

112TH CONGRESS
1ST SESSION

H. R. 873

To improve the safety of motorcoaches and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2011

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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 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 2011”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Regulations for improved occupant protection and collision 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 motorcoach service providers.
- 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. Registration of brokers for motor carriers of passengers.
- Sec. 17. Regulations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

12 (3) **COMMERCIAL MOTOR VEHICLE.**—Except as
 13 otherwise specified, the term “commercial motor ve-
 14 hicle” has the meaning given such term in section
 15 31132(1) of title 49, United States Code.

16 (4) **DIRECT TIRE PRESSURE MONITORING SYS-**
 17 **TEM.**—The term “direct tire pressure monitoring
 18 system” means a tire pressure monitoring system

1 that is capable of directly detecting when the air
2 pressure level in any tire is significantly under-
3 inflated and providing the driver a low tire pressure
4 warning as to which specific tire is significantly
5 underinflated.

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

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

17 (7) MOTOR CARRIER.—The term “motor car-
18 rier” means—

19 (A) a motor carrier, as defined in section
20 13102(14) of title 49, United States Code; or

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

23 (8) MOTORCOACH.—The term “motorcoach”
24 means a bus with a gross vehicle weight rating of
25 26,000 pounds or greater, 16 or more designated

1 seating positions (including the driver), and at least
2 rows of passenger seats rearward of the driver’s
3 seating position that are forward-facing or can be
4 converted to forward-facing without the use of tools,
5 but does not include—

6 (A) a bus used in transit service provided
7 by a State or local government; or

8 (B) a school bus, including a multifunction
9 school activity bus.

10 (9) MOTORCOACH SERVICES.—The term “mo-
11 torcoach services” means passenger transportation
12 by motorcoach for compensation.

13 (10) MULTIFUNCTION SCHOOL ACTIVITY
14 BUSES.—The term “multifunction school activity
15 buses” has the meaning given such term in section
16 571.3(b) of title 49, Code of Federal Regulations (as
17 in effect on the day before the date of enactment of
18 this Act).

19 (11) PORTAL.—The term “portal” means any
20 opening on the front, sides, rear, or roof of a motor-
21 coach that could, in the event of a crash involving
22 the motorcoach, permit the partial or complete ejec-
23 tion of any occupant from the motorcoach, including
24 a young child.

1 (12) PROVIDER OF MOTORCOACH SERVICES.—
2 The term “provider of motorcoach services” means
3 a motor carrier that provides passenger transpor-
4 tation services with a motorcoach, including per-trip
5 compensation and contracted or chartered com-
6 pensation.

7 (13) SAFETY BELT.—The term “safety belt”
8 has the meaning given such term in section
9 153(i)(4)(B) of title 23, United States Code.

10 (14) SECRETARY.—The term “Secretary”
11 means the Secretary of Transportation.

12 (15) TRANSIT SERVICE.—The term “transit
13 service” means motorcoach service characterized by
14 operating speeds of less than 45 miles per hour and
15 frequent stops.

16 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**
17 **TION AND COLLISION AVOIDANCE.**

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

21 (1) SAFETY BELTS.—The Secretary shall issue
22 a final rule in Docket No. NHTSA 2010–0112: Fed-
23 eral Motor Vehicle Standards; Motorcoach Defini-
24 tion; Occupant Crash Protection, to require safety

1 belts to be installed in motorcoaches at each des-
2 ignated seating position.

3 (2) FIREFIGHTING EQUIPMENT.—The Secretary
4 shall require the installation in motorcoaches of im-
5 proved fire extinguishers or other readily available
6 firefighting equipment for the purpose of effectively
7 extinguishing fires in motorcoaches to prevent pas-
8 senger deaths and injuries.

9 (b) REGULATIONS REQUIRED WITHIN 18
10 MONTHS.—Not later than 18 months after the date of the
11 enactment of this Act, the Secretary shall prescribe regu-
12 lations—

13 (1) establishing improved roof standards for
14 motorcoaches that substantially improve the resist-
15 ance of motorcoach roofs to deformation and intru-
16 sion to prevent serious occupant injury in rollover
17 crashes involving motorcoaches; and

18 (2) requiring advanced glazing to be installed in
19 each motorcoach portal to prevent partial or com-
20 plete ejection of passengers of motorcoaches, includ-
21 ing such passengers that are children.

