

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 453

To improve the safety of motorcoaches, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. HUTCHISON

Viz:

1 Strike all after the enacting clause and inserting the
2 following:

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 the 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
19 that is capable of directly detecting when the air
20 pressure level in any tire is significantly under-in-
21 flated and providing the driver a low tire pressure

1 warning as to which specific tire is significantly
2 under-inflated.

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

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

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

16 (A) a motor carrier (as defined in section
17 13102(14) of title 49, United States Code); or

18 (B) a motor private carrier (as defined in
19 section 13102(15) of such title).

20 (8) MOTORCOACH.—The term “motorcoach”
21 means—

22 (A) a bus with—

23 (i) a gross vehicle weight rating of
24 26,000 pounds or greater;

1 (ii) 16 or more designated seating po-
2 sitions (including the driver); and

3 (iii) at least 2 rows of passenger seats
4 rearward of the driver's seating position
5 that are forward-facing or can be con-
6 verted to forward-facing without the use of
7 tools; and

8 (B) does not include—

9 (i) a bus used in transit service pro-
10 vided by a State or local government; or

11 (ii) a school bus, including a multi-
12 function school activity bus.

13 (9) MOTORCOACH SERVICES.—The term “mo-
14 torcoach services” means passenger transportation
15 by motorcoach for compensation.

16 (10) MULTIFUNCTION SCHOOL ACTIVITY
17 BUSES.—The term “multifunction school activity
18 buses” has the meaning given such term in section
19 571.3(b) of title 49, Code of Federal Regulations (as
20 in effect on the day before the date of the enactment
21 of this Act).

22 (11) PORTAL.—The term “portal” means any
23 opening on the front, sides, rear, or roof of a motor-
24 coach that could, in the event of a crash involving
25 the motorcoach, permit the partial or complete ejection

1 tion of any occupant from the motorcoach, including
2 a young child.

3 (12) PROVIDER OF MOTORCOACH SERVICES.—

4 The term “provider of motorcoach services” means
5 a motor carrier that provides passenger transpor-
6 tation services with a motorcoach, including per-trip
7 compensation and contracted or chartered com-
8 pensation.

9 (13) SAFETY BELT.—The term “safety belt”
10 has the meaning given such term in section
11 153(i)(4)(B) of title 23, United States Code.

12 (14) SECRETARY.—The term “Secretary”
13 means the Secretary of Transportation.

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

18 **SEC. 3. REGULATIONS FOR IMPROVED OCCUPANT PROTEC-**

19 **TION AND COLLISION AVOIDANCE.**

20 (a) REGULATIONS REQUIRED WITHIN 1 YEAR.—Not
21 later than 1 year after the date of the enactment of this
22 Act, the Secretary shall prescribe the following regula-
23 tions:

24 (1) SAFETY BELTS.—The Secretary shall issue
25 a final rule in Docket No. NHTSA 2010–0112: *Fed-*

1 *eral Motor Vehicle Standards; Motorcoach Definition;*
2 *Occupant Crash Protection*, to require safety belts to
3 be installed in motorcoaches at each designated seat-
4 ing position.

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

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

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

20 (2) requiring advanced glazing to be 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 (c) REGULATIONS REQUIRED WITHIN 2 YEARS.—
25 Not later than 2 years after the date of the enactment

1 of this Act, the Secretary shall prescribe the following
2 commercial motor vehicle regulations:

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

9 (2) COMMERCIAL MOTOR VEHICLE TIRE PRES-
10 SURE MONITORING SYSTEMS.—

11 (A) IN GENERAL.—The Secretary shall
12 prescribe regulations that require motorcoaches
13 to be equipped with direct tire pressure moni-
14 toring systems that warn the operator of a com-
15 mercial motor vehicle when any tire exhibits a
16 level of air pressure that is below a specified
17 level of air pressure established by the Sec-
18 retary.

19 (B) PERFORMANCE REQUIREMENTS.—The
20 regulations prescribed by the Secretary under
21 this paragraph shall include performance re-
22 quirements to ensure that direct tire pressure
23 monitoring systems are capable of—

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

- 1 (ii) activating in a specified time pe-
2 riod after the underinflation is detected;
3 and
4 (iii) operating at different vehicle
5 speeds.

