and

14 (B) a more stringent examination of the  
15 driving skills necessary to operate safely a com-  
16 mercial motor vehicle with passengers than the  
17 examination of such skills in effect on the day  
18 before the date of the enactment of this Act.

19 (2) COOPERATION.—In prescribing the stand-  
20 ards required by paragraph (1), the Secretary shall  
21 cooperate with the American Association of Motor  
22 Vehicle Administrators.

23 (b) MODIFICATION OF REQUIREMENTS FOR COM-  
24 MERCIAL DRIVER'S LICENSE PASSENGER-CARRYING EN-  
25 DORSEMENT.—The Secretary shall establish by regulation  
26 a requirement that a driver shall have a commercial driv-

1 er's license passenger-carrying endorsement in order to  
2 operate a commercial motor vehicle and transport not less  
3 than 9 and not more than 15 passengers (including a driv-  
4 er) in interstate commerce for compensation.

5 **SEC. 107. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**  
6 **COMMERCIAL DRIVER MEDICAL CERTIFI-**  
7 **CATES.**

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

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

19 (b) INTEGRATION OF FEDERAL MEDICAL QUALI-  
20 FICATION CERTIFICATE AND COMMERCIAL DRIVER'S LI-  
21 CENSE.—Not later than 2 years after the date of the en-  
22 actment of this Act, the Secretary shall prescribe the regu-  
23 lations required by section 215 of the Motor Carrier Safe-  
24 ty Improvement Act of 1999 (49 U.S.C. 31305 note).

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

5 (1) each time a medical examiner performs a  
6 medical examination to certify an applicant for a  
7 commercial driver's license under section 391.43 of  
8 title 49, Code of Federal Regulations, such medical  
9 examiner shall submit to the appropriate State li-  
10 censing agency the form for such examination re-  
11 quired by section 391.43(f) of such title (as in effect  
12 on the day before the date of the enactment of this  
13 Act); and

14 (2) as a condition of approval of a State plan  
15 under section 31102(d) of title 49, United States  
16 Code (as added by section 109(b)), State licensing  
17 authorities compare the forms they receive pursuant  
18 to paragraph (1) with the medical examiner's certifi-  
19 cate required by section 391.43(g) of title 49, Code  
20 of Federal Regulations (as in effect on the day be-  
21 fore the date of the enactment of this Act) to deter-  
22 mine the accuracy and validity of the information  
23 contained in such forms and certificates.

24 (d) ADDITIONAL OVERSIGHT OF LICENSING AU-  
25 THORITIES.—

1           (1) IN GENERAL.—Section 31149(c)(1) of title  
2 49, United States Code, is amended—

3           (A) in subparagraph (E), by striking  
4 “basis; and” and inserting “basis;”;

5           (B) in subparagraph (F), by striking the  
6 period at the end and inserting “; and”; and

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

8           “(G) each year, review the licensing au-  
9 thorities of 10 States to assess the accuracy  
10 and validity of physical examination reports and  
11 medical certificates submitted by certified med-  
12 ical examiners to such State licensing agen-  
13 cies.”.

14           (2) INTERNAL OVERSIGHT POLICY.—

15           (A) IN GENERAL.—Not later than 2 years  
16 after the date of the enactment of this Act, the  
17 Secretary shall establish an oversight policy and  
18 process within the Department of Transpor-  
19 tation for purposes of carrying out the require-  
20 ment of subparagraph (G) of such section  
21 31149(c)(1), as added by paragraph (1).

22           (B) EFFECTIVE DATE.—The requirement  
23 of subparagraph (G) of section 31149(c)(1) of  
24 title 49, United States Code, shall take effect  
25 on the date that the oversight policies and proc-

1           esses are established pursuant to subparagraph  
2           (A).

3           (e) DEADLINE FOR ESTABLISHMENT OF NATIONAL  
4 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1  
5 year after the date of the enactment of this Act, the Sec-  
6 retary shall establish the national registry of medical ex-  
7 aminers required by section 31149(d)(1) of title 49,  
8 United States Code.

9           (f) ADDITIONAL FUNCTION OF MEDICAL REVIEW  
10 BOARD.—Section 31149(a)(1) of title 49, United States  
11 Code, is amended to read as follows:

12           “(1) ESTABLISHMENT AND FUNCTION.—The  
13 Secretary of Transportation shall establish a Medical  
14 Review Board with the following functions:

15           “(A) Providing the Federal Motor Carrier  
16 Safety Administration with medical advice and  
17 recommendations on medical standards and  
18 guidelines for the following:

19           “(i) The physical qualifications of op-  
20 erators of commercial motor vehicles.

21           “(ii) Medical examiner education.

22           “(iii) Medical research.

23           “(B) Providing the Secretary with advice  
24 and recommendations concerning the criteria to  
25 be used for evaluating medical examiners for

1 admission to the national registry established  
2 under this section.”.