22 (c) REGULATIONS REQUIRED WITHIN 2 YEARS.—
23 Not later than 2 years after the date of enactment of this
24 Act, the Secretary shall prescribe commercial motor vehi-
25 cle regulations as follows:

1 (1) ROLLOVER CRASH AVOIDANCE.—The Sec-
2 retary shall require motorcoaches to be equipped
3 with stability enhancing technology, such as elec-
4 tronic stability control, or torque vectoring, to re-
5 duce the number and frequency of rollover crashes
6 among motorcoaches.

7 (2) COMMERCIAL MOTOR VEHICLE TIRE PRES-
8 SURE MONITORING SYSTEMS.—

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

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

20 (i) providing a warning to the driver
21 when 1 or more tires are underinflated;

22 (ii) activating in a specified time pe-
23 riod after the underinflation is detected;
24 and

1 (iii) operating at different vehicle
2 speeds.

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

7 (d) APPLICATION OF REGULATIONS.—

8 (1) NEW MOTORCOACHES.—A regulation pre-
9 scribed in accordance with subsection (a), (b), or (c)
10 shall apply to all motorcoaches manufactured more
11 than 2 years after the date on which the regulation
12 is published as a final rule.

13 (2) RETROFIT SAFETY REQUIREMENTS FOR EX-
14 ISTING MOTORCOACHES.—

15 (A) IN GENERAL.—

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

22 (ii) Except as provided in subpara-
23 graph (B), a regulation prescribed in ac-
24 cordance with subsection (a)(2) shall apply
25 to all motorcoaches used for motorcoach

1 services on or after the effective date of
2 such regulation.

3 (B) EXCEPTION.—In the case of a motor-
4 coach that was used for motorcoach services be-
5 fore the effective date of a regulation described
6 in subparagraph (A), such regulation shall not
7 apply to such motorcoach until—

8 (i) 2 years after the effective date of
9 such regulation; or

10 (ii) if the Secretary determines that
11 the application date described in clause (i)
12 would cause undue hardship, 5 years after
13 the effective date of such regulation.

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

15 (a) EVALUATIONS.—Within 18 months after the date
16 of enactment of this Act, the Secretary shall complete an
17 evaluation of the following:

18 (1) FLAMMABILITY STANDARD FOR EXTERIOR
19 COMPONENTS.—The Secretary shall examine the
20 feasibility of establishing requirements for fire hard-
21 ening or fire resistance of motorcoach exterior com-
22 ponents to prevent fire and smoke inhalation injuries
23 to occupants.

24 (2) SMOKE SUPPRESSION.—The Secretary shall
25 review Federal motor vehicle safety standard num-

1 ber 302 (49 C.F.R. 571.302; relating to flamma-
2 bility of interior materials) to consider more realistic
3 tests to improve the resistance of motorcoach inte-
4 riors and components to burning and permit suffi-
5 cient time for the safe evacuation of passengers from
6 motorcoaches.

7 (3) PREVENTION OF, AND RESISTANCE TO,
8 WHEEL WELL FIRES.—The Secretary shall assess
9 technologies to prevent and mitigate the propagation
10 of wheel well fires into the passenger compartment
11 and substantially reduce occupant deaths and inju-
12 ries from such fires.

13 (4) PASSENGER EVACUATION.—The Secretary
14 shall evaluate requirements for motorcoaches to be
15 equipped with the following:

16 (A) IMPROVED EMERGENCY EVACUATION
17 DESIGNS.—Improved emergency exit window,
18 door, roof hatch, and wheelchair lift door de-
19 signs to expedite access and use by passengers
20 of motorcoaches under all emergency cir-
21 cumstances, including crashes and fires.

22 (B) EMERGENCY INTERIOR LIGHTING.—
23 Emergency interior lighting systems, including
24 luminescent or retroreflectorized delineation of
25 evacuation paths and exits, that are triggered

1 by a crash or other emergency incidents to ac-
2 complish more rapid and effective evacuation of
3 passengers.

4 (5) **AUTOMATIC FIRE SUPPRESSION.**—The Sec-
5 retary shall evaluate requirements for motorcoaches
6 to be equipped with highly effective fire suppression
7 systems that automatically respond to and suppress
8 all fires in such motorcoaches.