6 (3) TIRE PERFORMANCE STANDARD.—The Sec-
7 retary shall upgrade performance standards for tires
8 used on motorcoaches by conducting an enhanced
9 endurance test and a new high-speed performance
10 test.

11 (d) APPLICATION OF REGULATIONS.—

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

17 (2) RETROFIT REQUIREMENTS FOR EXISTING
18 MOTORCOACHES.—The Secretary may, by regula-
19 tion, provide for the application of any requirement
20 established under this section to motorcoaches man-
21 ufactured before the date on which the requirement
22 applies to new motorcoaches under paragraph (1)
23 based on an assessment of the feasibility, benefits,
24 and costs of retrofitting such motorcoaches. The
25 Secretary shall complete such assessment with re-

1 spect to safety belt retrofits no later than 2 years
2 after the date of the enactment of this Act.

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

4 (a) EVALUATIONS.—Not later than 18 months after
5 the date of the enactment of this Act, the Secretary shall
6 conduct an evaluation of the following:

7 (1) FLAMMABILITY STANDARD FOR EXTERIOR
8 COMPONENTS.—The Secretary shall examine the
9 feasibility of establishing requirements for fire hard-
10 ening or fire resistance of motorcoach exterior com-
11 ponents to prevent fire and smoke inhalation injuries
12 to occupants.

13 (2) SMOKE SUPPRESSION.—The Secretary shall
14 review Federal motor vehicle safety standard num-
15 ber 302 (49 C.F.R. 571.302; relating to flamma-
16 bility of interior materials) to consider more realistic
17 tests to improve the resistance of motorcoach inte-
18 riors and components to burning and permit suffi-
19 cient time for the safe evacuation of passengers from
20 motorcoaches.

21 (3) PREVENTION OF, AND RESISTANCE TO,
22 WHEEL WELL FIRES.—The Secretary shall assess
23 technologies to prevent and mitigate the propagation
24 of wheel well fires into the passenger compartment

1 and substantially reduce occupant deaths and inju-
2 ries from such fires.

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

6 (A) IMPROVED EMERGENCY EVACUATION
7 DESIGNS.—Improved emergency exit window,
8 door, roof hatch, and wheelchair lift door de-
9 signs to expedite access and use by passengers
10 of motorcoaches under all emergency cir-
11 cumstances, including crashes and fires.

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

19 (5) AUTOMATIC FIRE SUPPRESSION.—The Sec-
20 retary shall evaluate requirements for motorcoaches
21 to be equipped with highly effective fire suppression
22 systems that automatically respond to and suppress
23 all fires in such motorcoaches.

24 (b) PERFORMANCE REQUIREMENTS.—Not later than
25 3 years after the date of the enactment of this Act, the

1 Secretary shall issue performance requirements for im-
2 proved fire safety and passenger evacuation based on the
3 results of the evaluations conducted under subsection (a).

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

6 (a) SAFETY RESEARCH INITIATIVES.—Not later than
7 2 years after the date of the enactment of this Act, the
8 Secretary shall complete research on the following:

9 (1) COMPARTMENTALIZATION SAFETY COUN-
10 TERMEASURES.—Enhanced compartmentalization
11 safety countermeasures for motorcoaches, including
12 enhanced seating designs, to reduce substantially the
13 risk of passengers being thrown from their seats and
14 colliding with other passengers, interior surfaces,
15 and components in the event of a crash involving a
16 motorcoach.

17 (2) INTERIOR IMPACT PROTECTION.—Enhanced
18 occupant impact protection standards for motor-
19 coach interiors to reduce substantially serious inju-
20 ries for all passengers of motorcoaches.

21 (3) COLLISION AVOIDANCE SYSTEMS.—Forward
22 and lateral crash warning systems applications for
23 motorcoaches.

24 (b) STANDARDS AND REGULATIONS.—Not later than
25 2 years after the completion of each research initiative re-

1 quired under subsection (a), the Secretary shall issue a
2 standard or regulation based on the results of such re-
3 search.