3 **SEC. 108. SAFETY ENFORCEMENT TECHNOLOGY TO RE-**  
4 **DUCE DRIVER FATIGUE.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of the enactment of this Act, the Secretary shall pre-  
7 scribe regulations requiring that all commercial motor ve-  
8 hicles used by a motor carrier in interstate commerce be  
9 equipped with electronic on-board recorders linked with  
10 vehicle engine functions and electronic control modules  
11 that accurately record commercial driver hours of service  
12 and provide real-time tracking of driver and vehicle loca-  
13 tion.

14 (b) APPLICABILITY.—The regulations prescribed  
15 under subsection (a) shall apply to all commercial motor  
16 vehicles used by motor carriers in interstate commerce be-  
17 ginning on the date that is 3 years after the date of the  
18 enactment of this Act.

19 **SEC. 109. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**  
20 **TION PROGRAMS.**

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

24 “(a) ANNUAL SAFETY INSPECTION PROGRAM.—

1           “(1) PROGRAM REQUIRED.—In order to receive  
2 a grant pursuant to section 31102 of this title, a  
3 State shall carry out an annual safety inspection  
4 program for commercial motor vehicles, including  
5 motor carriers transporting not less than 9 and not  
6 more than 15 passengers (including a driver), that  
7 receives approval from the Secretary pursuant to  
8 paragraph (3).

9           “(2) INSPECTION OF SAFETY EQUIPMENT.—A  
10 commercial motor vehicle inspected under a program  
11 established pursuant to paragraph (1) is required to  
12 pass an inspection of all safety equipment required  
13 under the regulations prescribed under section  
14 31136 of this title.

15           “(3) PERIODIC REVIEW OF STATE SAFETY IN-  
16 SPECTION PROGRAMS.—Not less frequently than  
17 once every 3 years, the Secretary shall review and  
18 approve or disapprove each safety inspection pro-  
19 gram established pursuant to paragraph (1).

20           “(b) REGULATIONS FOR INSPECTION OF VEHICLES  
21 AND RECORD RETENTION.—

22           “(1) IN GENERAL.—The Secretary shall pre-  
23 scribe regulations on Government standards for—

1           “(A) inspection of commercial motor vehi-  
2           cles under programs established pursuant to  
3           subsection (a); and

4           “(B) retention by employers of records of  
5           such an inspection.

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

9           (b) CONDITION ON STATE GRANTS.—Section  
10          31102(d) of such title is amended to read as follows:

11          “(d) CONTINUOUS EVALUATION OF PLANS.—

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

23           “(2) APPROVAL OF ANNUAL COMMERCIAL  
24           MOTOR VEHICLE INSPECTION PROGRAMS.—If, under  
25           paragraph (3) of section 31142(a) of this title, the



1 Secretary disapproves of an annual safety inspection  
2 program of a State established pursuant to para-  
3 graph (1) of such section 31142(a), the Secretary  
4 shall withdraw approval of the plan of such State  
5 and notify the State.

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

10 “(4) JUDICIAL REVIEW.—A State adversely af-  
11 fected by a withdrawal of approval under this sub-  
12 section may seek judicial review under chapter 7 of  
13 title 5.

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

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

1 **SEC. 110. REGULATIONS.**

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

5 **TITLE II—CREDIT FOR COST OF**  
6 **MOTORCOACHES COMPLYING**  
7 **WITH FEDERAL SAFETY RE-**  
8 **QUIREMENTS**

9 **SEC. 201. CREDIT FOR COST OF MOTORCOACHES COM-**  
10 **PLYING WITH FEDERAL SAFETY REQUIRE-**  
11 **MENTS.**

12 (a) IN GENERAL.—Subpart D of part IV of sub-  
13 chapter 1 of the Internal Revenue Code of 1986 (relating  
14 to business-related credits) is amended by inserting after  
15 section 45P the following new section:

16 **“SEC. 45Q. CREDIT FOR COST OF MOTORCOACHES COM-**  
17 **PLYING WITH FEDERAL SAFETY REQUIRE-**  
18 **MENTS.**

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

24 “(1) qualified new motorcoaches, and

25 “(2) such improvements to any in-service mo-  
26 torcoach which is used by the taxpayer as are nec-

1       essary for such motorcoach to satisfy the require-  
2       ments prescribed under section 102 of the Motor-  
3       coach Enhanced Safety Act of 2008.

4       “(b) LIMITATION.—The credit determined under sub-  
5       section (a) with respect to any motorcoach shall not exceed  
6       \$45,000.

7       “(c) QUALIFIED NEW AND IN-SERVICE  
8       MOTORCOACHES.—For purposes of this section—

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

11               “(A) the original use of which commences  
12       with the taxpayer,

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

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

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

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

20               “(F) which meets the requirements pre-  
21       scribed under section 102 of the Motorcoach  
22       Enhanced Safety Act of 2008.

23               “(2) IN-SERVICE MOTORCOACH.—The term ‘in-  
24       service motorcoach’ means any motorcoach—

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

3           “(B) which is manufactured on or before  
4           the specified effective date.