9 (b) **PERFORMANCE REQUIREMENTS.**—Not later than
10 3 years after the date of enactment of this Act, the Sec-
11 retary shall issue performance requirements for improved
12 fire safety and passenger evacuation based on the results
13 of the evaluations conducted under subsection (a).

14 **SEC. 5. OCCUPANT PROTECTION AND COLLISION AVOID-**
15 **ANCE RESEARCH.**

16 (a) **SAFETY RESEARCH INITIATIVES.**—Not later than
17 2 years after the date of enactment of this Act, the Sec-
18 retary shall complete research on the following:

19 (1) **COMPARTMENTALIZATION SAFETY COUN-**
20 **TERMEASURES.**—Enhanced compartmentalization
21 safety countermeasures for motorcoaches, including
22 enhanced seating designs, to reduce substantially the
23 risk of passengers being thrown from their seats and
24 colliding with other passengers, interior surfaces,

1 and components in the event of a crash involving a
2 motorcoach.

3 (2) INTERIOR IMPACT PROTECTION.—Enhanced
4 occupant impact protection standards for motor-
5 coach interiors to reduce substantially serious inju-
6 ries for all passengers of motorcoaches.

7 (3) COLLISION AVOIDANCE SYSTEMS.—Forward
8 and lateral crash warning systems applications for
9 motorcoaches.

10 (b) STANDARDS AND REGULATIONS.—Not later than
11 2 years after the completion of each research initiative re-
12 quired by subsection (a), the Secretary shall issue a stand-
13 ard or regulation based on the results of that research.

14 **SEC. 6. NEW ENTRANTS.**

15 (a) REGISTRATION REQUIREMENTS.—Section
16 13902(b) of title 49, United States Code, is amended by
17 redesignating paragraphs (1) through (8) as paragraphs
18 (3) through (10), respectively, and inserting before para-
19 graph (3), as redesignated, the following:

20 “(1) **ADDITIONAL REGISTRATION**
21 **REQUIREMENTS FOR PROVIDERS OR**
22 **MOTORCOACH SERVICES**—In addition to
23 meeting the requirements of subsection (a)(1), the
24 Secretary may register a person to provide motor-
25 coach services only after that person—

1 “(A) undergoes a pre-authorization safety
2 audit, including verification, in a manner suffi-
3 cient to demonstrate the ability to comply with
4 Federal rules and regulations, of—

5 “(i) a drug and alcohol testing pro-
6 gram consistent with part 40 of title 49,
7 Code of Federal Regulations;

8 “(ii) the carrier’s system of compli-
9 ance with hours-of-service rules, including
10 hours-of-service records;

11 “(iii) the ability to obtain required in-
12 surance;

13 “(iv) driver qualifications, including
14 the validity of the commercial driver’s li-
15 cense of each driver who will be operating
16 under such authority;

17 “(v) disclosure of common ownership,
18 common control, common management,
19 common familial relationship, or other cor-
20 porate relationship with another motor car-
21 rier or applicant for motor carrier author-
22 ity over the past 3 years;

23 “(vi) records of the State inspections,
24 or of a Level I or V Commercial Vehicle

1 Safety Alliance Inspection, for all vehicles
2 that will be operated by the carrier;

3 “(vii) safety management programs,
4 including vehicle maintenance and repair
5 programs; and

6 “(viii) the ability to comply with the
7 Americans with Disabilities Act of 1990
8 (42 U.S.C. 12101 et seq.) and the Over-
9 the-Road Bus Transportation Accessibility
10 Act of 2007 (49 U.S.C. 10101 note);

11 “(B) has been interviewed to review safety
12 management controls and the carrier’s written
13 safety oversight policies and practices; and

14 “(C) has demonstrated, through the suc-
15 cessful completion of a written examination de-
16 veloped by the Secretary, proficiency to comply
17 with and carry out the requirements and regu-
18 lations described in subsection (a)(1).

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

24 “(3) FEE.—The Secretary may establish, under
25 section 9701 of title 31, a fee of not more than

1 \$1,200 for new registrants that as nearly as possible
2 covers the costs of performing a preauthorization
3 safety audit. An amount collected under this sub-
4 section shall be deposited in the Highway Trust
5 Fund (other than the Mass Transit Account).”.