4 **SEC. 6. NEW ENTRANTS.**

5 (a) REGISTRATION REQUIREMENTS.—Section
6 13902(b) of title 49, United States Code, is amended—

7 (1) by redesignating paragraphs (1) through
8 (8) as paragraphs (5) through (12), respectively;
9 and

10 (2) by inserting before paragraph (5), as redesi-
11 gnated, the following:

12 “(1) ADDITIONAL REGISTRATION REQUIRE-
13 MENTS FOR PROVIDERS OR MOTORCOACH SERV-
14 ICES.—In addition to meeting the requirements
15 under subsection (a)(1), the Secretary may not reg-
16 ister a person to provide motorcoach services until
17 after such person—

18 “(A) undergoes a preauthorization safety
19 audit, including verification, in a manner suffi-
20 cient to demonstrate the ability to comply with
21 Federal rules and regulations, of—

22 “(i) a drug and alcohol testing pro-
23 gram under part 40 of title 49, Code of
24 Federal Regulations;

1 “(ii) the carrier’s system of compli-
2 ance with hours-of-service rules, including
3 hours-of-service records;

4 “(iii) the ability to obtain required in-
5 surance;

6 “(iv) driver qualifications, including
7 the validity of the commercial driver’s li-
8 cense of each driver who will be operating
9 under such authority;

10 “(v) disclosure of common ownership,
11 common control, common management,
12 common familial relationship, or other cor-
13 porate relationship with another motor car-
14 rier or applicant for motor carrier author-
15 ity during the past 3 years;

16 “(vi) records of the State inspections,
17 or of a Level I or V Commercial Vehicle
18 Safety Alliance Inspection, for all vehicles
19 that will be operated by the carrier;

20 “(vii) safety management programs,
21 including vehicle maintenance and repair
22 programs; and

23 “(viii) the ability to comply with the
24 Americans with Disabilities Act of 1990
25 (42 U.S.C. 12101 et seq.) and the Over-

1 the-Road Bus Transportation Accessibility
2 Act of 2007 (49 U.S.C. 10101 note);

3 “(B) has been interviewed to review safety
4 management controls and the carrier’s written
5 safety oversight policies and practices; and

6 “(C) through the successful completion of
7 a written examination developed by the Sec-
8 retary, has demonstrated proficiency to comply
9 with and carry out the requirements and regu-
10 lations described in subsection (a)(1).

11 “(2) PRE-AUTHORIZATION SAFETY AUDIT.—
12 The pre-authorization safety audit required under
13 paragraph (1)(A) shall be completed on-site not later
14 than 90 days following the submission of an applica-
15 tion for operating authority.

16 “(3) FEE.—The Secretary may establish, under
17 section 9701 of title 31, a fee of not more than
18 \$1,200 for new registrants that as nearly as possible
19 covers the costs of performing a preauthorization
20 safety audit. Amounts collected under this sub-
21 section shall be deposited in the Highway Trust
22 Fund (other than the Mass Transit Account).”.

23 (b) SAFETY REVIEWS OF NEW OPERATORS.—Section
24 31144(g)(1) of title 49, United States Code, is amended

1 by inserting “transporting property” after “each oper-
2 ator”.

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

6 **SEC. 7. REINCARNATED CARRIERS.**

7 (a) REGISTRATION REQUIREMENTS.—Section
8 13902(b) of title 49, United States Code, as amended by
9 section 6(a), by inserting after paragraph (3), as added
10 by section 6(a), the following:

11 “(4) DISCLOSURE OF PRIOR RELATIONSHIPS.—
12 In addition to meeting the requirements under sub-
13 section (a)(1), the Secretary shall require applicants
14 for authority to transport passengers to disclose any
15 relationship involving common ownership, common
16 management, or common familial relationship be-
17 tween that person and any other motor carrier if the
18 relationship occurred during the 3-year period pre-
19 ceding the date of the filing of the application for
20 registration.”.