5           “(d) OTHER DEFINITIONS AND SPECIAL RULES.—  
6 For purposes of this section—

7           “(1) MOTORCOACH.—The term ‘motorcoach’  
8           means any vehicle to which the requirements pre-  
9           scribed under section 102 of the Motorcoach En-  
10          hanced Safety Act of 2008 apply, or would apply if  
11          such vehicle were manufactured after the specified  
12          effective date.

13          “(2) SPECIFIED EFFECTIVE DATE.—The term  
14          ‘specified effective date’ means the effective date of  
15          the regulation prescribed under section 102(a)(1) of  
16          the Motorcoach Enhanced Safety Act of 2008.

17          “(3) BASIS REDUCTION.—The basis of any  
18          property for which a credit is determined under sub-  
19          section (a) shall be reduced by the amount of the  
20          credit so determined.

21          “(4) RECAPTURE.—The Secretary shall, by reg-  
22          ulations, provide for recapturing the benefit of any  
23          credit determined under subsection (a) with respect  
24          to any property which ceases to be property eligible  
25          for such credit.

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

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

6                   “(B) any property referred to in section  
7 50(b).

8           “(6) ELECTION NOT TO TAKE CREDIT.—No  
9 credit shall be determined under subsection (a) for  
10 any vehicle if the taxpayer elects to not have this  
11 section apply to such vehicle.

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

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

18                   “(g) CREDIT FOR COST OF MOTORCOACHES COM-  
19 PLYING WITH FEDERAL SAFETY REQUIREMENTS.—No  
20 deduction shall be allowed for that portion of the expenses  
21 otherwise allowable as a deduction for the taxable year  
22 which is equal to the amount of the credit determined for  
23 the taxable year under section 450(a).”.

24           (c) CONFORMING AMENDMENTS.—

1           (1) Section 38(b) of the Internal Revenue Code  
2           of 1986 is amended by striking “plus” at the end of  
3           paragraph (32), by striking the period at the end of  
4           paragraph (33) and inserting “, plus”, and by add-  
5           ing at the end the following:

6           “(34) the qualified motorcoach safety credit de-  
7           termined under section 45Q(a).”.

8           (2) Section 1016(a) of such Code is amended  
9           by striking “and” at the end of paragraph (35), by  
10          striking the period at the end of paragraph (36) and  
11          inserting “, and”, and by adding at the end the fol-  
12          lowing new paragraph:

13          “(37) to the extent provided in section  
14          45Q(d)(3).”.

15          (3) Section 6501(m) of such Code is amended  
16          by inserting “45Q(d)(6),” after “45H(g),”.

17          (4) The table of sections for subpart D of part  
18          IV of subchapter A of chapter 1 of such Code is  
19          amended by inserting after the item relating to sec-  
20          tion 45P the following new item:

“Sec. 45Q. Credit for cost of motorcoaches complying with Federal safety re-  
          quirements.”.

21          (d) EFFECTIVE DATE.—The amendments made by  
22          this section shall apply to taxable years ending after De-  
23          cember 31, 2008.

# 1   **TITLE III—OTHER PROVISIONS**

## 2   **SEC. 301. DEPARTMENT OF TRANSPORTATION GRANTS.**

3       (a) IN GENERAL.—The Secretary of Transportation  
4 shall develop and administer supplemental grants, not to  
5 exceed \$20,000, for operators of motorcoaches in order to  
6 assist with the cost of retrofitting motorcoaches in order  
7 to comply with the Federal motor vehicle safety standards  
8 prescribed under section 102 of the Motorcoach Enhanced  
9 Safety Act of 2008.

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

12           (1) have a fleet of not more than 25 motor-  
13 coaches;

14           (2) have total annual revenue of less than  
15 \$5,000,000; and

16           (3) demonstrate to the Secretary that—

17               (A) the operator has been in business as  
18 an over-the-road motorcoach operator for not  
19 less than 3 consecutive years; and

20               (B) that the operator was unable to re-  
21 cover, through allowed tax credits established  
22 under section 201 in a consecutive 2 year pe-  
23 riod, the full cost of retrofitting motorcoaches  
24 in order to comply with the applicable Federal  
25 motor vehicle safety standards.

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

7 **SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND**  
8 **LOAN GUARANTEES.**

9           Section 7(a) of the Small Business Act (15 U.S.C.  
10 636(a)) is amended by adding at the end the following:

11                   “(34) MOTORCOACHES.—In carrying out this  
12 subsection with respect to the over-the-road motor-  
13 coach industry, the following shall apply:

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

16                           “(B) The Administrator shall make avail-  
17 able the assistance under this subsection to  
18 members of that industry to facilitate retro-  
19 fitting of motorcoaches for occupant protection.

20                           “(C) Multiple motorcoaches shall be treat-  
21 ed as a single source of collateral.

22                           “(D) A member of that industry who owns  
23 a single motorcoach shall be treated as eligible  
24 for such assistance, without regard to whether



1           the member otherwise meets the applicable size  
2           standard for eligibility.

3           “(E) The Administrator shall provide any  
4           applicant who is a member of that industry  
5           with counseling and advice regarding the other  
6           assistance programs of the Administration that  
7           may be available to members of that industry.”.

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