6 (b) SAFETY REVIEWS OF NEW OPERATORS.—Section
7 31144(g)(1) of title 49, United States Code, is amended
8 by inserting “transporting property” after “each oper-
9 ator”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect 1 year after the date of enact-
12 ment of this Act.

13 **SEC. 7. REINCARNATED CARRIERS.**

14 (a) REGISTRATION REQUIREMENTS.—Section
15 13902(b) of title 49, United States Code, is amended by
16 redesignating paragraphs (1) through (8) as paragraphs
17 (2) through (9), respectively, and inserting before para-
18 graph (2), as redesignated, the following:

19 “(1) DISCLOSURE OF PRIOR RELATIONSHIPS.—
20 In addition to meeting the requirements under sub-
21 section (a)(1), the Secretary shall require applicants
22 for authority to transport passengers to disclose any
23 relationship involving common ownership, common
24 management, or common familial relationship be-
25 tween that person and any other motor carrier, if

1 the relationship occurred in the 3-year period pre-
2 ceding the date of the filing of the application for
3 registration.”.

4 (b) DENIAL, SUSPENSION, AMENDMENT, OR REV-
5 OCATION OF REGISTRATION.—Section 13905(d)(1) of title
6 49, United States Code, is amended—

7 (1) by striking “registration; and” and insert-
8 ing “registration;”;

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

16 “(i) this part;

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

19 “(iii) a condition of its registration.”.

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

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

3 (1) by redesignating subsection (d) as sub-
4 section (e); and

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

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

1 **SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE**
2 **PROVIDERS.**

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

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

8 “(1) SAFETY REVIEW.—

9 “(A) IN GENERAL.—The Secretary shall
10 determine the safety fitness of all providers of
11 motorcoach services registered with the Federal
12 Motor Carrier Safety Administration and assign
13 a safety fitness rating to each such provider.

14 “(B) APPLICABILITY.—Subparagraph (A)
15 shall apply—

16 “(i) to any provider of motorcoach
17 services registered with the Administration
18 after the date of enactment of the Motor-
19 coach Enhanced Safety Act of 2011, not
20 later than 2 years after the date of reg-
21 istration; and

22 “(ii) to any provider of motorcoach
23 services registered with the Administration
24 on or before the date of enactment of that
25 Act, not later than 3 years after the date
26 of enactment of that Act.

1 “(2) PERIODIC REVIEW.—The Secretary shall
2 establish a process, by regulation, for monitoring the
3 safety performance of each provider of motorcoach
4 services on a regular basis following the assignment
5 of a safety fitness rating, including progressive inter-
6 vention to correct unsafe practices.

7 “(3) ENFORCEMENT STRIKE FORCES.—In addi-
8 tion to the enhanced monitoring and enforcement ac-
9 tions required under paragraph (2), the Secretary
10 may organize special enforcement strike forces tar-
11 geting providers of motorcoach services, when and
12 where the Secretary considers appropriate.

13 “(4) PERIODIC UPDATE OF SAFETY FITNESS
14 RATING.—As part of the safety review required by
15 this subsection, the Secretary shall reassess such
16 rating no less frequently than every 3 years.

17 “(5) MOTORCOACH SERVICES DEFINED.—In
18 this subsection, the term ‘provider of motorcoach
19 services’ has the meaning provided such term in sec-
20 tion 2 of the Motorcoach Enhanced Safety Act of
21 2011.”

22 (b) REVISION OF SAFETY FITNESS RATING METH-
23 ODOLOGY.—Not later than one year after the date of en-
24 actment of this Act, the Secretary shall revise the safety
25 fitness rating methodology of the Department of Trans-

1 portation established pursuant to section 31144 of title
2 49, United States Code, to meet the goals of the safety
3 recommendation H-99-6 of the National Transportation
4 Safety Board issued February 26, 1999.

5 (c) HIGH-RISK CARRIER COMPLIANCE REVIEWS.—
6 The second sentence of section 4138 of Public Law 109-
7 59 (49 U.S.C. 31144 note) is amended by striking “is
8 rated as category A or B for 2 consecutive months.” and
9 inserting “meets the Safety Measurement System criteria
10 for being a high-risk motor carrier for 2 consecutive
11 months.”.