21 (b) DENIAL, SUSPENSION, AMENDMENT, OR REV-
22 OCATION OF REGISTRATION.—Section 13905(d) of such
23 title is amended—

24 (1) in paragraph (1)—

1 (A) by striking “may (A) suspend” and in-
2 serting the following: “may—

3 “(A) suspend”;

4 (B) by striking “registration; and (B) sus-
5 pend” and inserting the following: “registration;

6 “(B) suspend”;

7 (C) by striking “forwarder: (i) for failure
8 to pay” and inserting the following: “forwarder
9 for failure—

10 “(i) to pay”;

11 (D) by striking “title; or (ii) for failure to
12 arrange” and inserting the following: “title; or

13 “(ii) to arrange”;

14 (E) by striking “penalty.” and inserting
15 the following: “penalty; and

16 “(C) deny, suspend, amend, or revoke all
17 or part of a registration of a motor carrier fol-
18 lowing a determination by the Secretary that
19 the motor carrier failed to disclose in its appli-
20 cation for registration a material fact relevant
21 to its willingness and ability to comply with—

22 “(i) this part;

23 “(ii) an applicable regulation or order
24 of the Secretary or the Board; or

1 “(iii) a condition of its registration.”;

2 and

3 (F) by striking the last sentence; and

4 (2) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) Not later than 12 months after the date
7 of the enactment of the Motorcoach Enhanced Safe-
8 ty Act of 2011, the Secretary, after notice and op-
9 portunity for comment, shall issue regulations
10 that—

11 “(A) provide for the denial, suspension,
12 amendment, or revocation of a registration pur-
13 suant to paragraph (1)(C); and

14 “(B) exempt the application of paragraph
15 (1)(B) to any person who is unable to pay a
16 civil penalty because such person is a debtor in
17 a case under chapter 11 of title 11.”.

18 (c) PROCEDURE.—Section 13905(e) of such title is
19 amended—

20 (1) by redesignating paragraph (2) as subpara-
21 graph (B);

22 (2) in paragraph (1), by striking “(1) the Sec-
23 retary” and inserting the following:

24 “(2)(A) the Secretary;”; and

1 (3) by inserting before paragraph (2), as redesi-
2 gnated, the following:

3 “(1) the Secretary determines that the reg-
4 istrant has failed to disclose a material fact in its
5 application for registration in accordance with sub-
6 section (d)(1)(C); or”.

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

9 (1) by redesignating subsection (d) as sub-
10 section (e); and

11 (2) by inserting after subsection (e) the fol-
12 lowing:

13 “(d) AVOIDING COMPLIANCE.—

14 “(1) PROHIBITED ACTIONS.—Two or more em-
15 ployers shall not use common ownership, common
16 management, common control, or common familial
17 relationship to enable any or all such employers to
18 avoid compliance, or mask or otherwise conceal non-
19 compliance, or a history of noncompliance, with com-
20 mercial motor vehicle safety regulations issued under
21 this subchapter, chapter 315, or an order of the Sec-
22 retary issued under this subchapter, chapter 315, or
23 such regulations.

24 “(2) EFFECT OF VIOLATION.—If the Secretary
25 determines that an employer has engaged in any ac-

1 tion prohibited under paragraph (1), the Secretary
2 shall—

3 “(A) deny, suspend, amend, or revoke all
4 or part of such employer’s registration under
5 section 13905; and

6 “(B) take into account such noncompliance
7 for purposes of determining the amount of the
8 civil to which the employer is liable under sec-
9 tion 521(b)(2)(D).”.

10 **SEC. 8. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE**
11 **PROVIDERS.**

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.—

18 “(A) IN GENERAL.—The Secretary shall—

19 “(i) determine the safety fitness of all
20 providers of motorcoach services registered
21 with the Federal Motor Carrier Safety Ad-
22 ministration; and

23 “(ii) assign a safety fitness rating to
24 each such provider.

1 “(B) APPLICABILITY.—Subparagraph (A)
2 shall apply—

3 “(i) to any provider of motorcoach
4 services registered with the Administration
5 after the date of the enactment of the Mo-
6 torcoach Enhanced Safety Act of 2011 be-
7 ginning not later than 2 years after the
8 date of such registration; and

9 “(ii) to any provider of motorcoach
10 services registered with the Administration
11 on or before the date of enactment of that
12 Act beginning not later than 3 years after
13 the date of the enactment of such Act.

