

116TH CONGRESS
1ST SESSION

H. R. 2793

To require the Federal Motor Carrier Safety Administration to implement
a national employer notification service.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Mr. GOTTHEIMER (for himself, Mr. REED, Ms. STEFANIK, Mr. COHEN, Mr. KILDEE, Mr. CUMMINGS, and Mr. SIRES) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Federal Motor Carrier Safety Administration
to implement a national employer notification service.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Miranda Vargas School
5 Bus Driver Red Flag Act” or “Miranda’s Law”.

6 **SEC. 2. NATIONAL EMPLOYER NOTIFICATION SERVICE.**

7 (a) EMPLOYER NOTIFICATION SERVICE DEFINED.—

8 In this Act, the term “employer notification service”

9 means a service that automatically furnishes an employer

1 with a report on the change in the status of the driving
2 record or driver's license of an employee who has a com-
3 mercial driver's license due to a conviction for a moving
4 violation, a failure to appear, an accident, driver's license
5 suspension, driver's license revocation, or any other action
6 taken against the driving privilege.

7 (b) IMPLEMENTATION OF NATIONAL EMPLOYER NO-
8 TIFICATION SERVICE.—

9 (1) REQUIREMENTS.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary of Transportation, acting through the Federal
12 Motor Carrier Safety Administration, shall issue a
13 final regulation requiring the implementation of a
14 national employer notification service that States
15 may access.

16 (2) CONSIDERATIONS.—Before issuing such
17 final regulation requiring the implementation of a
18 national employer notification service, the Secretary
19 shall consider—

20 (A) the recommendations made by the
21 American Association of Motor Vehicle Admin-
22 istrators (AAMVA), including recommendations
23 on annual per driver fees for participating em-
24 ployers, in its report, “Employer Notification
25 System Design & Best Practices Recommenda-

tions”, produced for the Federal Motor Carrier
Safety Administration under grant/cooperative
agreement number FMCDL-0143-13-01-03;
and

(B) the results of a pilot program conducted in 2007 under section 4022 of the Transportation Equity Act of the 21st Century (Public Law 105-178), to assess the feasibility, costs, safety impacts, and benefits of such a system, and to assess methods for efficient exchange of driver safety data from existing State systems.

SEC. 3. STATE IMPLEMENTATION.

(a) IMPLEMENTATION.—Not later than 2 years after the Secretary has issued a final regulation requiring the implementation of a national employer notification service, each State shall use such service to notify employers with a report described in section 2(a).

(b) ENFORCEMENT.—After the 2-year period described in subsection (a), the Secretary shall ensure that the national employer notification service described in this section is included as part of the requirements and standards of the commercial driver license program, including the consequences of noncompliance, set forth in part 384 of title 49, Code of Federal Regulations.

1 (c) EMPLOYER COMPLIANCE AND ALLOWABLE
2 GRANT COST.—Included in developing the final regulation
3 under section 2(a), the Secretary shall—

4 (1) require any employer who has 1 or more
5 employees who holds a commercial driver’s license
6 with a school bus endorsement, pursuant to section
7 383.123 of title 49, Code of Federal Regulations, to
8 participate in the employer notification service; and

9 (2) ensure that State implementation of the em-
10 ployer notification service is an allowable cost for
11 commercial driver’s license program implementation
12 grant awards under section 31313 of title 49,
13 United States Code.

14 (d) ANNUAL INQUIRY EXEMPTION.—In keeping with
15 Federal Motor Carrier Safety Administration regulatory
16 guidance set forth on page 13069 of volume 80 of the Fed-
17 eral Register, the Secretary shall ensure that employers
18 participating in the employer notification service are ex-
19 empt from the requirements for annual inquiry and review
20 of driving record, pursuant to part 391.25 of title 49,
21 Code of Federal Regulations.

22 **SEC. 4. APPLICABILITY TO SCHOOLS AND SCHOOL DIS-**
23 **TRICTS.**

24 For purposes of this Act, a school district, local edu-
25 cational agency, or school shall be considered an “em-

1 ployer” for purposes of the national employer notification
2 service if it organizes, sponsors, or pays for the transpor-
3 tation of preprimary, primary, and secondary students to
4 or from school or on extracurricular trips. In the case of
5 a school district, local educational agency, or school that
6 pays a private company or proprietorship to provide trans-
7 portation services for students traveling to or from school
8 or on a extracurricular trip, both the private company or
9 proprietorship and the school district, local educational
10 agency, or school shall be considered “employers” for pur-
11 poses of the national employer notification service.

12 **SEC. 5. SIMULTANEOUS DRIVER NOTIFICATION.**

13 Included in developing the final regulation under sec-
14 tion 2(a), the Secretary shall ensure that whenever the
15 national employer notification service furnishes an em-
16 ployer with a report on an employee, such employee shall
17 receive simultaneous notification and a copy of the report.

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