12 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

13 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

14 (1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of this Act, the Sec-
16 retary shall establish, by regulation, minimum cur-
17 ricular requirements for entry-level drivers of
18 motorcoaches and drivers upgrading from one class
19 of commercial driver’s license to another, to be
20 adopted by public and private schools and motor
21 carriers and motorcoach operators that provide
22 training for such drivers.

23 (2) CURRICULAR REQUIREMENTS.—The cur-
24 ricular requirements under paragraph (1) shall in-
25 clude the following:

1 (A) Classroom and behind-the-wheel in-
2 struction that is adequate for training entry-
3 level drivers of motorcoaches and drivers up-
4 grading from one class of commercial driver's
5 license to another to safely operate motorcoach-
6 es and respond effectively to emergency situa-
7 tions.

8 (B) Instruction in advanced knowledge and
9 skills that are necessary to operate motorcoach-
10 es safely, including knowledge and skills nec-
11 essary—

12 (i) to suppress motorcoach fires; and

13 (ii) to evacuate passengers from mo-
14 torcoaches safely.

15 (b) TRAINING REQUIRED.—

16 (1) IN GENERAL.—The Secretary shall require
17 each motorcoach driver seeking a commercial driv-
18 er's license passenger endorsement to undergo a
19 training program that includes the minimum cur-
20 ricular requirements established under subsection (a)
21 before taking a test for a commercial driver's license
22 passenger endorsement.

23 (2) VERIFICATION REQUIRED.—The Secretary
24 shall require that—

1 (A) each trainer of a driver seeking a com-
2 mercial driver’s license passenger endorsement
3 shall submit to the appropriate State licensing
4 authority information on any driver that has
5 successfully completed a motorcoach driver
6 training course that includes the curricular re-
7 quirements established under subsection (a);
8 and

9 (B) the State licensing authority may not
10 administer the skills test for the passenger en-
11 dorsement nor issue a passenger endorsement
12 to a driver unless the State licensing authority
13 verifies that the driver has successfully com-
14 pleted a motorcoach driver training course as
15 required by subparagraph (A).

16 (c) REPORT ON FEASIBILITY, BENEFITS, AND COSTS
17 OF ESTABLISHING A SYSTEM OF CERTIFICATION OF
18 TRAINING PROGRAMS.—Not later than 2 years after the
19 date of enactment of this Act, the Secretary shall submit
20 a report to the Senate Committee on Commerce, Science,
21 and Transportation and the House of Representatives
22 Committee on Energy and Commerce on the feasibility,
23 benefits, and costs of establishing a system of certification
24 of public and private schools and of motor carriers and
25 motorcoach operators that provide motorcoach driver

1 training in accordance with the curricular requirements
2 established by the Secretary under subsection (a).

3 (d) NONPREEMPTION OF STATE PROGRAMS.—The
4 minimum curricular requirements required by this section
5 do not preempt any State or local law or regulation impos-
6 ing additional or more stringent requirements unless the
7 Secretary determines that—

8 (1) the law or regulation is incompatible with
9 the regulation prescribed by the Secretary; or

10 (2) enforcement of the State law or the local
11 law or regulation would impose an unreasonable bur-
12 den on interstate commerce.

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

15 (a) INCREASED STRINGENCY OF EXAMINATION FOR
16 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
17 ENDORSEMENT.—

18 (1) FINAL RULE.—Not later than 6 months
19 after the date of enactment of this Act, the Sec-
20 retary shall issue a final rule in Docket No. FMCSA
21 2007–27659: Commercial Driver's License Testing
22 and Commercial Learner's Permit Standards that
23 improves the quality and stringency of the examina-
24 tion for the commercial driver's license passenger-
25 carrying endorsement. The final rule shall require—

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

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

10 (2) CONSULTATION.—The Secretary shall con-
11 sult with the American Association of Motor Vehicle
12 Administrators in carrying out paragraph (1).

13 (b) REPORT ON DRIVER'S LICENSE REQUIREMENTS
14 FOR 9-TO-15 PASSENGER VANS.—Not later than 18
15 months after the date of enactment of this Act, the Sec-
16 retary shall submit a plan to the Senate Committee on
17 Commerce, Science, and Transportation and the House of
18 Representatives Committee on Transportation and Infra-
19 structure for requiring that all or certain classes of driv-
20 ers—

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

1 sengers (including a driver) in interstate commerce;
2 and

3 (2) be tested in accordance with a drug and al-
4 cohol testing program consistent with part 40 of
5 title 49, Code of Federal Regulations.