14 “(2) PERIODIC REVIEW.—The Secretary shall
15 establish, by regulation, a process for monitoring the
16 safety performance of each provider of motorcoach
17 services on a regular basis following the assignment
18 of a safety fitness rating, including progressive inter-
19 vention to correct unsafe practices.

20 “(3) ENFORCEMENT STRIKE FORCES.—In addi-
21 tion to the enhanced monitoring and enforcement ac-
22 tions required under paragraph (2), the Secretary
23 may organize special enforcement strike forces tar-
24 geting providers of motorcoach services.

1 “(4) PERIODIC UPDATE OF SAFETY FITNESS
2 RATING.—In conducting the safety reviews required
3 under this subsection, the Secretary shall reassess
4 the safety fitness rating of each provider not less
5 frequently than once every 3 years.

6 “(5) MOTORCOACH SERVICES DEFINED.—In
7 this subsection, the term ‘provider of motorcoach
8 services’ has the meaning given such term in section
9 2 of the Motorcoach Enhanced Safety Act of 2011.”

10 (b) REVISION OF SAFETY FITNESS RATING METH-
11 ODOLOGY.—Not later than 1 year after the date of the
12 enactment of this Act, the Secretary shall revise the safety
13 fitness rating methodology of the Department of Trans-
14 portation established pursuant to section 31144 of title
15 49, United States Code, to meet the goals of the safety
16 recommendation H-99-6 of the National Transportation
17 Safety Board, which was issued on February 26, 1999.

18 (c) HIGH RISK CARRIER COMPLIANCE REVIEWS.—
19 Section 4138 of SAFETEA-LU (49 U.S.C. 31144 note)
20 is amended by striking “is rated as category A or B for
21 2 consecutive months.” and inserting “meets the Safety
22 Measurement System criteria for being a high risk motor
23 carrier for 2 consecutive months.”.

24 **SEC. 9. MOTORCOACH DRIVER TRAINING.**

25 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of the enactment of this Act, the Sec-
3 retary shall establish, by regulation, minimum cur-
4 ricular requirements for entry-level drivers of
5 motorcoaches and drivers upgrading from 1 class of
6 commercial driver’s license to another class, which
7 shall be adopted by public and private schools and
8 motor carriers and motorcoach operators that pro-
9 vide training for such drivers.

10 (2) CURRICULAR REQUIREMENTS.—The cur-
11 ricular requirements under paragraph (1) shall in-
12 clude—

13 (A) classroom and behind-the-wheel in-
14 struction that is adequate for training entry-
15 level drivers of motorcoaches and drivers up-
16 grading from 1 class of commercial driver’s li-
17 cense to another class to safely operate
18 motorcoaches and respond effectively to emer-
19 gency situations; and

20 (B) instruction in advanced knowledge and
21 skills that are necessary to operate
22 motorcoaches safely, including knowledge and
23 skills necessary—

24 (i) to suppress motorcoach fires; and

1 (ii) to evacuate passengers from
2 motorcoaches safely.

3 (b) TRAINING REQUIRED.—

4 (1) IN GENERAL.—The Secretary shall require
5 each motorcoach driver seeking a commercial driv-
6 er's license passenger endorsement to undergo a
7 training program that includes the minimum cur-
8 ricular requirements established under subsection (a)
9 before taking a test for a commercial driver's license
10 passenger endorsement.

11 (2) VERIFICATION REQUIRED.—The Secretary
12 shall require that—

13 (A) each trainer of a driver seeking a com-
14 mercial driver's license passenger endorsement
15 shall submit to the appropriate State licensing
16 authority information on any driver that has
17 successfully completed a motorcoach driver
18 training course that includes the curricular re-
19 quirements established under subsection (a);
20 and

21 (B) the State licensing authority may not
22 administer the skills test for the passenger en-
23 dorsement nor issue a passenger endorsement
24 to a driver unless the State licensing authority
25 verifies that the driver has successfully com-

1 pleted a motorcoach driver training course re-
2 quired under subparagraph (A).