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

9 (a) **MEDICAL REVIEW BOARD FUNCTIONS.**—Section
10 31149(a)(1) of title 49, United States Code, is amended—

11 (1) by inserting “(A)” after “recommendations
12 on”;

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

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

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

1 “(i) specific courses and materials
2 that must be completed to be listed in the
3 national registry;

4 “(ii) a rigorous written examination
5 for which a passing grade must be
6 achieved to be listed in the national reg-
7 istry;

8 “(iii) certification (including self-cer-
9 tification), as appropriate, to verify that
10 the medical examiner has completed train-
11 ing, including refresher courses, that the
12 Secretary determines are necessary to be
13 listed in the national registry; and

14 “(iv) demonstration of the willingness
15 and ability of a medical examiner to com-
16 ply with any reporting requirements estab-
17 lished by the Secretary;”.

18 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
19 Not later than 18 months after the date of enactment of
20 this Act, the Secretary shall require by regulation that
21 each time a medical examiner performs a medical exam-
22 ination to certify an applicant for a commercial driver’s
23 license under section 391.43 of title 49, Code of Federal
24 Regulations, such medical examiner shall submit to the
25 appropriate State licensing agency the form for such ex-

1 amination required by section 391.43(f) of such title (as
2 in effect on the day before the date of enactment of this
3 Act).

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

6 (1) by striking “and” after the semicolon in
7 subparagraph (W);

8 (2) by striking “stop.” in subparagraph (X)
9 and inserting “stop; and”; and

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

11 “(Y) requires State licensing authorities to
12 compare the forms they receive pursuant to sec-
13 tion 11(e) of the Motorcoach Enhanced Safety
14 Act of 2011 with the medical examiner’s certifi-
15 cate required by section 391.43(g) of title 49,
16 Code of Federal Regulations (as in effect on the
17 day before the date of enactment of that Act),
18 to determine the accuracy and validity of the
19 information contained in such forms and certifi-
20 cates.”.

21 (e) ADDITIONAL OVERSIGHT OF LICENSING AU-
22 THORITIES.—

23 (1) IN GENERAL.—Section 31149(c)(1) of title
24 49, United States Code, is amended—

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

3 (B) by striking “certification.” in subpara-
4 graph (F) and inserting “certification; and”;
5 and

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

7 “(G) each year, review the licensing au-
8 thorities of 10 States to assess the accuracy,
9 validity, and timeliness of physical examination
10 reports and medical certificates submitted by
11 certified medical examiners to such State licens-
12 ing agencies and the processing of such submis-
13 sions by the licensing authorities.”.

14 (2) INTERNAL OVERSIGHT POLICY.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of enactment of this Act, the Sec-
17 retary 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 (f) **DEADLINE FOR ESTABLISHMENT OF NATIONAL**
4 **REGISTRY OF MEDICAL EXAMINERS.**—Not later than 6
5 months after the date of enactment of this Act, the Sec-
6 retary shall establish a national registry of medical exam-
7 iners as required by section 31149(d)(1) of title 49,
8 United States Code.

9 **SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR**
10 **MOTORCOACHES.**

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

12 (1) **IN GENERAL.**—

13 (A) Not later than 1 year after the date of
14 enactment of this Act, the Secretary shall pre-
15 scribe regulations requiring that all motorcoach-
16 es used by a motor carrier in interstate com-
17 merce be equipped with electronic on-board re-
18 corders.

19 (B) The regulations prescribed by the Sec-
20 retary under this section shall include perform-
21 ance requirements to ensure that electronic on-
22 board recorders—

23 (i) accurately record commercial driv-
24 er hours of service;

1 (ii) allow tracking of driver and vehi-
2 cle location; and

3 (iii) are tamper resistant.

4 (2) APPLICABILITY.—The regulations pre-
5 scribed under paragraph (1) shall apply to all such
6 motorcoaches beginning on the date that is 2 years
7 after the date on which the regulation is published
8 as a final rule.

9 (b) EVENT DATA RECORDERS.—

10 (1) EVALUATION.—Not later than 1 year after
11 the date of enactment of this Act, the Secretary
12 shall complete an evaluation of event data recorders,
13 including requirements regarding specific types of
14 vehicle operations, events and incidents, and systems
15 information to be recorded, for event data recorders
16 to be used on motorcoaches used by motor carriers
17 in interstate commerce. For this purpose, the Sec-
18 retary shall consider the performance requirements
19 for event data recorders for passenger vehicles under
20 part 563 of title 49, Code of Federal Regulations.