3 (c) REPORT ON FEASIBILITY, BENEFITS, AND COSTS
4 OF ESTABLISHING A SYSTEM OF CERTIFICATION OF
5 TRAINING PROGRAMS.—Not later than 2 years after the
6 date of the enactment of this Act, the Secretary shall sub-
7 mit a report to the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Transportation and Infrastructure of the House of
10 Representatives that describes the feasibility, benefits, and
11 costs of establishing a system of certification of public and
12 private schools and of motor carriers and motorcoach op-
13 erators that provide motorcoach driver training in accord-
14 ance with the curricular requirements established by the
15 Secretary under subsection (a).

16 (d) NONPREEMPTION OF STATE PROGRAMS.—The
17 minimum curricular requirements required under this sec-
18 tion shall not preempt any State or local law or regulation
19 imposing additional or more stringent requirements unless
20 the Secretary determines that—

21 (1) the law or regulation is incompatible with
22 the regulation prescribed by the Secretary; or

23 (2) enforcement of the State law or the local
24 law or regulation would impose an unreasonable bur-
25 den on interstate commerce.

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

3 (a) INCREASED STRINGENCY OF EXAMINATION FOR
4 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
5 ENDORSEMENT.—Not later than 6 months after the date
6 of the enactment of this Act, the Secretary, in consultation
7 with the American Association of Motor Vehicle Adminis-
8 trators, shall issue a final rule in Docket No. FMCSA
9 2007–27659: *Commercial Driver's License Testing and*
10 *Commercial Learner's Permit Standards* that—

11 (1) improves the quality and stringency of the
12 examination for the commercial driver's license pas-
13 senger-carrying endorsement;

14 (2) requires a more stringent knowledge test
15 than the test in effect on the day before the date of
16 enactment of this Act; and

17 (3) requires a more stringent examination of
18 the driving skills necessary to operate safely a for-
19 hire passenger-carrying commercial motor vehicle
20 than the examination of such skills in effect on the
21 day before the date of the enactment of this Act.

22 (b) REPORT ON DRIVER'S LICENSE REQUIREMENTS
23 FOR 9-TO-15 PASSENGER VANS.—Not later than 18
24 months after the date of the enactment of this Act, the
25 Secretary shall submit a plan to the Committee on Com-
26 merce, Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives for requiring that all or certain
3 classes of drivers—

4 (1) have a commercial driver’s license pas-
5 senger-carrying endorsement in order to operate a
6 commercial motor vehicle (as defined in section
7 31301(4) of title 49, United States Code) and trans-
8 port not less than 9 and not more than 15 pas-
9 sengers (including a driver) in interstate commerce;
10 and

11 (2) be tested in accordance with a drug and al-
12 cohol testing program under part 40 of title 49,
13 Code of Federal Regulations.

14 **SEC. 11. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
15 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
16 **CATES.**

17 (a) **MEDICAL REVIEW BOARD FUNCTIONS.**—Section
18 31149(a)(1) of title 49, United States Code, is amended—

19 (1) by striking “recommendations on medical
20 standards” and inserting the following:
21 “recommendations on—

22 “(A) medical standards”; and

23 (2) by striking “research.” and inserting the
24 following: “research; and

1 “(B) advice and recommendations con-
2 cerning the criteria to be used for evaluating
3 medical examiners for admission to the national
4 registry established under this section.”.

5 (b) EXAMINATION REQUIREMENTS FOR LISTING IN
6 THE NATIONAL REGISTRY OF MEDICAL EXAMINERS.—
7 Section 31149(c)(1)(D) of title 49, United States Code,
8 is amended to read as follows:

9 “(D) develop requirements applicable to a
10 medical examiner seeking to be listed in the na-
11 tional registry, including—

12 “(i) specific courses and materials
13 that must be completed to be listed in the
14 national registry;

15 “(ii) a rigorous written examination
16 for which a passing grade must be
17 achieved to be listed in the national reg-
18 istry;

19 “(iii) certification (including self-cer-
20 tification), as appropriate, to verify that
21 the medical examiner has completed train-
22 ing, including refresher courses, that the
23 Secretary determines are necessary to be
24 listed in the national registry; and

1 “(iv) demonstration of the willingness
2 and ability of a medical examiner to com-
3 ply with any reporting requirements estab-
4 lished by the Secretary;”.