21 (2) STANDARDS AND REGULATIONS.—Within 2
22 years after completing the evaluation required by
23 paragraph (1), the Secretary shall issue standards
24 and regulations based on the results of that evalua-
25 tion.

1 **SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**
2 **MOTOR VEHICLES OF PASSENGERS.**

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

8 (1) an assessment of the risks associated with
9 improperly maintained or inspected commercial
10 motor vehicles designed or used to transport pas-
11 sengers;

12 (2) an assessment of the effectiveness of cur-
13 rent Federal standards for the inspection of such ve-
14 hicles in mitigating the risks described in paragraph
15 (1) and to ensure the safe and proper operation con-
16 dition of such vehicles; and

17 (3) an assessment of the costs and benefits of
18 a mandatory State inspection program.

19 **SEC. 14. DISTRACTED DRIVING.**

20 (a) IN GENERAL.—Subchapter III of chapter 311 of
21 title 49, United States Code, is amended by adding at the
22 end the following:

23 **“§ 31152. Regulation of the use of distracting devices**
24 **in motorcoaches**

25 “(a) IN GENERAL.—No later than 1 year after the
26 enactment of the Motorcoach Enhanced Safety Act of

1 2011, the Secretary of Transportation shall prescribe reg-
2 ulations on the use of electronic or wireless devices, includ-
3 ing cell phones and other distracting devices, by an indi-
4 vidual employed as the operator of a motorcoach (as de-
5 fined in section 2(8) of that Act).

6 “(b) BASIS FOR REGULATIONS.—The Secretary shall
7 base the regulations required by subsection (a) on accident
8 data analysis, the results of ongoing research, and other
9 information, as appropriate.

10 “(c) PROHIBITED USE.—The Secretary shall prohibit
11 the use of such devices in circumstances in which the Sec-
12 retary determines that their use interferes with the driv-
13 er’s safe operation of a motorcoach (as so defined).

14 “(d) PERMITTED USE.—Under the regulations, the
15 Secretary may permit the use of a device, the use of which
16 is prohibited under subsection (c), if the Secretary deter-
17 mines that such use is necessary for the safety of the driv-
18 er or the public in emergency circumstances.”.

19 (b) CONFORMING AMENDMENT.—The table of con-
20 tents for chapter 311 of title 49, United States Code, is
21 amended by inserting after the item relating to section
22 31151 the following:

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

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

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

1 “(3) ‘employer’—

2 “(A) means a person engaged in a business
3 affecting interstate commerce that—

4 “(i) owns or leases a commercial
5 motor vehicle in connection with that busi-
6 ness, or assigns and employee to operate
7 it; or

8 “(ii) offers for rent or lease motor ve-
9 hicles designed or used to transport more
10 than 15 passengers, including the driver,
11 and from the same location or as part of
12 the same business provides names or con-
13 tact information of drivers, arranges for a
14 driver of the rented or leased passenger-
15 carrying motor vehicle, or holds itself out
16 to the public as a provider of transpor-
17 tation services; but

18 “(B) does not include an individual who is
19 an employee of the United States Government,
20 a State, or a political subdivision of a State act-
21 ing in the course of that individual’s employ-
22 ment as such an employee.”.

1 **SEC. 16. REGISTRATION OF BROKERS FOR MOTOR CAR-**
2 **RIERS OF PASSENGERS.**

3 (a) IN GENERAL.—Section 13904(a) of title 49,
4 United States Code, is amended by inserting “or pas-
5 sengers” after “transportation of property”.—

6 (b) REPEAL OF EXEMPTION.—Section 13506(a) of
7 title 49, United States Code, is amended—

8 (1) by inserting “or” after the semicolon in
9 paragraph (13);

10 (2) by striking paragraph (14); and

11 (3) by redesignating paragraph (15) as para-
12 graph (14).

13 **SEC. 17. REGULATIONS.**

14 Any standard or regulation prescribed or modified
15 pursuant to this Act shall be prescribed or modified in
16 accordance with section 553 of title 5, United States Code.

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