5 (c) MEDICAL EXAMINATION FORM COMPARISONS.—
6 Not later than 18 months after the date of the enactment
7 of this Act, the Secretary shall require, by regulation, that
8 each time a medical examiner performs a medical exam-
9 ination to certify an applicant for a commercial driver’s
10 license under section 391.43 of title 49, Code of Federal
11 Regulations, such medical examiner shall submit to the
12 appropriate State licensing agency the form for such ex-
13 amination required by section 391.43(f) of such title (as
14 in effect on the day before the date of the enactment of
15 this Act).

16 (d) STATE PLAN REQUIREMENT.—Section
17 31102(b)(1) of title 49, United States Code, is amended—

18 (1) in subparagraph (W), by striking “and” at
19 the end; and

20 (2) in subparagraph (X), by striking the period
21 at the end and inserting the following: “; and

22 “(Y) requires State licensing authorities to
23 compare the forms they receive pursuant to section
24 11(c) of the Motorcoach Enhanced Safety Act of
25 2011 with the medical examiner’s certificate re-

1 quired under section 391.43(g) of title 49, Code of
2 Federal Regulations (as in effect on the day before
3 the date of enactment of that Act), to determine the
4 accuracy and validity of the information contained in
5 such forms and certificates.”.

6 (e) ADDITIONAL OVERSIGHT OF LICENSING AU-
7 THORITIES.—

8 (1) IN GENERAL.—Section 31149(c)(1) of title
9 49, United States Code, is amended—

10 (A) in subparagraph (E), by striking
11 “and” at the end; and

12 (B) in subparagraph (F), by striking the
13 period at the end and inserting the following: “;
14 and

15 “(G) annually review the licensing authori-
16 ties of 10 States to assess the accuracy, valid-
17 ity, and timeliness of physical examination re-
18 ports and medical certificates submitted by cer-
19 tified medical examiners to such State licensing
20 agencies and the processing of such submissions
21 by the licensing authorities.”.

22 (2) INTERNAL OVERSIGHT POLICY.—

23 (A) IN GENERAL.—Not later than 1 year
24 after the date of the enactment of this Act, the
25 Secretary shall establish an oversight policy and

1 process within the Department of Transpor-
2 tation for purposes of carrying out the require-
3 ment under section 31149(c)(1)(G) of title 49,
4 United States Code, as added by paragraph (1).

5 (B) EFFECTIVE DATE.—The requirement
6 under section 31149(c)(1)(G) of title 49,
7 United States Code, shall take effect on the
8 date on which the oversight policies and proc-
9 esses are established pursuant to subparagraph
10 (A).

11 (f) DEADLINE FOR ESTABLISHMENT OF NATIONAL
12 REGISTRY OF MEDICAL EXAMINERS.—Not later than 6
13 months after the date of the enactment of this Act, the
14 Secretary shall establish a national registry of medical ex-
15 aminers in accordance with section 31149(d)(1) of title
16 49, United States Code.

17 **SEC. 12. SAFETY AND ENFORCEMENT TECHNOLOGY FOR**
18 **MOTORCOACHES.**

19 (a) ELECTRONIC ON-BOARD RECORDERS.—

20 (1) IN GENERAL.—

21 (A) RULEMAKING.—Not later than 1 year
22 after the date of the enactment of this Act, the
23 Secretary shall prescribe regulations requiring
24 that all motorcoaches used by a motor carrier

1 in interstate commerce be equipped with elec-
2 tronic on-board recorders.

3 (B) PERFORMANCE REQUIREMENTS.—The
4 regulations prescribed by the Secretary under
5 this section shall include performance require-
6 ments to ensure that electronic on-board record-
7 ers—

8 (i) accurately record commercial driv-
9 er hours of service;

10 (ii) allow tracking of driver and vehi-
11 cle location; and

12 (iii) are tamper resistant.

13 (2) APPLICABILITY.—The regulations pre-
14 scribed under paragraph (1) shall apply to all
15 motorcoaches described in such paragraph beginning
16 on the date that is 2 years after the date on which
17 the regulation is published as a final rule.

18 (b) EVENT DATA RECORDERS.—

19 (1) EVALUATION.—Not later than 1 year after
20 the date of the enactment of this Act, the Secretary,
21 after considering the performance requirements for
22 event data recorders for passenger vehicles under
23 part 563 of title 49, Code of Federal Regulations,
24 shall complete an evaluation of event data recorders,
25 including requirements regarding specific types of

1 vehicle operations, events and incidents, and systems
2 information to be recorded, for event data recorders
3 to be used on motorcoaches used by motor carriers
4 in interstate commerce.

5 (2) STANDARDS AND REGULATIONS.—Not later
6 than 2 years after completing the evaluation re-
7 quired under paragraph (1), the Secretary shall
8 issue standards and regulations based on the results
9 of that evaluation.

10 **SEC. 13. SAFETY INSPECTION PROGRAM FOR COMMERCIAL**
11 **MOTOR VEHICLES OF PASSENGERS.**

12 Not later than 3 years after the date of the enact-
13 ment of this Act, the Secretary shall complete a rule-
14 making proceeding to consider requiring States to conduct
15 annual inspections of commercial motor vehicles designed
16 or used to transport passengers, including an assessment
17 of—

18 (1) the risks associated with improperly main-
19 tained or inspected commercial motor vehicles de-
20 signed or used to transport passengers;

21 (2) the effectiveness of existing Federal stand-
22 ards for the inspection of such vehicles in—

23 (A) mitigating the risks described in para-
24 graph (1); and

1 (B) ensuring the safe and proper operation
2 condition of such vehicles; and
3 (3) the costs and benefits of a mandatory State
4 inspection program.

5 **SEC. 14. DISTRACTED DRIVING.**

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

9 **“§ 31152. Regulation of the use of distracting devices**
10 **in motorcoaches**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of the Motorcoach Enhanced Safety
13 Act of 2011, the Secretary of Transportation shall pre-
14 scribe regulations on the use of electronic or wireless de-
15 vices, including cell phones and other distracting devices,
16 by an individual employed as the operator of a motorcoach
17 (as defined in section 2(8) of such Act).

18 “(b) BASIS FOR REGULATIONS.—The Secretary shall
19 base the regulations prescribed under subsection (a) on
20 accident data analysis, the results of ongoing research,
21 and other information, as appropriate.

22 “(c) PROHIBITED USE.—Except as provided under
23 subsection (d), the Secretary shall prohibit the use of the
24 devices described in subsection (a) in circumstances in

1 which the Secretary determines that their use interferes
2 with the driver's safe operation of a motorcoach.

3 “(d) PERMITTED USE.—The Secretary may permit
4 the use of a device that is otherwise prohibited under sub-
5 section (c) if the Secretary determines that such use is
6 necessary for the safety of the driver or the public in emer-
7 gency circumstances.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents for chapter 311 of title 49, United States Code, is
10 amended by inserting after the item relating to section
11 31151 the following:

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

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

13 Section 31132(3) of title 49, United States Code, is
14 amended to read as follows:

15 “(3) ‘employer’—

16 “(A) means a person engaged in a business
17 affecting interstate commerce that—

18 “(i) owns or leases a commercial
19 motor vehicle in connection with that busi-
20 ness, or assigns and employee to operate
21 it; or

22 “(ii) offers for rent or lease motor ve-
23 hicles designed or used to transport more
24 than 15 passengers, including the driver,
25 and from the same location or as part of

1 the same business provides names or con-
2 tact information of drivers, arranges for a
3 driver of the rented or leased passenger-
4 carrying motor vehicle, or holds itself out
5 to the public as a provider of transpor-
6 tation services; and

7 “(B) does not include an individual who is
8 an employee of the United States Government,
9 a State, or a political subdivision of a State act-
10 ing in the course of that individual’s employ-
11 ment as such an employee.”.

12 **SEC. 16. REGISTRATION OF BROKERS FOR MOTOR CAR-**
13 **RIERS OF PASSENGERS.**

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

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

19 (1) in paragraph (13), by inserting “or” at the
20 end;

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

22 (3) by redesignating paragraph (15) as para-
23 graph (14).

1 **SEC. 17. REGULATIONS.**

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